

Title 20 PLANNING

UPDATED: May 28, 2025

Chapters:

- 20.04 GENERAL PROVISIONS**
- 20.08 DEFINITIONS**
- 20.10 COUNTYWIDE PLANNING POLICIES**
- 20.12 COMPREHENSIVE PLAN**
- 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**
- 20.22 HEARING EXAMINER**
- 20.36 OPEN SPACE, AGRICULTURAL, AND TIMBER LANDS CURRENT USE ASSESSMENT**
- 20.44 COUNTY ENVIRONMENTAL PROCEDURES**
- 20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS**

CROSS REFERENCE:

For provisions regarding nondelinquent property tax certification, see K.C.C. chapter 4.68.

20.04 GENERAL PROVISIONS

Sections:

- 20.04.005 Relationship to Comprehensive Plan and Growth Management Act.
- 20.04.010 Section captions not part of the law.
- 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 Section captions not part of the law. Section captions as used in this title do not constitute any part of the law. (Ord. 263 Art. 8 § 1, 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).

20.08 DEFINITIONS

Sections:

- 20.08.030 Area zoning.
- 20.08.035 Benchmarks.
- 20.08.037 Area zoning and land use study.

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.
20.08.155	Public review draft.
20.08.160	Reclassification.
20.08.165	SEPA.
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).

20.08.037 Area zoning and land use study. "Area zoning and land use study" means a study that reviews the land use designations and zoning classifications for a specified set of properties. "Area zoning and land use studies" are typically focused on a specific set of possible zoning and land use changes, and do not look at the larger range of issues that a subarea plan would include. "Area zoning and land use studies" consider specific potential changes to land use or zoning, or both, and analyze such requests based on surrounding land use and zoning, current infrastructure and potential future needs, and consistency with the King County Comprehensive Plan, Countywide Planning Policies, and the Growth Management Act, chapter 36.70A RCW. (Ord. 19881 § 41, 2024: Ord. 18810 § 3, 2018).

20.08.060 Subarea plan. "Subarea plan" means a detailed local land use plan that implements, is consistent with, 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. Subarea plans are used for distinct communities, specific geographic areas, community service areas, potential annexation areas, or other types of districts having unified interests or similar characteristics within the county. (Ord. 19881 § 42, 2024: Ord. 18810 § 5, 2018: 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 office of the hearing examiner as established by K.C.C. chapter 20.22. (Ord. 18230 § 110, 2016: 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).

20.08.155 Public review draft. "Public review draft" means a draft of executive proposed Comprehensive Plan amendments, including proposed subarea plans, made available to the public for review and comment. A "public review draft" is published before transmittal of proposed Comprehensive Plan amendments to the council so as to provide the public an opportunity to record comments before the executive finalizes the recommended amendments. (Ord. 18810 § 4, 2018).

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).

20.08.165 SEPA. "SEPA" means the state Environmental Policy Act. (Ord. 18230 § 111, 2016).

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).

20.10 COUNTYWIDE PLANNING POLICIES

Sections:

- 20.10.015 Procedures after approval or amendment by Growth Management Planning Council - notices - ratification.
- 20.10.070 Interlocal agreements.

20.10.015 Procedures after approval or amendment by Growth Management Planning Council - notices - ratification.

A. After the Growth Management Planning Council approves or amends the Countywide Planning Policies, the executive, as its chair, shall timely transmit to the King County council an ordinance adopting the Countywide Planning Policies or amendments thereto.

B. The King County council shall refer the proposed ordinance transmitted by the executive under subsection A. of this section to the committee on transportation, economy and environment or its successor for review and consideration. If the King County council recommends substantive revisions to the Countywide Planning Policies or amendments approved by the Growth Management Planning Council, the King County council may refer the proposed revisions to the Growth Management Planning Council for its consideration and response.

C. Within ten days after the ordinance transmitted by the executive under subsection A. of this section, as amended by the council, is effective, the clerk of the King County council shall send the notice of enactment and the Countywide Planning Policies and amendments to each city and town in King County for ratification as provided for in the Countywide Planning Policies. Each city and town must take action to ratify or reject the proposed Countywide Planning Policies or amendments as approved by the King County council within ninety days after the date the ordinance approving the Countywide Planning Policies or amendments was enacted. Failure of a city or town to take action and notify the clerk of the King County council within ninety days shall be deemed to be approval by that city or town. The notice shall include the date by which each city or town must respond with its response to ratify or reject the proposed Countywide Planning Policies or amendments and where the response should be directed.

D. Countywide Planning Policies or amendments are ratified if approved by the county, cities and towns representing at least seventy percent of the county's population and thirty percent of the jurisdictions. For ratification purposes, King County is the jurisdiction representing the population in the unincorporated areas of the county.

E. Within ten days after the date for response established by the clerk of the King County council under subsection C. of this section, the clerk of the King County council shall notify the executive, as chair of the Growth Management Planning Council, of the decision to ratify or not to ratify the Countywide Planning Policies or amendments. (Ord. 17486 § 3, 2012).

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).

20.12 COMPREHENSIVE PLAN

Sections:

- 20.12.010 Comprehensive Plan adopted.
- 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.
- 20.12.051 The Comprehensive Plan 2000 zoning amendments.
- 20.12.200 Shoreline master program (in effect in the shoreline jurisdiction until fourteen days after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51).*
- 20.12.200 Shoreline master program (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51).*
- 20.12.240 North Highline Community Service Area Subarea Plan.
- 20.12.325 2017 Vashon-Maury Island Community Service Area subarea Plan.
- 20.12.337 Skyway-West Hill Community Service Area Subarea Plan.
- 20.12.339 Snoqualmie Valley/Northeast King County Subarea Plan.
- 20.12.380 King County open space plan.
- 20.12.473 School district capital facilities plans.
- 20.12.480 King County Flood Management Plan - adopted - policies.
- 20.12.485 Potential Annexation Area Process.

Reviser's note: See K.C.C. chapter 20.14 for Basin Plans

20.12.010 Comprehensive Plan adopted. Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881. 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. (Ord. 19881 § 43, 2024: Ord. 19555 § 3, 2022: Ord. 19146 § 5, 2020: Ord. 19034 § 4, 2019: Ord. 18810 § 7, 2018: Ord. 18623 § 3, 2017: Ord. 16985 § 2, 2010: Ord. 16949 § 2, 2010: Ord. 16263 § 2, 2008: Ord. 15772 § 1, 2007: Ord. 15607 § 1, 2006: Ord. 15326 § 1, 2005: Ord. 15244 § 1, 2005: Ord. 15077 § 1, 2004: Ord. 15028 § 2, 2004: Ord. 14775 § 2, 2003: Ord. 14448 § 1, 2002: Ord. 14286 § 2, 2002: Ord. 14241 § 1, 2001: Ord. 14185 § 3, 2001: Ord. 14156 § 1, 2001: Ord. 14117 § 1, 2001: Ord. 14044 § 1, 2001: Ord. 14010 § 1, 2000: Ord. 13987 § 4, 2000: Ord. 13962 § 2, 2000: Ord. 13875 § 1, 2000: Ord. 13674 § 1, 1999: Ord. 13672 § 1, 1999: Ord. 13339 § 1, 1998: 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. Decodified by 17485 § 5, 2017. Recodified as K.C.C. 20.12.010 by 18623 § 2, 2017).

20.12.017 Conversion and consolidation of zoning.* The following provisions complete the zoning conversion from K.C.C. Title 21 to Title 21A pursuant to K.C.C. 21A.01.070:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act, chapter 36.760A RCW. 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.

F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including as amended by Ordinance 17842, Ordinance 18427 and Ordinance 19119, 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 Ordinance 12535, Section 1.D., 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 before 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;

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 subsection M.4.a. through n. of this section. 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 11166, as amended, is hereby repealed; and

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 subsection M.5.a. through f. of this section. 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.

a. The White Center Community Plan Area Zoning, contained in the Attachments to Ordinance 11568, as amended as set forth in Appendix D to Ordinance 12824, Ordinance 19119 and Ordinance 19555.

b. All property specific development standards established in Ordinance 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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 to Ordinance 12824.

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. 19555 § 4, 2022: Ord. 19146 § 6, 2020: Ord. 18623 § 5, 2017: Ord. 18427 § 6, 2016: Ord. 17842 § 3, 2014: 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).

Reviser's notes:

***All ordinances and attachments, including appendices, cited in this section are available in the King County Archives.**

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 geographic information system data layers maintained by King County and is depicted on the official zoning maps, as maintained by the department of local services, permitting division. In case of a discrepancy between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

B. Appendix A of Ordinance 12824*, as amended by Ordinance 15028, 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 local services, permitting division, 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 hereafter amended.

C. Appendix B of Ordinance 12824*, as amended by Ordinance 14044* and as amended by Ordinance 15028*, 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 local services, permitting division, 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 hereafter amended. (Ord. 18791 § 145, 2018: Ord. 17485 § 6, 2012: Ord. 17420 § 81, 2012: Ord. 15028 § 4, 2004: Ord. 14044 § 3, 2001: Ord. 12824 § 3, 1997).

***Available in the King County Archives.**

20.12.200 Shoreline master program.

A. The King County shoreline master program consists of the following elements, enacted on or before December 23, 2024:

1. The King County Comprehensive Plan chapter six;
2. K.C.C. chapter 21A.25;
3. The following sections of K.C.C. chapter 21A.24:
 - a. K.C.C. 21A.24.045;

- b. K.C.C. 21A.24.051;
- c. K.C.C. 21A.24.055;
- d. K.C.C. 21A.24.070.A., B.2., C.2., D. and E.;
- e. K.C.C. 21A.24.125;
- f. K.C.C. 21A.24.130;
- g. K.C.C. 21A.24.133;
- h. K.C.C. 21A.24.200;
- i. K.C.C. 21A.24.210;
- j. K.C.C. 21A.24.220;
- k. K.C.C. 21A.24.275;
- l. K.C.C. 21A.24.280;
- m. K.C.C. 21A.24.290;
- n. K.C.C. 21A.24.300;
- o. K.C.C. 21A.24.310;
- p. K.C.C. 21A.24.316;
- q. K.C.C. 21A.24.318;
- r. K.C.C. 21A.24.325;
- s. K.C.C. 21A.24.335;
- t. K.C.C. 21A.24.340;
- u. K.C.C. 21A.24.355;
- v. K.C.C. 21A.24.358;
- w. K.C.C. 21A.24.365;
- x. K.C.C. 21A.24.380;
- y. K.C.C. 21A.24.382;
- z. K.C.C. 21A.24.386; and
- aa. K.C.C. 21A.24.388;

4. The following:

- a. K.C.C. 20.18.050;
- b. K.C.C. 20.18.056;
- c. K.C.C. 20.18.057;
- d. K.C.C. 20.18.058;
- e. K.C.C. 20.22.160;
- f. K.C.C. 21A.32.045;
- g. K.C.C. 21A.44.090;
- h. K.C.C. 21A.44.100; and
- i. K.C.C. 21A.50.030; and

5. The 2024 King County Flood Management Plan.

B. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local administrative, enforcement, and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the master program.

C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of an electronic copy, with the clerk of the council, who shall retain the original and provide electronic copies to all councilmembers, the chief of staff, and the lead staff of the local services and land use committee or its successor. (Ord. 19881 § 44, 2024: Ord. 19820 § 7, 2024: Ord. 19648 § 51, 2023: Ord. 19244 § 3, 2021: Ord. 19034 § 5, 2019: Ord. 18767 § 1, 2018: Ord. 16985 § 3, 2010: Ord. 3692 § 2, 1978).

20.12.240 North Highline Community Service Area Subarea Plan. The North Highline Community Service Area Subarea Plan, dated December 2022, in Attachment C to Ordinance 19555*, is adopted as a subarea plan and an element of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. (Ord. 19555 § 5, 2022: Ord. 13273 § 5, 1998: Ord. 12824 § 7, 1997: Ord. 11653 § 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).

***Available in the King County Archives.**

20.12.325 2017 Vashon-Maury Island Community Service Area Subarea Plan. The 2017 Vashon-Maury Island Community Service Area Subarea Plan, dated December 4, 2017, in Attachment A to Ordinance 18623* and as amended by Attachment B to Ordinance 18810*, is adopted as a subarea plan and an element of the 2016 King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. (Ord. 18810 § 8, 2018: Ord. 18623 § 6, 2017: Ord. 12061 § 4, 1995).

***Available in the King County Archives.**

20.12.337 Skyway-West Hill Community Service Area Subarea Plan. The Skyway-West Hill Community Service Area Subarea Plan, dated December 2022, in Attachment B to Ordinance 19555*, is adopted as a subarea plan and an element of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. (Ord. 19555 § 6, 2022: Ord. 19146 § 7, 2020: Ord. 12824 § 11, 1997: Ord. 12061 § 3, 1995: Ord. 11653 § 20, 1995: Ord. 11166 § 2, 1993).

***Available in the King County Archives.**

20.12.339 Snoqualmie Valley/Northeast King County Subarea Plan. The Snoqualmie Valley/Northeast King County Subarea Plan, dated December 2024, contained in Attachment J to this ordinance is adopted as an element of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. (Ord. 19881 § 45, 2024).

20.12.380 King County open space plan. The goals, maps, guidelines and strategies of the King County open space plan, Attachment A to Ordinance 19501*, are adopted as a functional plan of 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. 19501 § 2, 2022: Ord. 8657, Section 1, 1988).

***Available in the King County Archives.**

Reviser's Note: Ordinance 2169, previously adopting the area zoning for Upper Skykomish, was repealed and replaced by Ordinance 8848 (Ord. 8848 § 6). Resolution 30981, previously adopting area zoning in unincorporated King County in the vicinity of Auburn, was amended as shown in Appendix A as amended by Appendix B to

Ordinance 8848 (Ord. 8848 § 7). Resolution 31360, previously adopting area zoning in unincorporated King County in the vicinity of Kent, was amended as shown in Appendix A as amended by Appendix B to Ordinance 8848 (Ord. 8848 § 8). K.C.C. 20.12.390 was repealed by Ord. 12824 § 16.

20.12.473 School district capital facilities plans*. The following school district capital facilities plans are adopted as subelements of the capital facilities element of the King County Comprehensive Plan and are incorporated in this section by reference:

A. The Tahoma School District No. 409 Capital Facilities Plan 2024 to 2029, adopted June 11, 2024, which is included in Attachment A to Ordinance 19859*;

B. The Federal Way Public Schools Capital Facilities Plan 2025, adopted July 23, 2024, which is included in Attachment B to Ordinance 19859*;

C. The Riverview School District No. 407 Capital Facilities Plan 2024, adopted June 25, 2024, which is included in Attachment C to Ordinance 19859*;

D. The Issaquah School District No. 411 2024 Capital Facilities Plan, adopted June 13, 2024, which is included in Attachment D to Ordinance 19859*;

E. The Snoqualmie Valley School District No. 410 Capital Facilities Plan 2024, adopted June 13, 2024, which is included in Attachment E to Ordinance 19859*;

F. The Highline School District No. 401 Capital Facilities Plan 2024-2029, adopted July 10, 2024, which is included in Attachment F to Ordinance 19859*;

G. The Lake Washington School District No. 414 Six-Year Capital Facilities Plan 2024-2029, adopted June 24, 2024, which is included in Attachment G to Ordinance 19859*;

H. The Kent School District No. 415 Six-Year Capital Facilities Plan 2023-2024 through 2029-2030, adopted July 10, 2024, which is included in Attachment H to Ordinance 19859*;

I. The Northshore School District No. 417 Capital Facilities Plan 2024-30, adopted June 24, 2024, which is included in Attachment I to Ordinance 19859*;

J. The Enumclaw School District No. 216 Capital Facilities Plan 2024-2029, adopted June 17, 2024, which is included in Attachment J to Ordinance 19859*;

K. The Fife School District No. 417 Capital Facilities Plan 2024-2030, adopted June 17, 2024, which is included in Attachment K to Ordinance 19859*;

L. The Auburn School District No. 408 Capital Facilities Plan 2024 through 2030, adopted June 10, 2024, which is included in Attachment L to Ordinance 19859*; and

M. The Renton School District No. 403 2024 Capital Facilities Plan, adopted June 26, 2024, which is included in Attachment M to Ordinance 19859*. (Ord. 19859 § 2, 2024: Ord. 19695 § 2, 2023: Ord. 19545 § 2, 2022: Ord. 19371 § 2, 2021: Ord. 19205 § 2, 2020: Ord. 19027 § 2, 2019: Ord. 18834 § 2, 2018: Ord. 18619 § 2, 2017).

Reviser's note: All ordinances and attachments cited in this section are available in the King County Archives.

20.12.480 King County Flood Management Plan - adopted - policies. The 2024 King County Flood Management Plan, as shown in Attachment A to this ordinance is adopted as a functional plan to guide King County's river and floodplain management program and to meet the intent of the natural environment, and facilities and services policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, the 2024 King County Flood Management Plan constitutes official county policy with regard to river and floodplain management in King County. Site-specific projects and program activities are intended to function at the level of planning document and do not assume that the nature and scope of each of the described projects are the final project or action. The proposed projects and other

activities are not intended to substitute for the site-specific analysis to determine what is required for each of the site-specific capital projects that will be recommended and adopted as part of an biennial capital improvement plan. The priority, scope, nature and cost of the proposed projects or actions may change as the hydraulic, engineering and geotechnical conditions at each site are analyzed in greater detail, and as engineering alternatives are developed, analyzed, reviewed and negotiated with federal, state, local and tribal agencies and affected property owner or owners. However, while the plan sets forth what the county currently believes are best practices, nothing in this plan creates or precludes the creation of new land use requirements, laws or regulations. (Ord. 19820 § 8, 2024: Ord. 17697 § 1, 2013: Ord. 15673 § 2, 2007: Ord. 11112 § 1, 1993).

***Available in the King County Archives.**

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).

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

Sections:

- | | |
|-----------|---|
| 20.18.020 | Purpose. |
| 20.18.030 | General procedures. |
| 20.18.040 | Site-specific land use map amendments - consideration - initiation - classification. |
| 20.18.040 | Site-specific land use map or shoreline master program map amendment classification (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11). |
| 20.18.050 | Site-specific land use map and shoreline master program map amendments initiation. |
| 20.18.055 | Site-specific land use map amendment review standards and transmittal procedures. |
| 20.18.056 | Shoreline environment redesignation (in effect in the shoreline jurisdiction, until approval of Ordinance 18810, Sections 10 and 11). |
| 20.18.056 | Shoreline environment redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11; and, after that, in effect in the shoreline jurisdiction until fourteen |

- days after the state Department of Ecology approval of Ordinance 19881, Section 48).
- 20.18.056 Shoreline environment redesignation (in effect effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 19881, Section 48).
 - 20.18.057 Redesignation and applications.
 - 20.18.058 Redesignations initiated by motion.
 - 20.18.060 Ten-year cycle process - additional updates for capital improvement program, transportation needs report, and school capital facility plans.
 - 20.18.070 Annual update cycle process - proposed amendments in annual, midpoint, or ten-year update.
 - 20.18.080 Subarea plan adoption.
 - 20.18.090 Development regulations proposal - notice.
 - 20.18.100 Description of the amendments.
 - 20.18.110 Notice of public hearing for Comprehensive Plan amendments and development regulations.
 - 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 postadoption notice.
 - 20.18.160 Public participation program - basic elements - exemptions.
 - 20.18.170 The four-to-one program - purpose- process - triparty agreement required - term conservation easement, permanent dedication of natural area - referral to entities for recommendations - prohibitions on development proposals or activities if adjacent to incorporated area.
 - 20.18.180 The four-to-one program – criteria for amending the urban growth area to achieve open space.
 - 20.18.190 The four-to-one program - proposals adding ten or more dwelling units.
 - 20.18.200 Effective date of amendments that add land to Urban Growth Area, removes land from agricultural production district or forest production district, or removes land from the mineral resources map - notification to clerk of the council.

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 Ordinance 13147. (Ord. 13147 § 18, 1998).

20.18.030 General procedures.

A. The King County Comprehensive Plan shall be amended in accordance with this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the update schedule established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies, only after public notice and an opportunity for public testimony, commensurate with the nature of the emergency, in the same manner as an emergency ordinance under Section 230.30 of the King County Charter;

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, which may amend the Urban Growth Area boundary only to redesignate land within a joint planning area;

4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or

5. The adoption or amendment of a shoreline master program under chapter 90.58 RCW.

B. Every year the Comprehensive Plan may be updated to address technical updates and corrections, to adopt subarea plans, and to consider amendments that do not require substantive changes to the Comprehensive Plan or subarea plans policy language or do not require changes to the Urban Growth Area boundary, except as allowed in Comprehensive Plan chapter 12. The review may be referred to as the annual update.

C. Every tenth year beginning in 2024, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may 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 the Comprehensive Plan and changes to the Urban Growth Area boundary. The comprehensive review shall follow the schedule established in K.C.C. 20.18.060 and may be referred to as the ten-year update. The Urban Growth Area boundaries shall be reviewed in the context of the ten-year update and in accordance with countywide planning policy FW-1 and RCW 36.70A.130.

D.1. At the midpoint of the ten-year update process, a limited update to the Comprehensive Plan to address time-sensitive issues before to the next ten-year update, may be authorized by motion. The update may be referred to as the midpoint update. The midpoint update may include those substantive changes to the Comprehensive Plan and amendments to the Urban Growth Area boundary that are identified in the scope of work. The midpoint update may also include additions or amendments to the Comprehensive Plan Workplan related to a topic identified in the scope of work.

2. The motion shall specify the scope of the midpoint update, and identify that the resources necessary to accomplish the work are available. A fiscal note for the scope of the midpoint update shall be provided to the council by the executive within fifteen business days of introduction of the proposed motion. If the executive determines an additional appropriation is necessary to complete the midpoint update, the executive may transmit an ordinance requesting the additional appropriation.

3. If the executive proposes a midpoint update, the executive shall transmit to the council by the last business day in March two years before the midpoint year of the ten-year update schedule a proposed motion specifying the scope of work for the midpoint update. The council shall have until June 30 of that year, to adopt a motion specifying the scope of work initiating a midpoint update, either as transmitted or amended, or as introduced or amended. If the motion is approved by June 30, the scope shall proceed as established by the approved motion. In the absence of council approval by June 30, the executive shall proceed to implement the scope as transmitted. If such a motion is adopted, the executive shall transmit a midpoint update by the last business day of June of the following year after adoption of the motion. The council shall have until June 30 of the following year after transmittal to adopt a midpoint update.

E. The executive shall seek public comment on the Comprehensive Plan and any proposed Comprehensive Plan update in accordance with the procedures in K.C.C.

20.18.160 before making a recommendation, which shall include publishing a public review draft of the proposed Comprehensive Plan update, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies shall include the elements listed in Comprehensive Plan policy I-108.

F. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments. (Ord. 19881 § 46, 2024: Ord. 19146 § 8, 2020: Ord. 18810 § 9, 2018: Ord. 18623 § 7, 2017: Ord. 18427 § 7, 2016: Ord. 18183 § 2, 2015: Ord. 17485 § 8, 2012: Ord. 17416 § 9, 2012: Ord. 16985 § 5, 2010: Ord. 16263 § 3, 2008: Ord. 14047 § 1, 2001: Ord. 13147 § 19, 1998).

20.18.040 Site-specific land use map amendments - consideration - initiation - classification.

A. Site-specific land use map amendments may be considered during the annual, midpoint, or ten-year update, depending on the degree of change proposed.

B. Site-specific land use map amendments that do not require substantive change to Comprehensive Plan or subarea plan language and that do not alter the Urban Growth Area boundary, except to correct mapping errors, may be initiated by either the county or a property owner for consideration in the annual update.

C. 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 ten-year update or midpoint update:

1. Amendments that could be considered in the annual update;
2. Amendments that require substantive change to Comprehensive Plan policy language; and
3. Amendments to the Urban Growth Area boundary. (Ord. 19881 § 47, 2024: Ord. 18810 § 10, 2018: Ord. 16985 § 6, 2010: Ord. 14047 § 2, 2001: Ord. 13147 § 20, 1998).

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.

A. Site-specific land use map and shoreline master program map amendments are legislative actions that may be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-initiated amendments. An analysis of the motion's fiscal impact shall be provided to the council before 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. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of

local services, permitting division, for preparation of a recommendation to the hearing examiner.

3. If initiated by property owner application, the property owner shall submit a docket request for a site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, for preparation of a recommendation to the hearing examiner.

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant; and
3. Property owner concurrence, including signature, telephone number and address.

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

1. Name and address of the owner or owners 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; and
5. Related or previous permit activity.

D. Upon initiation of a site-specific land use map or shoreline master program map amendment, an initial review conference shall be scheduled by the department of local services, permitting division. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department of local services, permitting division, shall review 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 proposed amendment will be classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

G. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

H. Following the submittal of the information required by subsection E., F. or G. of this section, the department of local services, permitting division, shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of local services, permitting division, shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the

hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program 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 chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its 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 or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the potential zoning.

J. Site-specific land use map or shoreline master program 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 update to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next update following issuance of the examiner's recommendation.

K.1. An amendment to a land use designation or shoreline environment designation for a property may not 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.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

L. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology. (Ord. 19146 § 9, 2020: Ord. 18791 § 147, 2018: Ord. 18230 § 113, 2016: Ord. 17420 § 82, 2012: Ord. 16985 § 7, 2010: Ord. 16552 § 1, 2009: Ord. 14561 § 27, 2002: Ord. 14047 § 3, 2001: Ord. 13147 § 21, 1998).

20.18.055 Site-specific land use map amendment review standards and transmittal procedures.

A. All site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal, shall be reviewed based upon the requirements of Comprehensive Plan policy I-207, and must meet the following additional review standards:

1. Consistency with the policies, objectives and goals of the Comprehensive Plan, including any applicable subarea plans, the countywide planning policies and the state Growth Management Act;

2. Compatibility with adjacent and nearby existing and permitted land uses; and

3. Compatibility with the surrounding development pattern.

B. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the executive and the council by the hearing examiner by January 15. The department will provide for a cumulative analysis of these recommendations and such analysis 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 update to the Comprehensive Plan. (Ord. 19146 § 10, 2020: Ord. 14047 § 4, 2001).

20.18.056 Shoreline environment redesignation (in effect in shoreline jurisdiction until fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11*).

A. Shoreline environments designated by the master program may be considered for redesignation during the four-year review cycle.

B. A redesignation shall follow the process in K.C.C. 20.18.050. (Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978. Formerly K.C.C. 25.32.130).

***Reviser's note: Sections 10 and 11 of this ordinance take effect within the shoreline jurisdiction fourteen days after the Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.909. The executive shall provide the written notice of final action to the clerk of the council. (Ordinance 18810, § 18).**

20.18.056 Shoreline environment redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11; and, after that, in effect in the shoreline jurisdiction until fourteen days after the state Department of Ecology approval of Ordinance 19881, Section 48*).

A. Shoreline environments designated by the master program may be considered for redesignation during the eight-year update or midpoint update.

B. A redesignation shall follow the process in K.C.C. 20.18.050. (Ord. 16985 § 9, 2010: Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978. Formerly K.C.C. 25.32.130).

***Reviser's note: Sections 10 and 11 of this ordinance take effect within the shoreline jurisdiction fourteen days after the Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.909. The executive shall provide the written notice of final action to the clerk of the council. (Ordinance 18810, § 18).**

"Sections 48, 270, 272, 273, 274, 275, 276, 277, 278, 279, and 280 of this ordinance and amendments to King County Comprehensive Plan chapter six in Attachment A to this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council" (Ord. 19881 § 380).

20.18.056 Shoreline environment redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 19881, Section 48*).

A. Shoreline environments designated by the master program may be considered for redesignation during the annual, midpoint, or ten-year update.

B. A redesignation shall follow the process in K.C.C. 20.18.050. (Ord. 19881 § 48, 2024: Ord. 18810 § 11, 2018: Ord. 16985 § 9, 2010: Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978. Formerly K.C.C. 25.32.130).

***Reviser's note: Sections 10 and 11 of this ordinance take effect within the shoreline jurisdiction fourteen days after the Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.909. The executive shall provide the written notice of final action to the clerk of the council. (Ordinance 18810, § 18).**

"Sections 48, 270, 272, 273, 274, 275, 276, 277, 278, 279, and 280 of this ordinance and amendments to King County Comprehensive Plan chapter six in Attachment A to this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council" (Ord. 19881 § 380).

20.18.057 Redesignation applications.

A. In addition to the requirements of K.C.C. 20.18.050, a shoreline redesignation initiated by an applicant must include:

1. A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and

2. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 20.22.160.

B. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 20.22.160. (Ord. 18230 § 114, 2016: Ord. 16985 § 11, 2010: Ord. 13687 § 3, 1999. Formerly K.C.C. 25.32.140).

Reviser's note: Ordinance 18230, Sections 162 and 163, apply to this section.

20.18.058 Redesignations initiated by motion.

A. In addition to the requirements in K.C.C. 20.18.050, a council motion initiating a shoreline redesignation must be accompanied by the information required by K.C.C. 20.18.057.

B. A motion initiating a site-specific shoreline redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-initiated shoreline redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion's fiscal impact. 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. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shoreline redesignation proposal to the examiner.

C. The examiner shall make a recommendation to the council on the proposed site-specific shoreline redesignation based on the criteria for review in K.C.C. 20.22.160. (Ord. 18230 § 115, 2016: Ord. 16985 § 13, 2010: Ord. 13687 § 4, 1999. Formerly K.C.C. 25.32.150).

Reviser's note: Ordinance 18230, Sections 162 and 163, apply to this section.

20.18.060 Ten-year cycle process - additional updates for capital improvement program, transportation needs report, and school capital facility plans.

A. Beginning in 2030, and every ten years thereafter, the executive shall initiate the ten-year update to the Comprehensive Plan required by K.C.C. 20.18.030.C. The ten-year update process shall occur as follows:

1.a. By September 15, 2031, and every ten years thereafter, the executive shall transmit to the council a proposed motion specifying the scope of work for the proposed ten-year update to the Comprehensive Plan in subsection A.2. of this section. The scoping motion shall include as an attachment to the motion the following:

(1) topical areas relating to amendments to policies, the land use map, implementing development regulations, or any combination of those amendments that the executive intends to consider for recommendation to the council; and

(2) the work program the executive intends to follow to accomplish State Environmental Policy Act review and public participation.

b. The council shall have until December 31 of that year to approve the motion. In the absence of council approval, the executive shall proceed to implement the scope of work as proposed in the motion transmitted by the executive. If the motion is approved, the scope of work shall proceed as established by the approved motion.

2. Except as otherwise provided in subsection B. of this section:

a. By June 30, 2033, and every ten years thereafter, the executive shall transmit to the council a proposed ordinance for the ten-year Comprehensive Plan update. All transmittals shall be accompanied by a public participation summary, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments; and

b. The council shall have until June 30, 2034, and every ten years thereafter to adopt the ten-year update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

B. Separate from ten-year Comprehensive Plan updates required in subsection A. of this section:

1. Except as otherwise provided in subsection B.2. of this section, in years when the fiscal period is biennial, the capital improvement program, an update or addendum where appropriate to the transportation needs report, and the school capital facility plans shall be:

a. transmitted by the executive to the council no later than transmittal of the biennial budget;

b. adopted by the council in conjunction with the biennial budget; and

2. Subsection B.1. of this section shall not apply to the transportation needs report in years when a transmitted ten-year Comprehensive Plan update is being reviewed by the council as required in subsection A.2. of this section; and

3. In years when there is only a midbiennium review of the budget under K.C.C. 4A.100.010 or, under K.C.C. 4A.100.010.B., the fiscal period for some or all of the county funds is on an annual basis, the capital improvement program and the school capital facility plans shall be:

a. transmitted by the executive to the council by October 1; and

b. adopted by the council no later than adoption of the midbiennium review or in conjunction with the annual budget. (Ord. 19881 § 49, 2024: Ord. 19445 § 2, 2022: Ord. 19146 § 11, 2020: Ord. 18810 § 12, 2018: Ord. 18183 § 3, 2015: Ord. 17416 § 10, 2012: Ord. 14047 § 5, 2001: Ord. 13147 § 22, 1998).

20.18.070 Annual update cycle process - proposed amendments in annual, midpoint, or ten-year update.

A. The executive shall transmit to the council the annual update by the last business day of June, except that the capital improvement program, transportation needs report, and the school capital facility plans shall be transmitted and adopted in accordance with the schedules in K.C.C. 20.18.060.B.

B. 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 annual, midpoint, or ten-year update following completion of the appropriate environmental documents. (Ord. 19881 § 50, 2024: Ord. 19146 § 12, 2020: Ord. 18810 § 13, 2018: Ord. 18183 § 4, 2015: Ord. 17416 § 11, 2012: Ord. 14047 § 6, 2001: Ord. 13147 § 23, 1998).

20.18.080 Subarea plan adoption. Subarea plans for the community service area and potential annexation area geographies shall be adopted consistent with the schedule established in the Comprehensive Plan. (Ord. 19881 § 51, 2024: Ord. 18810 § 14, 2018: Ord. 13147 § 24, 1998).

20.18.090 Development regulations proposal - notice. The executive 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. 19881 § 52, 2024: Ord. 18791 § 148, 2018: Ord. 17420 § 83, 2012: 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.

A. Notice of the time, place, and purpose of a public hearing before the council to consider amendments to the Comprehensive Plan or development regulations shall at a minimum be given at least thirty days before the hearing by the following methods:

1. One publication in a newspaper of general circulation in the county.
2. For land use designation and zoning classification proposals only:
 - a. one additional publication in the area for which the area zoning is proposed, if available;
 - b. mailed 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 of local services, permitting division, department of performance, strategy and budget, regional planning section, or council, to be kept informed of applications in an identified area. If the additional publication referenced in subsection A.2.a. of this section is not available, the mailing radius shall be extended to one thousand feet, and at least forty property owners in the vicinity of the property. The mail shall be postmarked at least thirty days before the hearing. If the county sends the mailed notice by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify any specific property owner shall not invalidate an area zoning proceeding or any resulting reclassification of land; and

c. posted on the county website.

B. Notice for site-specific land use map amendments shall also be provided in accordance with K.C.C. 20.18.050.

C. The county shall endeavor to provide notices required by this section 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. 19881 § 53, 2024: Ord. 13147 § 27, 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. In accordance with RCW 36.70A.470, a docket containing written requests for suggested Comprehensive Plan or development regulation amendments shall be coordinated by the department. The docket is the means either to suggest a change or to identify a deficiency, or both, in the Comprehensive Plan or development regulation. For the purposes of this section, "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 that could be mitigated in the project review process. Any interested party, including permit applicants, members of the public, and government agencies, may submit items to the docket.

B.1. The department shall provide a means by which members of the public may docket written comments on the plan or on development regulations. The department

should use public participation methods identified in K.C.C. 20.18.160 to publicize the docket. The department shall provide a mechanism for docketing amendments on the county's website.

2. All docketed comments relating to the Comprehensive Plan shall be reviewed by the department and considered for an amendment to the Comprehensive Plan.

3. Docketed comments relating to development regulations shall be reviewed by the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be forwarded to the department and considered for an amendment to the Comprehensive Plan. Those not requiring a Comprehensive Plan amendment shall be considered by the responsible county agency for amendments to the development regulations.

4. The deadline for submitting docketed comments is December 31 for consideration in the update process for the following year.

5. Except as provided in subsection B.7. of this section:

a. By the last business day of April, the department shall issue an executive response to all docketed comments. Responses shall include: a classification of the recommended changes as appropriate for the annual update, midpoint update, ten-year update, or standalone development regulations update; and an executive recommendation indicating whether the docketed items are to be included in the next executive-recommended Comprehensive Plan update or a future standalone development regulations update. If the docketed changes will not be included in the next executive transmittal, the department shall indicate the reasons why, and shall inform the proponent that they may petition the council during the legislative review process; and

b. By the last business day of April, the department shall forward to the council a report including all docketed amendments and comments with an executive response. The report shall include a statement indicating that the department has complied with the notification requirements in this section. The executive shall attach to the report copies of the docket requests and supporting materials submitted by the proponents and copies of the executive response that was issued to the proponents.

6. The docket report shall be made available on the county's website.

7.a For docket requests received between scoping and transmittal of midpoint and ten-year updates, the executive shall include, as a supplemental document with transmittal of the update, an analysis and recommendation for docket requests received; and

b. For docket requests received between transmittal and adoption of midpoint and ten-year updates, that are not addressed in the update, the executive shall include those requests in the next year's docket report.

8. After receipt of the docket report, during the next available Comprehensive Plan update, the council shall include all proponents of docketed requests in the mailing list for agendas to all committee meetings in which the Comprehensive Plan will be reviewed. Docket proponents may petition the council to consider docket changes that were not recommended by the executive.

C. In addition to the docket, the department shall provide opportunities for receiving general public comments at any time, including as provided in K.C.C. 20.18.160. (Ord. 19881 § 54, 2024: Ord. 18810 § 15, 2018: Ord. 16263 § 4, 2008: Ord. 15607 § 2, 2006: Ord. 14047 § 8, 2001: Ord. 13147 § 30, 1998).

20.18.150 Provision for notice of intent to amend, and postadoption 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, consistent with RCW 36.70A.106. 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.

20.18.160.B., of the intent to amend the Comprehensive Plan 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 enactment, 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.106, within ten days of enactment, the clerk of the council shall provide published notice in a newspaper of general circulation 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. 19881 § 55, 2024: Ord. 13147 § 31, 1998).

20.18.160 Public participation program - basic elements - exemptions.

A. In accordance with 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. The county's public participation program shall at a minimum include the following elements:

1. Broad dissemination of upcoming opportunities for public participation, as they are available;

2. Information on public participation in the Comprehensive Plan process, a description of the procedure and schedule for amending the Comprehensive Plan or implementing development regulations, and information 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 that clearly defines and visually portrays, when possible, the range of options under consideration by the county. The 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, email address, and telephone number of the responsible officials. The methods employed to provide the information may include, but are not limited to, the use of the following: published notice in a newspaper of general circulation and other appropriate publications; press releases; notice to property owners and to members of the public or groups with a known interest in the proposal; public television; the internet; transit advertising; telephone information or comment lines; public review documents; posters; agency newsletters and mailing list; and social media. The county shall endeavor to provide such notices in nontechnical language;

4. Hosting, speaking at, or attending 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. County-hosted public meetings shall be appropriately noticed to the public and should be broadly disseminated at least one week advance, except that noticing of meetings held by the King County council are subject to council rules in K.C.C. chapter 1.24. A publicly available record of each county-hosted public meeting should be maintained to include information about attendance, record of any mailed notice, and a recording of the meeting or a summary of public comments;

5. Other methods of public engagement to solicit feedback about the proposal, appropriate to the scope and significance of the proposal, such as surveys, focus groups, partnering with community-based organizations, and online engagement portals; and

6. County-provided mechanisms to enable public access to additional information. The county shall provide for publicly accessible records of all docketed amendment requests and related background information during normal business hours. The public may seek assistance from the office of the ombuds to obtain time sensitive information.

C. Along with any executive's proposed Comprehensive Plan update, the executive shall transmit to the council, as supplementary material:

1. a public participation summary, identifying the methods used by the executive to assure early and continuous public participation in the preparation of update; and

2. a summary of the proposal in non-technical language and translated into the top six languages spoken in King County other than English.

D. At the beginning of the committee review process, the council shall develop a committee review schedule with dates for committee meetings and any other opportunities for public testimony and shall attach the review schedule to the agenda whenever the Comprehensive Plan is to be reviewed.

E. Errors in exact compliance with the established procedures do not render the Comprehensive Plan or development regulations invalid if the intent of the procedures is met.

F. Emergency Comprehensive Plan amendments, as authorized by K.C.C. 20.18.030, are exempt from the requirements of this section but still require some public notice and an opportunity public testimony before adoption of the amendments. (Ord. 19881 § 56, 2024: Ord. 13147 § 32, 1998).

20.18.170 The four-to-one program - purpose- process - triparty agreement required - term conservation easement, permanent dedication of natural area - referral to entities for recommendations - prohibitions on development proposals or activities if adjacent to incorporated area.

A. The purpose of the four-to-one program is to create a contiguous band of natural area to the regional open space system adjacent to the original Urban Growth Area boundary, which was adopted in the 1994 King County Comprehensive Plan.

B. Proposals under the four-to-one program:

1. Shall be proposed via the docket process in K.C.C. 20.18.140, a scoping motion for a midpoint or ten-year Comprehensive Plan update, or an area zoning and land use study included in the public review draft of a Comprehensive Plan update; and

2. Processed as land use amendments to the Comprehensive Plan.

C. A triparty agreement between the county, property owner, and city or town affiliated for future annexation shall be required for all proposals. The triparty agreement shall:

1. Be approved by ordinance by the legislative bodies of the county and the city or town;

2. For county approval, be transmitted concurrent with transmittal of the executive's proposed land use amendment and approved concurrent with council adoption of the land use map amendment;

3. Require the city or town to add the area proposed to be urban to the city's or town's potential annexation area in the city's or town's comprehensive plan following ratification of the Growth Management Planning Council's motion that makes a recommendation on the proposal. The approval of the proposal shall be reflected in the Countywide Planning Policies, on both the generalized land use categories map and the potential annexation area map; and

4. Specify conditions including, but not limited to, restrictions on residential uses, required minimum density, timing and sequencing of development, annexation requirements, or requirements regarding the conservation easement.

D. If the countywide planning policy amendment that approves the proposal is not ratified, the triparty agreement and four-to-one proposal shall be void and not take effect, and the urban properties shall be redesignated to the rural area land use designation and associated previous zoning during the next Comprehensive Plan update.

E. A term conservation easement shall be placed on the natural area before the four-to-one proposal is approved by the council. The triparty agreement shall require the permanent dedication of the natural area to King County before final plat approval. Dedication shall take the form of on-site or off-site fee simple, off-site conservation easement, or on-site subdivision tract.

F. Before taking legislative action on the land use map amendment, proposals adjacent to incorporated area or potential annexation areas shall be referred to the following entities for recommendations: the affected city and special purpose districts, such as sewer, water, and school districts, as applicable; and state agencies, as applicable.

G. For proposals adjacent to an incorporated area, conditions on the land use map amendment and triparty agreement shall prohibit development proposals or activities until the land is annexed into the adjacent city or town.. (Ord. 19881 § 57, 2024: Ord. 18810 § 16, 2018: Ord. 17485 § 9, 2012: Ord. 16263 § 5, 2008: Ord. 14047 § 9, 2001).

20.18.180 The four-to-one program – criteria for 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:

A. A proposal to add land to the Urban Growth Area under this program shall meet the following criteria:

1. Land added to the Urban Growth Area shall not interrupt an existing contiguous band of public open space, parks, or watersheds along the Urban Growth Area boundary;
2. A road serving the land added to the urban area shall not be counted as part of the required natural area;
3. Land added to the Urban Growth Area for drainage facilities in support of its development shall not require dedication of natural area;
4. The minimum depth of the natural area shall be:
 - a. no less than two hundred feet, unless the county determines that a smaller depth is warranted due to the topography and critical areas on the site;
 - b. generally parallel the Urban Growth Area boundary; and
 - c. configured in such a way as to connect with open space on adjacent properties;
5. The on-site natural area shall include a fifty-foot landscaped buffer to surround the new urban area. The buffer shall include a mix of trees, shrubs, and groundcover that are native to the area and that create a visual barrier or separator to the new urban area. The county may determine that a larger buffer or different vegetation is warranted in order to restore the natural area or habitat or would better protect natural resources and functions and land use compatibility in the area;
6. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum;
7. The land to be retained as natural area is not needed for any facilities necessary to support the urban development; and

B. Proposals shall be evaluated to determine those that are the highest quality, including, but not limited to, consideration of the following:

1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and habitat for endangered and threatened species;
2. Provision of regional open space connections;
3. Protection of wetlands, stream corridors, groundwater, and water bodies;

4. Preservation of unique natural, biological, cultural, historical, or archeological resources;

5. The size of natural area dedication and connection to other open space along the Urban Growth Area boundary; and

6. The ability to provide extensions of urban services to the redesignated urban areas; and

C. The land dedicated through the four-to-one program shall be preserved primarily as natural areas. Passive recreation, farming, or forestry may also be allowed as an alternative to natural area. The following additional uses may be allowed only if located on a small portion of the natural area and only if these uses are found to be compatible with the site's values and functions:

1. Trails;

2. Compensatory mitigation of wetland losses on the urban portion of the proposal, consistent with the Comprehensive Plan and K.C.C. chapter 21A.24; and

3. Active recreation uses not to exceed five percent of the total natural area, including any off-site natural area dedicated for the proposal. Support services and facilities for the active recreation uses may only locate within the active recreation area and shall not exceed five percent of the total acreage of the active recreation area. The entire natural area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four-to-one property. (Ord. 19881 § 58, 2024: Ord. 17485 § 10, 2012: Ord. 16263 § 6, 2008: Ord. 15606 § 1, 2006: Ord. 14047 § 10, 2001).

20.18.190 The four-to-one program - proposals adding ten or more dwelling units.

For a four-to-one proposal that adds ten or more dwelling units:

A.1. Thirty percent of the total number of dwelling units shall be affordable units.

2. For proposals that include only owner-occupied market rate dwelling units, all affordable dwelling units shall be:

a. owner-occupied dwelling units;

b. affordable to residents earning up to eighty percent of area median income; and

c. affordable for at least fifty years from the date of initial occupancy.

3. For proposals that include only rental dwelling units, all affordable dwelling units shall be:

a. rental dwelling units;

b. affordable to residents earning up to sixty percent of area median income; and

c. affordable for the life of the project.

4. For proposals that include both homeownership and rental dwelling units:

a. the proportion of affordable rental dwelling units to affordable owner-occupied dwelling units shall be identical to the proportion of market rate rental dwelling units to market rate owner-occupied dwelling units; and

b. meet the applicable affordability levels in subsections A.2. and A.3. of this section.

B. Accessory dwelling units shall not be used to meet the requirements of this section.

C. Developments subject to this section shall be subject to K.C.C. 21A.48.060 and K.C.C. 21A.48.080. The county may modify or waive the standards in these sections if the county determines them to not be applicable to a four-to-one proposal. (Ord. 19881 § 59, 2024).

20.18.200 Effective date of amendments that add land to Urban Growth Area, removes land from agricultural production district or forest production district, or removes land from the mineral resources map - notification to clerk of the council.

A. The effective date of an amendment that adds land to the Urban Growth Area, removes land from the agricultural production district or forest production district, or removes land from the mineral resources map shall be after the following:

1. Sixty-one days after the date of publication of notice of adoption of the Comprehensive Plan; and

2. If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.

B. The effective date required in subsection A. of this section, and language direction notification to the clerk of the council, shall be specified in the ordinance adopting the amendments. (Ord. 19881 § 60, 2024).

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

Sections:

- 20.20.010 Chapter purpose.
- 20.20.015 Definition - manager.
- 20.20.020 Classifications of land use decision processes.
- 20.20.030 Preapplication conferences.
- 20.20.033 Application screening process - purpose - standards - how deemed incomplete - possible additional information, project modifications, studies.
- 20.20.035 Community meeting required under K.C.C. Title 21A before filing application - notice - meeting contents - meeting information included with application - information for interested persons for monitoring progress.
- 20.20.040 Application requirements.
- 20.20.060 Notice of application.
- 20.20.062 Notice of Type I decisions.
- 20.20.070 Vesting.
- 20.20.090 Notice of decision or recommendation - appeals.
- 20.20.100 Permit issuance - time periods - application cancelation by division - suspension by applicant or for nonresponse - time period exceptions - restart of time periods.
- 20.20.105 Permit extension.
- 20.20.120 Permit processing guides - production - availability.
- 20.20.130 Reports on permit review timelines.
- 20.20.135 Permit review performance reports - transmittal of ordinance that implements recommendations.

20.20.010 Chapter purpose. The purpose of this chapter is to establish standard procedures for land use 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. (Ord. 19872 § 13, 2024: Ord. 12196 § 8, 1996).

20.20.015 Definition - manager. Throughout this chapter unless the context clearly requires otherwise, “manager” means the department of local services, permitting division manager or designee. (Ord. 19872 § 14, 2024).

20.20.020 Classifications of land use decision processes.

A. Land use decisions are classified into four types, based on 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 subsection D. of this section.

1. Type 1 decisions are made by the manager of the department of local services, permitting division ("the division "). Type 1 decisions are administrative decisions. An administrative appeal is not provided.

2. Type 2 decisions require public notice and are made by the manager. Type 2 decisions are discretionary decisions that are subject to administrative appeal to the hearing examiner.

3. Type 3 decisions require public notice and are quasi-judicial decisions made by the hearing examiner following an open record hearing. An administrative appeal is not provided.

4. Type 4 decisions require public notice and are site-specific quasi-judicial decisions made by the council based on the record established by the hearing examiner, after a recommendation by the division.

B. Except as provided in K.C.C. 20.44.120.A.7., 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 decision types are classified as follows:

TYPE 1	Temporary use permit for a homeless encampment or temporary microshelter village under K.C.C. chapter 21A.45, except as required by K.C.C. 21A.45.100 Building permit, commercial site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the division has issued a determination of nonsignificance or mitigated determination of nonsignificance Boundary line adjustment Right-of-way permit Variance from K.C.C. chapter 9.04 Shoreline exemption Decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition, or deny alteration exceptions Decisions to approve, condition, or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24
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		<p>Approval of a conversion-option harvest plan</p> <p>Binding site plan for a condominium that is based on a building permit, an as-built site plan for developed sites, a commercial site development permit for the entire site</p> <p>Approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300</p> <p>In the urban area: microsubdivision, microsubdivision revision, microsubdivision alteration, or microsubdivision vacation</p> <p>Final short plat</p> <p>Final plat</p> <p>Critical area determination</p>
TYPE 2 ^{1,2}		<p>Except those classified as microsubdivisions in the urban area, short subdivision</p> <p>short subdivision revision,</p> <p>short subdivision alteration, or</p> <p>short subdivision vacation</p> <p>Zoning variance</p> <p>Conditional use permit</p> <p>Temporary use permit under K.C.C. chapter 21A.32</p> <p>Temporary use permit for a homeless encampment or temporary microshelter village under K.C.C. 21A.45.100</p> <p>Shoreline substantial development permit³</p> <p>Building permit, commercial site development permit, or clearing and grading permit for which the division has issued a determination of significance</p> <p>Reuse of public schools</p> <p>Reasonable use exceptions under K.C.C. 21A.24.070.B</p> <p>Decisions to approve, condition, or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24</p> <p>Extractive operations under K.C.C. 21A.22.050</p> <p>Binding site plan</p> <p>Waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances</p> <p>Sea level rise risk area variance adopted in K.C.C. chapter 21A.23</p>
TYPE 3 ¹		<p>Preliminary subdivision</p> <p>Plat alterations</p> <p>Preliminary subdivision revisions</p> <p>Plat vacations; special use</p>
TYPE 4 ^{1,4}		<p>Site-specific zone reclassifications</p> <p>Site-specific shoreline environment redesignation</p> <p>Site-specific amendment or deletion of P suffix conditions</p> <p>Site-specific deletion of special district overlay</p>

¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 2, 3, and 4 decisions.

² When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter, the examiner, not the manager, makes the decision.

³ A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

E. The definitions in K.C.C. 21A.45.020 apply to this section. (Ord. 19881 § 61, 2024: Ord. 19872 § 15, 2024: Ord. 19648 § 9, 2023: Ord. 19291 § 3, 2021 (expired May 25, 2022): Ord. 19146 § 13, 2020: Ord. 19128 § 3, 2020: Ord. 18791 § 150, 2018: Ord. 18710 § 3, 2018: Ord. 18683 § 36, 2018: Ord. 18626 § 16, 2017: Ord. 17420 § 87, 2012: Ord. 17420 § 85, 2012 (Expired 12/31/2012): Ord. 17029 § 5, 2011 (Expired 12/31/2012): Ord. 16263 § 7, 2008: Ord. 15606 § 2, 2006: Ord. 15170 § 2, 2005: Ord. 14449 § 2, 2002: Ord. 14190 § 23, 2001: Ord. 14047 § 11, 2001: Ord. 13694 § 84, 1999: Ord. 13147 § 33, 1998: Ord. 13131 § 1, 1998: Ord. 12878 § 2, 1997: Ord. 12196 § 9, 1996).

20.20.030 Preapplication conferences.

A. B. Before filing a permit application requiring a Type 4 decision or a land use decision required to comply with the North Highline urban design standards in K.C.C. chapter 21A.xx (the chapter established in Ordinance XXXXX (Proposed Ordinance 2023-0440), Section 170, the applicant shall contact the division to schedule a preapplication conference, which shall be held before filing the application. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the division, at the request of an applicant, and shall be held within thirty days from the date of the applicant's request. The division shall assign a project manager following the preapplication conference. The manager may waive the requirement for a preapplication conference if the manager determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the division is unable to schedule a preapplication conference within thirty days following the applicant's request.

B. An applicant wishing to submit a permit application more than one year following a mandatory preapplication for the same permit application shall be required to schedule another preapplication conference.

C. 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. 20.20.060. (Ord. 19872 § 16, 2024: Ord. 19687 § 2, 2023: Ord. 17841 § 5, 2014: Ord. 16950 § 7, 2010: Ord. 16552 § 2, 2009: Ord. 13332 § 65, 1998: Ord. 12196 § 10, 1996).

20.20.033 Application screening process - purpose - standards - how deemed incomplete - possible additional information, project modifications, studies.

A. The purpose of the application screening process is to:

1. assist applicants in preparing a code compliant permit application; and
2. reduce the division's need to request additional information during the permit review process, which extends the time period for permit review.

B. Application screening is subject to the following standards:

1. Applicants shall submit the required permit application and application materials identified in K.C.C. 20.20.040 in order to initiate the application screening process;

2. Within twenty-eight days following receipt of the permit application and materials, the division shall notify the applicant that the application is complete or incomplete. If the application is incomplete, the notification shall specify what is necessary to make the application complete. To the extent known by the division, the notification shall identify other agencies of local, state, regional, or federal governments that may have jurisdiction over some aspects of the development proposal;

3. The application screening process shall be deemed concluded under this section if the division does not provide written notice to the applicant that the application is incomplete within the twenty-eight-day period;

4. If the application is found to be incomplete and the applicant submits the additional information requested by the division, the division shall notify the applicant in writing within fourteen days of resubmittal whether the application is complete or whether additional information specified by the division is necessary to make the application complete. The application shall be deemed complete if the division fails to notify the applicant within fourteen days of resubmittal that the application is incomplete;

5. The division may terminate the application screening process if the applicant fails to submit the additional information requested by the county within sixty days following notification from the division that the application is incomplete; and

6. Once all information requested by the division has been provided by the applicant and screened by the division, the division shall invoice the applicant for applicable permit application fees for the permit application. The division may terminate the permit review process if the applicant fails to submit the applicable review fees within sixty days of invoicing by the county.

C. An application shall be deemed incomplete if the development proposal requires amendment to the Comprehensive Plan, amendment to a development regulation, zone reclassification, shoreline environment redesignation, amendment or deletion of a P-suffix condition, deletion of a special district overlay, or deletion of a Demonstration Project Area, and they have not already been obtained.

D. Although a permit application is deemed complete for purposes of this chapter when it meets the procedural submission requirements of the division and is sufficient for continued processing, additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the division from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or changes in the proposed action occur, as determined by the division. (Ord. 19872 § 17, 2024).

20.20.035 Community meeting required under K.C.C. Title 21A before filing application - notice - meeting contents - meeting information included with application - information for interested persons for monitoring progress. When an applicant is required by K.C.C. Title 21A to conduct a community meeting, under this section, before filing of an application, notice of the meeting shall be given and the meeting shall be conducted as follows:

A. At least two weeks in advance, the applicant shall:

1. Publish notice of the meeting in the local paper and mail and email to the department; and

2. Mail notice of the meeting to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater, as provided in K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief description and purpose of the proposal, approximate location noted on an assessor map with address and parcel number, photograph or sketch of any existing or proposed structures, a statement that alternative sites proposed by the public can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by the department of local services, permitting division. Because the purpose of the community meeting is to promote early discussion, applicants shall note any changes to the conceptual information presented in the mailed notices when they submit applications;

B. At the community meeting at which at least one employee of the department of local services, permitting division, assigned by the permitting division manager or designee, shall be in attendance, the applicant shall provide information relative to the proposal and any modifications proposed to existing structures or any new structures and how the proposal is compatible with the character of the surrounding neighborhood.

C. At time of application, the applicant shall provide a list of meeting attendees and those receiving mailed notice of the meeting and a record of the published meeting notice; and

D. The applicant shall, in the notice required under subsection A.2. of this section, and at the community meeting required under subsection B. of this section, advise that persons interested in the applicant's proposal may monitor the progress of the permitting of that proposal by contacting the department or by viewing the department's website, the address of which will be provided in the notice and at the community meeting. (Ord. 19881 § 62, 2024: Ord. 18791 § 151, 2018: Ord. 17420 § 88, 2012: Ord. 17416 § 13, 2012: Ord. 16950 § 10, 2010).

20.20.040 Application requirements.

A. For the purposes of determining the application of time periods and procedures adopted in this title, applications for land use decisions shall be considered complete upon determination by the division that the materials submitted contain the following:

1. An application form provided by the division and completed by the applicant;

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 division; and

c. the form designating who the applicant is submitted to the division before permit approval;

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by public health -Seattle & King County, as required by K.C.C. Title 13; or

b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive Plan policies for a public school located on a RA zoned site, a certificate of sewer

availability and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by public health - Seattle & King County;

5. A fire district receipt in accordance with K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, except when exempt under K.C.C. 16.02.255. A site plan shall include:

- a. identification of the subject property;
- b. scale of the drawings;
- c. north arrow and legend;
- d. location and dimensions of the parcel, streets, and buildings;
- e. easements and restrictions;
- f. existing and proposed structures;
- g. existing and proposed parking and driveway areas;
- h. sewer connection or on-site sewer system;
- i. water connection or well location with well radius;
- j. building and structure elevations;
- k. past excavation, filled areas, or cleared areas;
- l. existing and proposed contours two-foot intervals;
- m. survey benchmark location;
- n. datum;
- o. existing and proposed impervious surface;
- p. critical areas, buffers, and setback lines;
- q. temporary erosion and sediment control measures;
- r. construction access;
- s. existing and proposed drainage facilities and flow control best management practices; and
- t. driveway and fire access;

7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;

8. A critical 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;

10. Payment of application review screening fees collectible under K.C.C. Title 27, if any;

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

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

13. A determination if drainage review applies to the project under K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted under K.C.C. chapter 9.04. and to the extent known at the time of application and when determined necessary by the manager, copies of any required storm water adjustments. Components of the drainage review and plans and documentation that can only be completed during a seasonal window shall not be required for purposes of a complete application;

14. Legal description of the site;

15. Approvals for any decisions when deemed necessary by the manager, including but not limited to critical area alteration exceptions, reasonable use exceptions, special use permits, conditional use permits, zoning variances, road variances, or drainage standard adjustment or drainage criteria exception; and

16. 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.

B. Additional complete application requirements for the following applications are in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060;
2. Construction permits, K.C.C. 16.02.260; and
3. Subdivision applications, short subdivision applications, and binding site plan applications, K.C.C. 19A.08.150.

C. The manager may:

1. Specify the requirements of the site plan required to be submitted for various permits; and
2. Waive any of the specific submittal requirements listed in this section that are determined to be unnecessary for review of an application.

D. The applicant shall declare under penalty of perjury as to the accuracy of all information submitted for an application. (Ord. 19872 § 18, 2024: Ord. 19485 § 205, 2022: Ord. 18791 § 152, 2018: Ord. 17539 § 14, 2013: Ord. 17485 § 11, 2012: Ord. 15606 § 3, 2006: Ord. 15243 § 1, 2005: Ord. 14788 § 6, 2003: Ord. 14507 § 5, 2002: Ord. 13694 § 85, 1999: Ord. 13190 § 13, 1998: Ord. 12380 § 6, 1996: Ord. 12196 § 11, 1996).

20.20.060 Notice of application.

A. A notice of application shall be provided to the public for land use applications as follows:

1. Type 2, 3, or 4 decisions;
2. Type 1 decisions subject to SEPA, except where the division is not the SEPA lead agency for the project;
3. As provided in subsection K. of this section;
4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035; and
5. Where prescribed by ordinance.

B. Notice of the application shall be provided by the division within fourteen days following the division determination that the application is complete. The public comment period shall be for fourteen days following issuance of the notice of application, except that shoreline permits shall have a comment period of thirty days. The public comment period shall commence on the day the notice of application is published as provided for in subsection I. of this section.

C. If the county has made a determination of significance ("DS") under chapter 43.21C RCW before 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. Unless the mailed notice of application is by a post card as provided in subsection E. of this section, the notice 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 publicly-accessible site where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen 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; and
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. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;
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. If the division has made a decision or recommendation on the application, the decision or recommendation made;
5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;
6. A website address that provides access to project; and
7. The division contact name, telephone number, and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;
2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the division'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 division for maximum visibility;
 - b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the division;
 - c. so that the top of the notice board is between seven to nine feet above grade;
 - d. where it is completely visible to pedestrians; and
 - e. comply with sight distance requirements of K.C.C. 21A.12.210 and the King County road standards adopted under K.C.C. chapter 14.42;
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 division 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 that are appealed, through the time of the final resolution of any appeal; and

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

4. Removal of the notice board before 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 notice period;

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

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies; and

7. The manager may waive the notice board requirement for a development proposal located in an area with restricted access, an area that is not served by public roads, or in other circumstances the manager determines make the notice board requirement ineffective in providing notice to those likely to be affected by the development proposal. In such cases, the manager shall require alternative forms of notice under subsection M. of this section.

H. Mailed notice for a proposal shall be sent by the division within fourteen days after the division'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. The area shall be expanded when the division determines it is necessary to send mailed notices to at least twenty different property owners;

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

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

4. To the affected Indian tribes;

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

6. Be deemed satisfactory despite the failure of one or more owners to receive mailed notice;

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. Where King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the manager 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.

I. The notice of application shall be published by the division within fourteen days after the division's determination of completeness on the division website and in a newspaper of general circulation.

J. Unless waived under subsection G.7. of this section, 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, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;
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 division and the applicant;
 - d. a division contact number for complaints after business hours; and
 - e. hours of construction, if limited as a condition of the permit;
3. Notice boards shall be maintained in the same manner as identified in subsection F of this section; and

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.

K. Posted and mailed notice for any permit application for the establishment of the uses listed in 1. through 3. of this subsection, consistent with this section shall be provided to any property owner of record and to the councilmember in whose district the proposal is located, except that this subsection K. shall not apply if the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies under SIC Industry 8322;
2. Parole offices under SIC Industry 8322; and
3. Halfway homes for delinquents and offenders under SIC Industry 8361

L. In addition to notice required by subsection F. of this section, the division may provide additional notice by any other means determined by the division as necessary to provide notice to persons or entity who may be affected by a proposal. (Ord. 19872 § 19, 2024: Ord. 18683 § 37, 2018: Ord. 17539 § 15, 2013: Ord. 17191 § 16, 2011: Ord. 16950 § 8, 2010: Ord. 16552 § 3, 2009: Ord. 13694 § 86, 1999: Ord. 13573 § 1, 1999: Ord. 13555 § 2, 1999: Ord. 13131 § 2, 1998: Ord. 13097 § 1, 1998: Ord. 12884 § 1, 1997: Ord. 12196 § 13, 1996).

20.20.062 Notice of Type I decisions. Not later than January 1, 2013, the department shall provide public notice of Type 1 decisions for which a notice of application is not otherwise required under K.C.C. 20.20.060. The public notice may be provided electronically. The notice provided under this section shall be considered supplementary to any other notice requirements and shall be deemed satisfactory despite the failure of one or more individuals to receive notice. (Ord. 17267 § 1, 2012: Ord. 16950 § 9, 2010).

20.20.070 Vesting.

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).

20.20.090 Notice of decision or recommendation - appeals.

- A. In accordance with K.C.C. 20.20.100, the department shall provide notice of:
1. Final Type 1 decisions subject to SEPA, including the threshold determination, if any;
 2. Type 2 decisions; and
 3. Type 3 and 4 recommendations.
- B. The notice shall include the applicable procedures for either an administrative appeal to, or further consideration by, the examiner.
- C. The notice shall be provided to:
1. The applicant;
 2. If required by SEPA, the Department of Ecology and to agencies with jurisdiction as defined in chapter 197-11 WAC;
 3. If required by chapter 90.58 RCW, the Department of Ecology and the Attorney General;
 4. Any person who, before the decision or recommendation, had requested notice of the decision or recommendation from, or submitted comments to, the department; and
 5. Owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners.
- D. Except for decisions regarding shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are only appealable to the state Shorelines Hearings Board, any administrative appeal or further consideration by the examiner is subject to K.C.C. chapter 20.22. (Ord. 19881 § 63, 2024: Ord. 18230 § 116, 2016: Ord. 16552 § 4, 2009: Ord. 13573 § 2, 1999: Ord. 13131 § 3, 1998: Ord. 13097 § 2, 1998: Ord. 12196 § 16, 1996).

20.20.100 Permit issuance - time periods - application cancelation by division - suspension by applicant or for nonresponse - time period exceptions - restart of time periods.

- A. The period to issue a final decision for each type of complete land use application or project type subject to this chapter should not exceed the following time periods, except as modified by this section:
1. For land use applications that do not require public notice under K.C.C. 20.20.060, the division shall issue a final decision within sixty-five days of the determination of completeness;
 2. For land use applications that require public notice under K.C.C. 20.20.060, the division must issue a final decision within one hundred days of the determination of completeness; and
 3. For land use applications that require public notice under K.C.C. 20.20.060 and a public hearing, the division must issue a final decision within one hundred seventy days of the determination of completeness.
- B. The time periods for permit review established in subsection A. of this section and as modified by subsections C. through K. of this section, shall be extended by seventy-five percent if a development proposal or application:
1. Requires approval of a road variance under K.C.C. Title 14, or drainage standard adjustment or drainage criteria exception under K.C.C. Title 9;
 2. Is for a variance, critical area alteration exception, or reasonable use exception under K.C.C. Title 21A;
 3. Is granted concurrent review with other permit applications applicable to the development; or

4. Is for a development proposal to install permanent stabilization measures to replace any structures or grading done as an emergency action.

C. The number of days an application is in review with the division shall be calculated from the day completeness is determined under K.C.C. 20.20.033 to the date a final decision is issued on the permit application. The number of days shall be calculated by counting every calendar day and excludes the following periods: 1. Any period between the day that the division notifies the applicant in writing that additional information is required to further process the application and the day when responsive information is submitted by the applicant. If the county determines that corrections, studies, 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 division shall set a sixty-day deadline for the submittal of corrections, studies, or other information, and shall provide written notification to the applicant. The division may extend the deadline upon receipt of a written request from an applicant providing satisfactory justification for an extension;

2. The period during which an environmental impact statement is being prepared following a determination of significance under chapter 43.21C RCW, as established in K.C.C. 20.44.050;

3. Any period between issuance of an administrative decision and resolution of an administrative appeal, and any additional period provided by the administrative appeal decision;

4. Any period 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 division by the applicant;

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

6. Any time during which there is an outstanding fee balance;

7. The period during which the state Department of Ecology is reviewing and approving shoreline variance or shoreline conditional use permit, measured between the date of filing with the state Department of Ecology and the date the county receives the state Department of Ecology's decision;

8. The period during which another agency is reviewing and issuing a decision on any required modification to a previous approval, after the required construction permit has been deemed complete; and

9. The period during which information has been requested that can only be obtained during a seasonal window, including but not limited to, infiltration mounding analysis, traffic studies when school is in session, wetland studies in the growing season, or stream typing or fish status outside of times of low flow.

D. The county shall provide any written comments and requests for corrections within thirty days of each submittal or resubmittal.

E. The division may cancel a permit application in the following situations:

1. Failure by the applicant to submit corrections, studies, or other information acceptable to the division after two rounds of written requests under subsection C.. of this; or

2. Failure by the applicant to make full payment of review fees within sixty days of the division's invoice.

F. If an applicant informs the division in writing that the applicant would like to temporarily suspend the review of the project for more than sixty days, or if an applicant is not responsive for more than sixty consecutive days after the division has notified the applicant in writing, that additional information is required to further process the application, an additional thirty days may be added to the time periods for the division to

issue a final decision. Any written notice from the division to the applicant that additional information is required to further process the application shall include a notice that nonresponsiveness for sixty consecutive days may result in thirty days being added to the time period for permit review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the division, or that there is not ongoing communication from the applicant to the division on the applicant's ability or willingness to provide the additional information.

G. The time periods for permit review established in this section shall not apply if an unforeseen event, as determined by the permitting division manager, disrupts normal county operations and prevents permit review from being feasible. This could include, but is not limited to:

1. Declared emergencies under K.C.C. chapter 12.52;
2. Court orders, litigation, or settlements pursuant to specific applications or to the King County Comprehensive Plan or the county's development regulations;
3. Building or land use moratoria;
4. A recession resulting in unexpected staffing changes; or
5. Denial of service for critical infrastructure, such as software failure, breach or termination of contract, loss of internet access, or cyber security breach.

E. The time periods established in subsection A. of this section shall not apply if a proposed development or application:

1. Requires either modification or waiver of a development regulation as part of a demonstration project in K.C.C. chapter 21A.55. Any time periods for permit review in that chapter shall apply;

2. Involves uses or activities related to mineral extraction or processing, coal mining, materials processing facilities, or fossil fuel facilities: or

3. Is to rectify a code violation case;

I.1. If an application is revised by the applicant and results in a substantial change in the application review, the division may, in some cases, need to restart the time period for permit review in K.C.C. 20.20.100. A substantial change in the application review may also include new public notice and revised vesting.

2. For the purposes of this subsection I.:

a. a "substantial change" that results in new public notice, revised vesting, and a restart of the time periods for permit review, includes, but is not limited to:

- (1) the creation of additional lots;
- (2) the reduction or elimination of open space; or
- (3) a change in land use;

b. a "substantial change" that results in a restart of the time periods for permit review, includes, but is not limited to:

(1) a fifty-percent or more increase to the total value of building construction work, including all finish work, painting, roofing, electrical, plumbing, heating, ventilation, air conditioning, elevators, fire systems, and any other permanent fixtures;

(2) a ten-percent or more increase to the total building square footage, impervious surface area, parking, or building height;

(3) when a change to the application results in a change to the type of drainage review required under the King County Surface Water Design Manual, if the new type of drainage review adds additional requirements;

(4) when a change to the application results in a new requirement for a road variance under K.C.C. Title 14;

(5) when a change in points of ingress or egress to the property, where:

(a) the ingress or egress point is moved more than 25 percent of the width of the property line width on the same street; or

(b) the ingress or egress point is on a different street; or

(6) when a change to the application results in a new or increased impact to critical areas that will require a revision to mitigation measures..

J. The division shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, commercial site development permits, shoreline substantial development permits, or binding site plans, issued for development activities on or within five hundred feet of designated agricultural lands, forest lands, or mineral resource lands, 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.

K. Where federal, state, or county law requires a shorter time period for permit review and decision, the division should comply with the shorter time periods.

L.1. An applicant may, in writing and with the division's agreement, voluntarily opt out of the time period for permit review and decision specified in this section.

2. If an applicant is under an application processing service agreement with the county, the time periods for permit review in that agreement shall control. (Ord. 19881 § 64, 2024: Ord. 19872 § 20, 2024: Ord. 19648 § 10, 2023: Ord. 19034 § 6, 2019: Ord. 18230 § 117, 2016: Ord. 16950 § 11, 2010: Ord. 16263 § 8, 2008: Ord. 15170 § 3, 2005: Ord. 14788 § 7, 2003: Ord. 13250 § 1, 1998: Ord. 13097 § 3, 1998: Ord. 12627 § 5, 1997: Ord. 12273 § 2, 1996: Ord. 12196 § 17, 1996).

20.20.105 Permit extension. Upon written request to the department made by the applicant before the expiration of a permit for a conditional use, variance, alteration exception or reasonable use exception, the department may extend the period of the permit for one year if:

A. Regulations governing the approval of the land use decision have not changed;

B. Site conditions have not significantly changed in a manner that would have affected the original permit approval; and

C. The applicant pays applicable permit extension fees. (Ord. 19691 § 2, 2023: Ord. 19393 § 1, 2022: Ord. 16515 § 4, 2009).

20.20.120 Permit processing guides - production - availability. The department shall produce guides describing permit processing, including making an appeal or participating in a hearing. The department shall make them available to the public and shall post them to its website. (Ord. 19881 § 65, 2024: Ord. 12196 § 19, 1996).

20.20.130 Reports on permit review timelines. Reporting on permit review timelines shall be submitted annually to the council, in accordance with K.C.C. 20.20.135. (Ord. 19872 § 21, 2024).

20.20.135 Permit review performance reports - transmittal of ordinance that implements recommendations.

A. The executive shall, in consultation and collaboration with councilmembers, prepare a permit review performance report. The executive should transmit the report to the council by December 31, 2025, in the form of an electronic copy with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor. The report, shall include, but not be limited to:

1. A description of the current requirements for project review timeline reporting in state and county law;
 2. A plan for, and the resources needed to, comply with the project review timeline reporting requirements in chapter 36.70B RCW;
 3. A plan for, and the resources needed to, provide project review timeline reporting for all project permit types, similar to the reporting requirement for housing projects in chapter 36.70B RCW;
 4. A plan for, and the resources needed to, provide project review timeline reporting on the county's website;
 5. An evaluation of the impacts of the project review timelines established in chapter 36.70B RCW on customer service for county residences, including:
 - a. a description of how the additional staffing, fee increase, code changes, and process improvements will be demonstrable to a resident applying for a project permit; and
 - a. whether additional investments, code change, or process improvements will be needed to comply with the requirements in RCW 36.70B or potential growth in project permit applications in the 2026-2027 or future biennia;
 6. Recommendations for any code changes to address the evaluation required by this proviso, which should include a requirement that the annual reports are required no later than June of each year;
- B. The executive shall transmit an ordinance that implements the recommendations required by the report in this section, as well as the first annual report, to the council by June 30, 2026, in the form of an electronic copy with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor. The ordinance shall, at a minimum, K.C.C. 20.20.130, to include the required reporting components. (Ord. 19872 § 26, 2024).

20.22 HEARING EXAMINER

Sections:

- | | |
|-----------|---|
| 20.22.010 | Definitions. |
| 20.22.020 | Office of hearing examiner - purpose - appointment – deputy examiner – examiner prop tempore - removal - prohibition on interference. |
| 20.22.030 | Examiner - powers, duties. |
| 20.22.040 | Decisions by examiner. |
| 20.22.060 | Recommendations by examiner. |
| 20.22.070 | Appeals - procedures for specific types. |
| 20.22.080 | Appeals - generally. |
| 20.22.090 | Appeals - reasons for dismissal. |
| 20.22.100 | Appeals and applications - processing. |
| 20.22.110 | Consolidation of hearings and appeals. |
| 20.22.120 | Prehearing conference. |
| 20.22.130 | Report by agency. |
| 20.22.140 | Examiner findings. |
| 20.22.150 | Examiner duties - zone reclassification. |
| 20.22.160 | Examiner duties - shoreline recommendation (in effect in the shoreline jurisdiction until fourteen days after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51). |
| 20.22.160 | Examiner duties - shoreline redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days |

- after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51).
- 20.22.170 Examiner duties - site-specific land use map amendment - public hearings - recommendation findings and conclusions - compiled written recommendations report.
- 20.22.180 Examiner duties - preliminary subdivision.
- 20.22.190 Examiner duties - regional motor sports facility - public meetings – records and reports.
- 20.22.195 Examiner duties - rider suspension appeals - limits on challenges.
- 20.22.200 Examiner duties - public schools not meeting standards if development is approved - remand, phasing, or denial - fees.
- 20.22.205 Examiner duties - change in speed limit.
- 20.22.210 Appeals - stay of notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11 - burden of proof on records and licensing services division.
- 20.22.220 Written determination.
- 20.22.230 Appeals - initiation - contents - scope - timeliness - notice - response - reply to response
- 20.22.240 Appeals - council consideration - procedures - conference - dispositions.
- 20.22.250 Appeals - council final action - ordinance.
- 20.22.270 Council final actions - judicial review.
- 20.22.280 Council final actions - effective date.
- 20.22.290 Digest of decisions and recommendations.
- 20.22.300 Guides describing the examiner process - availability.
- 20.22.310 Annual report.
- 20.22.320 Mediation process.
- 20.22.330 Rules for conducting the examiner process - motion - proposed rules or amendments - publication.

20.22.010 Definitions The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Agency" means the executive branch, including departments, divisions, sections, and offices, the assessor, the King County board of health, and any board, commission, or other body subject to examiner determinations under this chapter.

B. "Council" means the metropolitan King County council.

C. "Decision" means a ruling by an examiner that is the county's final administrative action.

D. "Determination" means a, decision or recommendation by an examiner.

E. "Examiner" means the hearing examiner, a deputy examiner, or an examiner pro tempore.

F. "Filing" means submitting documents to the examiner by physical delivery, including first class, registered, or certified mail, hand-delivery, or courier, or electronically as allowed by the rules for conducting the examiner process adopted under K.C.C. 20.22.330.

G.1. "Interested person" means a person who is not a party but:

a. has requested in writing, including by email, from the agency or examiner, notice of a proceeding or determination;

b. has submitted comments as referred to in K.C.C. 20.20.090.C.4. or the rules for conducting the examiner process adopted under K.C.C. 20.22.330; or

c. has participated in a hearing by providing evidence, comment, or argument, except as provided in the definition of party.

2. "Interested person" would not include a person:

a. whose only communication is a signature on a petition or a mechanically or electronically reproduced form; or

b. who made a standing request for notices or documents encompassing a type of case or geographic area.

H. "Party" means:

1. An applicant, proponent, petitioner or appellant;

2. The owner or owners of property subject to a hearing;

3. The responsible agency;

4. Another agency with jurisdiction or review authority over a proposal or proceeding that has notified the office of the hearing examiner in writing of its request to be a party;

5. The entity issuing a ruling that is appealed to the examiner;

6. A person participating substantively in the hearing, by providing comment, evidence, or argument, is considered a party only for purposes of a motion for reconsideration to the examiner determination or appeal of the examiner recommendation; and

7. Another entity to whom the examiner grants party status.

I. "Recommendation" means a ruling by an examiner that goes to the council for final action.

J. "Transmit" refers to documents the examiner sends to all parties and interested persons by physical delivery, including first class, registered, or certified mail, hand-delivery, or courier, or electronically. (Ord. 19648 § 11, 2023: Ord. 18230 § 4, 2016).

20.22.020 Office of hearing examiner - purpose - appointment – deputy examiner – examiner prop tempore - removal - prohibition on interference.

A. The office of hearing examiner is created and shall act on behalf of the council in considering and applying adopted county policies and regulations. The examiner shall separate the application of regulatory controls from the legislative planning process, protect, and promote the public and private interests of the community, and expand the principles of fairness, due process, openness, and equity in public hearings.

B.1. The council shall appoint the hearing examiner to serve for a term of four years.

2. The council may authorize the hearing examiner to hire a deputy examiner to assist the hearing examiner with the powers and duties described in subsection D. of this section.

3. The council may authorize the hearing examiner to create a roster of qualified persons to serve as examiner pro tempore, with the powers and duties described in subsection E. of this section.

C. Examiners shall be appointed solely based on their qualifications for the duties of their offices and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge their other functions. They shall not hold another appointive or elective public office or position in county government except as authorized by the council by motion.

D. A deputy examiner shall assist the hearing examiner in performing the duties conferred upon the hearing examiner by ordinance and, in the event of the absence or the inability of the hearing examiner to act, has all the duties and powers of the hearing examiner.

E. The hearing examiner may appoint an examiner pro tempore to a case from the roster created in accordance with subsection B.3. of this section. Once appointed to a case, an examiner pro tempore has the same duties and powers as the hearing examiner.

F. The hearing examiner may be removed from office for just cause at any time by the affirmative vote of at least six members of the council.

G. Individual councilmembers, county officials, or any other persons, shall not interfere with, or attempt to interfere with, the performance of the designated duties of the examiner. (Ord. 19648 § 12, 2023: Ord. 18230 § 6, 2016: Ord. 11502 § 1, 1994: Ord. 263 Art. 5 § 2, 1969. Formerly K.C.C. 20.24.020).

20.22.030 Examiner - powers, duties.

A. The examiner shall receive and examine available information, conduct open record hearings, and prepare records and reports, including findings and conclusions, and, based on the issues and evidence:

1. Make decisions, as set forth in K.C.C. 20.22.040;
2. Make recommendations to the council, as set forth in K.C.C. 20.22.060;
3. Take other actions as prescribed by this chapter; and
4. Take other actions as directed by ordinance or council motion.

B. The examiner's determination may grant, remand, or deny the application or appeal, and may include any conditions, modifications, and restrictions necessary to carry out applicable laws, regulations, and adopted policies.

C. For the purposes of proceedings identified in K.C.C. 20.22.060, the public hearing by the examiner shall constitute the hearing required by the King County Charter by the council.

D. The examiner shall have the power to issue a 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.

E. To avoid unnecessary delay and to promote hearing process efficiency, 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 presenting direct testimony, cross examination, and argument.

F. Written submittals may only be admitted when authorized by the examiner.

G. The examiner shall use reasonable case management techniques, including:

1. Limiting testimony and argument to relevant issues and to matters identified in the prehearing order or appeal
2. Prehearing identification and submission of exhibits, if applicable;
3. Stipulated testimony or facts;
4. Prehearing dispositive motions, if applicable;
5. Prehearing conferences;
6. Voluntary mediation; and
7. Other methods to promote efficiency and to avoid delay. (Ord. 19648 § 13, 2023: Ord. 18230 § 8, 2016).

20.22.040 Decisions by examiner. The examiner make decisions on:

A. Appeals of orders of the ombuds under the lobbyist disclosure code under K.C.C. chapter 1.07;

B. Appeals of sanctions of the finance and business operations division in the department of executive services under K.C.C. chapter 2.97;

C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;

D. Appeals of electric vehicle recharging station penalties by the Metro transit department under K.C.C. 4A.700.700;

E. Appeals of notice and orders of the manager of records and licensing services or the department of local services permitting division manager under K.C.C. chapter 6.01;

F. Appeals of adult entertainment license denials, suspensions, and revocations under K.C.C. chapter 6.09;

G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 17.11;

H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;

I. Appeals of notice and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

M. Appeals of notice and orders of the manager of regional animal services under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services under K.C.C. chapter 12.16;

O. Appeals of orders of the office of equity and racial and social justice under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20, and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of local services, permitting division, under K.C.C. chapter 12.86;

Q. A decision on a request for exemption under K.C.C. 12.25.020.F.;

R. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

S. Appeals of decisions regarding mitigation payment system, commute trip reduction, and intersection standards under K.C.C. Title 14;

T. Appeals of changes to speed limits under K.C.C. chapter 14.06;

U. Appeals related to road designations and redesignations under K.C.C. chapter 16.08;

V. Appeals of suspensions, revocations or limitations of plumbing permits under K.C.C. chapter 16.32;

W. Appeals from denials of C-PACER applications under K.C.C. chapter 18.19;

X. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances, and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

Y. Type 3 decisions under K.C.C. chapter 20.20;

Z. Appeals of SEPA decisions under K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

AA. Appeals of completed farm management plans under K.C.C. 21A.30.045;

BB. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37;

CC. Appeals of citations, notices and orders, notices of noncompliance, and stop work orders issued under K.C.C. Title 23 or chapter 1.08 of the code of the King County board of health;

DD. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance under K.C.C. Title 21A and K.C.C. chapter 23.10;

EE. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010;

FF. Appeals of fee waiver decisions by the department of local services, permitting division under K.C.C. 27.02.040;

GG. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations, and penalties under K.C.C. 28.84.050 and 28.84.060, civil infractions and penalties under K.C.C. 7.12.650, and suspensions of park privileges under K.C.C. 7.12.700.B.;

HH. Appeals of transit rider suspensions under K.C.C. 28.96.430;

II. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety under RCW 69.50.505; and

JJ. Other applications or appeals prescribed by ordinance. (Ord. 19771 § 41, 2024: Ord. 19648 § 14, 2023: Ord. 19541 § 43, 2022: Ord. 19485 § 206, 2022: Ord. 19360 § 9, 2021: Ord. 19360 § 7, 2021: Ord. 19276 § 10, 2021: Ord. 19047 § 58, 2019 [did not take effect]: Ord. 18822 § 43, 2018: Ord. 18791 § 153, 2018: Ord. 18777 § 34, 2018: Ord. 18709 § 2, 2018: Ord. 18683 § 38, 2018: Ord. 18230 § 10, 2016: Ord. 15969 § 8, 2007: Ord. 14449 § 3, 2002: Ord. 14199 § 227, 2001: Ord. 14190 § 24, 2001: Ord. 13625 § 18, 1999: 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. Formerly K.C.C. 20.24.080).

20.22.060 Recommendations by examiner. The examiner shall make recommendations on:

A. Proposals for establishment or modification of cable system rates under K.C.C. 6.27A.140;

B. Vacation of county roads under K.C.C. chapter 14.40;

C. Type 4 decisions under K.C.C. chapter 20.20;

D. Applications for public benefit rating system assessed valuation on open space land under K.C.C. chapter 20.36;

E. Appeals of decisions to designate or reject a nomination for designation for a landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter 20.62;

F. Creation of a lake or beach management district and a special assessment roll under chapter 36.61 RCW; and

G. Other applications or appeals prescribed by ordinance. (Ord. 19648 § 16, 2023: Ord. 19556 § 1, 2022: Ord. 19484 § 4, 2022: Ord. 18791 § 154, 2018: Ord. 18754 § 24, 2018: Ord. 18626 § 20, 2017: Ord. 18420 § 66, 2016: Ord. 18230 § 14, 2016: Ord. 13625 § 17, 1999: 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. Formerly K.C.C. 20.24.070).

20.22.070 Appeals - procedures for specific types.

A. K.C.C. 20.22.080 applies to all appeals to the office of the hearing examiner. If there is a direct conflict between the appeal provisions in K.C.C. 20.22.080 and the appeal provisions found in subsection B. of this section, the appeal provisions found in subsection B. of this section shall control.

B. The provisions for appealing the following decisions are found in the following chapters of the King County Code:

1. Career service review, K.C.C. chapter 3.12A;
2. Appeals under K.C.C. Title 6, except for for-hire transportation, K.C.C. chapter 6.64 and K.C.C. chapter 6.65, shall follow K.C.C. 20.22.080;
3. Discrimination and equal employment opportunity in employment by contractors, subcontractors, and vendors, K.C.C. chapter 12.16;
4. Unfair housing practices, K.C.C. chapter 12.20;
5. Denial of C-PACER applications, K.C.C. chapter 18.19;
6. Regional motor sports facility, K.C.C. 21A.55.105;
7. Abandoned, wrecked, dismantled, or inoperative vehicles, K.C.C. chapter 23.10;
8. Citations, K.C.C. chapter 23.20;
9. Penalty appeals, K.C.C. chapter 23.32;
10. Transit rider suspension appeals, K.C.C. 28.96.430;
11. Other appeals prescribed by ordinance. (Ord. 19700 § 59, 2024: Ord. 19648 § 17, 2023: Ord. 19360 § 10, 2021: Ord. 18822 § 44, 2018: Ord. 18709 § 3, 2018: Ord. 18230 § 16, 2016).

20.22.080 Appeals - generally.

A. Unless K.C.C. 20.22.070 applies, a person initiates an appeal from a decision of an agency by delivering an appeal to the issuing agency.

B. The appeal must be received by the agency within twenty-four days of the date of issuance of the decision by the agency.

C. The appeal shall:

1. Include a copy of, or clearly identify, the decision being appealed;
2. Identify the location of the property subject to the appeal, if any;
3. Identify the legal interest of the appellant;
4. Identify the alleged errors in the decision;
5. State specific reasons why the decision should be reversed or modified;
6. State the harm suffered or anticipated by the appellant; and
7. Identify the relief sought.

D. The appellant shall pay a fee as provided in K.C.C. 4A.780.010.A. The fee shall be paid at the time the appeal is delivered and is not refundable.

E. In order that a person contemplating an appeal has the necessary information on which to base the appeal, during the time between the issuance of the decision and the deadline for delivering an appeal, the agency shall:

1. Respond to inquiries concerning the facts and process of the decision; and
2. Make available any files that detail the facts on which the agency based its ruling.

F. If an agency is unable to comply with subsection E. of this section, the examiner shall authorize an amendment to a timely initial appeal to reflect information subsequently made available to the appellant.

G. The scope of an appeal shall be limited to matters or issues raised in the initial appeal and any amendment to the appeal the examiner may authorize.

H. If a person fails to timely deliver the appeal or pay the appeal fee, the office of the hearing examiner does not have jurisdiction to consider the appeal and the decision of the

agency becomes final and unreviewable. (Ord. 19648 § 18, 2023: Ord. 18230 § 18, 2016: Ord. 16278 § 27, 2008: Ord. 16026 § 3, 2008: Ord. 13573 § 3, 1999: Ord. 12196 § 27, 1996: Ord. 11961 § 2, 1995: Ord. 11502 § 4, 1994: Ord. 10691 § 4, 1992: Ord. 6949 § 18, 1984: Ord. 4461 § 3, 1979. Formerly K.C.C. 20.24.090).

20.22.090 Appeals – reasons for dismissal.

The examiner, on the examiner's own motion or on the motion of a party:

A. Shall dismiss an appeal if the appellant lacks standing or if the appeal is untimely, frivolous on its face, or beyond the examiner's jurisdiction; and.

B. May dismiss an appeal that is not sufficiently specific to apprise the parties of the factual basis upon which relief is sought or if the grounds stated do not constitute a legally adequate basis for the appeal. Alternatively, the examiner may clarify the issues on appeal or may require any party with the burden of proof to clarify the issues on appeal. (Ord. 19648 § 19, 2023: Ord. 18230 § 20, 2016: Ord. 11502 § 12, 1994. Formerly K.C.C. 20.24.095).

20.22.100 Appeals and applications - processing.

A. The examiner shall process all appeals and applications as expeditiously as possible, giving appropriate consideration to procedural due process rights.

B.1. For appeals initiated by delivering the appeal to the responsible agency, the responsible agency shall file with the office of the hearing examiner the decision or decisions being appealed, the appeal, and a current list of parties and interested persons within seventeen days of the date the responsible agency receives the appeal. The examiner shall hold a prehearing conference or a hearing within forty-five days, and shall complete the appeal process, including issuing a determination, within ninety days of receiving those materials.

2. For appeals that require the appeal to be delivered directly to the office of the hearing examiner, the examiner shall hold a prehearing conference or a hearing within forty-five days, and shall complete the appeal process, including issuing a determination, within ninety days of receiving the appeal.

C. For applications for which the responsible agency issues a recommendation and the examiner holds a public hearing and issues a decision or recommendation, the examiner shall complete the application review, including holding a public hearing and transmitting a determination, within ninety days from the date the council refers the application to the office of the hearing examiner. Any time required for the applicant or the responsible agency to obtain and provide additional information requested by the examiner that is necessary for the examiner's determination and consistent with applicable laws, regulations, and adopted policies, is excluded from the ninety-day calculation.

D. At least fourteen days before a scheduled hearing, the examiner shall transmit notice of the time of, and how to participate in, the hearing.

E. If for any reason testimony cannot be completed on the date set for a hearing, the examiner shall continue the matter to the soonest available date. To the extent practicable, a matter should be heard on consecutive days until it is concluded.

F. The examiner, upon notice to the parties, may extend the deadlines in this section for up to thirty days. The examiner may extend the deadlines in this section for over thirty days, either with the consent of all parties or where the examiner details why good cause supports such an extension or stay.

G. Failure to complete the hearing process within the times stated in this section shall not terminate the jurisdiction of the office of the hearing examiner. (Ord. 19648 § 20, 2023: Ord. 18230 § 21, 2016).

20.22.110 Consolidation of hearings and appeals. Whenever an appeal or application includes more than one county decision, when a public hearing is required, or when an appeal is provided under this chapter, the hearings and any appeals may be consolidated by the examiner into a single proceeding. (Ord. 19648 § 21, 2023: Ord. 18230 § 24, 2016: Ord. 12196 § 33, 1996: Ord. 11502 § 6, 1994: Ord. 4461 § 5, 1979. Formerly K.C.C. 20.24.140).

20.22.120 Prehearing conference. On the examiner's own initiative, or at the request of a party, the examiner may set a prehearing conference. At least seven days before the prehearing conference, the examiner shall transmit notice of the date of, and how to participate in, the prehearing conference. (Ord. 19648 § 22, 2023: Ord. 18230 § 26, 2016: Ord. 12196 § 34, 1996: Ord. 11502 § 12, 1994. Formerly K.C.C. 20.24.145).

20.22.130 Report by agency. When an application or appeal has been set for hearing, the responsible agency shall coordinate and assemble the reviews of other agencies having an interest in the application or appeal and shall prepare a report summarizing the responsible agency's findings and recommendation or decision. At least fourteen days before the scheduled hearing, the responsible agency shall file the report with the office of the hearing examiner and shall send the report to all parties and interested persons. This section does not apply to citation or motion hearings. (Ord. 19648 § 23, 2023: Ord. 18230 § 28, 2016: Ord. 12196 § 35, 1996: Ord. 4461 § 6, 1979: Ord. 263 Art. 5 § 11, 1969. Formerly K.C.C. 20.24.150).

20.22.140 Examiner findings. Examiner determinations shall include findings of fact and conclusions from the record that support the determination and shall set forth how the determination is consistent with applicable laws, regulations, and adopted policies. (Ord. 19648 § 24, 2023: Ord. 18230 § 31, 2016: Ord. 12196 § 37, 1996: Ord. 4461 § 9, 1979. Formerly K.C.C. 20.24.180).

20.22.150 Examiner duties - zone reclassification. Examiner recommendations on an application for a zone reclassification shall include findings on whether the application meets the following:

A. The proposed rezone is consistent with the King County Comprehensive Plan, including, but not limited to, policies, narrative, maps, and land use designations;

B.1.a. The property is potentially zoned under K.C.C. 21A.04.170 for the reclassification being requested; or

b. An adopted subarea plan or an area zoning and land use study specifies that the property shall be subsequently considered through an individual reclassification application; or

2. The requested reclassification is based on a substantial change in unincorporated area conditions, including but not limited to:

a. the availability of public facilities or infrastructure;

b. development patterns on surrounding parcels; or

c. the quantity or quality of critical areas, not caused by actions of the applicant;

and

C. That the classification would not harm or diminish the surrounding area. (Ord. 19881 § 66, 2024: Ord. 19648 § 25, 2023: Ord. 18427 § 8, 2016: Ord. 18230 § 33, 2016: Ord. 16950 § 12, 2010: Ord. 16263 § 9, 2008: Ord. 15243 § 2, 2005: Ord. 14047 § 12, 2001: Ord. 4461 § 10, 1979. Formerly K.C.C. 20.24.190).

20.22.160 Examiner duties - shoreline recommendation (in effect in the shoreline jurisdiction until fourteen days after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51).* When an examiner issues a recommendation on a shoreline redesignation, the examiner shall include findings on whether the shoreline redesignation complies with the following:

A. The King County Comprehensive Plan policies, state and county shorelines management goals and objectives and the designation criteria of the proposed shoreline designation;

B. The impacts of development allowed by the proposed change do not permanently impair any habitat critical to endangered or threatened species;

C. The impacts of development allowed by the proposed change are adequately address in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

D. If the shoreline redesignation results in greater density of development, the proposal utilizes clustering or a multistory design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area. (Ord. 18230 § 35, 2016: Ord. 16985 § 15, 2010: Ord. 13687 § 7, 1999. Formerly K.C.C. 20.24.510).

***Reviser's note: "Sections 26 and 51 of this ordinance takes effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council." (Ordinance 19648, § 53).**

20.22.160 Examiner duties - shoreline redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 19648, Sections 26 and 51).* Examiner recommendations on a shoreline redesignation application shall include findings on whether the shoreline redesignation complies with the following:

A. The King County Comprehensive Plan policies, state and county shorelines management goals and objectives, and the designation criteria of the proposed shoreline designation;

B. The impacts of development allowed by the proposed change do not permanently impair any habitat critical to endangered or threatened species;

C. The impacts of development allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shoreline redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

D. If the shoreline redesignation results in greater density of development, the proposal utilizes clustering or a multistory design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area. (Ord. 19648 § 26, 2023: Ord. 18230 § 35, 2016: Ord. 16985 § 15, 2010: Ord. 13687 § 7, 1999. Formerly K.C.C. 20.24.510).

***Reviser's note: "Sections 26 and 51 of this ordinance takes effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides**

written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council." (Ordinance 19648, § 53).

20.22.170 Examiner duties - site-specific land use map amendment - public hearings - recommendation findings and conclusions - compiled written recommendations report.

A. For a site-specific land use map amendment to the Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing to consider the agency's written recommendation, take testimony, and receive additional evidence relating to the proposed amendment. The examiner may consolidate hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty days after closing the public hearing on the site-specific land use map amendment, the examiner shall make a recommendation that contains written findings and conclusions regarding whether:

1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment may be considered as part of the annual update; and

2. A site-specific land use map amendment is consistent with the applicable review criteria.

B. The office of the hearing examiner shall compile the written recommendations on all site-specific land use map amendments made in a year into a single report. The report shall be electronically filed by January 15 with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the council committee charged with the review of the Comprehensive Plan. (Ord. 19648 § 27, 2023: Ord. 19146 § 14, 2020: Ord. 18230 § 37, 2016: Ord. 13147 § 34, 1998. Formerly K.C.C. 20.24.400).

20.22.180 Examiner duties - preliminary subdivision. For a proposed preliminary subdivision, the examiner decision shall include 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 walk to and from school;

B. The public use and interest will be served by platting the subdivision and dedication; and

C. When a subdivision uses transfer of development rights to exceed base density, the additional density does not create unmitigated impacts beyond those created by development at base density. (Ord. 19881 § 67, 2024: Ord. 19648 § 28, 2023: Ord. 18230 § 39, 2016: Ord. 12196 § 38, 1996: Ord. 9544 § 16, 1990. Formerly K.C.C. 20.24.195).

20.22.190 Examiner duties - regional motor sports facility - public meetings - records and reports. The examiner shall receive and examine available information, conduct public meetings, and prepare records and reports thereof for transmittal to the council, as provided in K.C.C. 21A.55.105.M. and S. (Ord. 19648 § 29, 2023: Ord. 17287 § 4, 2012. Formerly K.C.C. 20.24.520).

20.22.195 Examiner duties - rider suspension appeals - limits on challenges. For rider suspension appeals under K.C.C. 28.96.430:

A. The examiner shall review the facts and the legal basis for the suspension. The Metro transit department shall bear the burden of proving, by a preponderance of the evidence, both the violation and the sanction imposed is consistent with King County

ordinances and department policy. Absent contrary evidence, the Metro transit officer's report is sufficient to fulfill the requirements of K.C.C. 20.22.130 and meet the department's burden of proof. A criminal conviction for the same conduct underlying the suspension will be dispositive of any factual challenge to the suspension. A criminal conviction shall not be dispositive of any other challenge, such as a jurisdictional challenge, to the suspension. Exoneration or a finding of "not guilty" on a criminal charge for the same conduct underlying the suspension shall result in the examiner finding that the suspension lacks a sufficient factual basis and vacating the suspension. Dispositional continuances or deferred prosecutions shall have no bearing on the examiner's factual findings.

B. Individuals appealing their suspensions may not challenge the constitutionality of the suspension process through the examiner appeal. (Ord. 19648 § 30, 2023: Ord. 18777 § 35, 2018: Ord. 18709 § 4, 2018).

20.22.200 Examiner duties - public schools not meeting standards if development is approved - remand, phasing, or denial - fees.

A. If the examiner determines that the public schools in the district where the development is proposed would not meet the standards in K.C.C. 21A.28.160 if the development were approved, the examiner shall:

1. Remand the matter to the department of local services, permitting division;
2. Require or recommend phasing for provision of the needed facilities and sites as appropriate to address the deficiency; or
3. Deny the proposal.

B. The examiner shall prepare findings and conclusions that support the action taken. Payment of a school impact fee as required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall recommend a fee payment schedule to coordinate that payment with any phasing, if the provision or payment satisfies the district and any deferral requirements. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools. (Ord. 19648 § 31, 2023: Ord. 18791 § 155, 2018: Ord. 18230 § 42, 2016: Ord. 17420 § 90, 2012: Ord. 14047 § 13, 2001: Ord. 11620 § 7, 1994: Ord. 9785 § 10, 1991. Formerly K.C.C. 20.24.197).

20.22.205 Examiner duties - change in speed limit. Examiner recommendations on an appeal of a change to a speed limit shall include findings on whether the change in the speed limit is supported by an engineering and traffic investigation based on the following factors:

- A. Road surface characteristics, shoulder conditions, grade, alignment, and sight distance;
- B. The eighty-fifth percentile speed and pace speed;
- C. Roadside development and land use;
- D. Safe speed for curves within the speed zone;
- E. Parking practices and pedestrian activity; and
- F. Most-recently reported collision history for the preceding thirty-six months. (Ord. 19648 § 32, 2023: Ord. 18754 § 31, 2018).

20.22.210 Appeals- stay of notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11 - burden of proof on records and licensing services division.

A. Enforcement of any notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11 shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except impoundment of an animal that is vicious or cruelly treated, or where the records and licensing services division manager or the permitting division manager of the

department of local services states in the notice and order that a clear, substantial, and imminent hazard to life, safety, or property exists.

B. In proceedings before the examiner for an appeal from a notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11, the records and licensing services division shall bear the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed. (Ord. 19648 § 33, 2023: Ord. 18230 § 43, 2016).

20.22.220 Written determination.

A.1. Except as otherwise provided in K.C.C. 20.22.170, within ten business days of concluding a hearing or rehearing, the examiner shall make and transmit a written determination. The examiner's determination shall identify the parties by names and contact information.

2. Before the expiration of the applicable appeal period of subsection B. or C. of this section, a party may file with the examiner a motion requesting that the examiner reconsider a determination. A timely motion stays the timelines in subsections B. or C. of this section until the examiner rules on the motion. The examiner may grant the motion if the person making the motion shows that the determination was based in whole or in part on erroneous information or failed to comply with existing laws, regulations, or adopted policies, or that an error of procedure occurred that prevented consideration of the interests of persons directly affected by the action.

B.1. Examiner recommendations in cases identified in K.C.C. 20.22.060 may be appealed to the council by a party by filing an appeal in accordance with K.C.C. 20.22.230.

2. If an appeal is not timely filed, the clerk of the council shall place a proposed ordinance that adopts the examiner's recommended action on the agenda of the next available council meeting for adoption, except that:

a. the council shall not take final action to amend or reverse the recommendation of the examiner at that meeting. The council chair shall establish the process for amending or reversing the examiner's recommendation, and electronic notice to parties shall be given a minimum of seven days before the council adopts an ordinance that amends or reverses the examiner's recommendation; and

b. when the council determines it is necessary before taking final action, the council 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.

C. Decisions of the examiner in cases identified in K.C.C. 20.22.040 are final and reviewable under K.C.C. 20.22.270.B. (Ord. 19648 § 34, 2023: Ord. 18230 § 45, 2016: Ord. 12196 § 39, 1996: Ord. 9306, 1990: Ord. 4461 § 11, 1979. Formerly K.C.C. 20.24.210).

20.22.230 Appeals - initiation - contents - scope - timeliness - notice - response - reply to response

A. A party initiates an appeal to the council from the examiner recommendation by filing an appeal with the clerk of the council and providing copies of the appeal to the examiner and to all parties other.

B. The appeal must be received within twenty-four days of the date of the examiner's transmittal of the recommendation or decision.

C. The appeal shall:

1. Include a copy of the recommendation being appealed;
2. Identify the location of the property subject to the appeal, if any;
3. Identify the legal interest of the appellant;
4. Identify the alleged errors in the recommendation;

5. State specific reasons why the recommendation should be reversed or modified;
 6. State the harm suffered or anticipated by the appellant; and
 7. Identify the relief sought.
- D. The scope of an appeal shall be limited to matters or issues raised in the initial appeal.
- E. If a party fails to timely file the appeal the council does not have jurisdiction to consider the appeal.
- F. Within three days of receiving the appeal, the examiner shall notify all interested persons and parties of the appeal filing and of the opportunity to respond and shall post a copy of the examiner recommendation and appeal on the examiner's website.
- G. Within seventeen days of the date the appeal is filed, a respondent shall file a response with the clerk of the council and provide electronic copies of the response to the examiner, to all other parties, and to the appellant.
- H. Within ten days of the date the response is filed, an appellant may file a reply with the clerk of the council, and provide copies of the reply to the examiner, to all other parties, and to the respondent.
- I. For purposes of this section, "file" means emailing the clerk of the council. (Ord. 19648 § 35, 2023: Ord. 18230 § 46, 2016).

20.22.240 Appeals - council consideration - procedures - conference - dispositions.

- A. The council shall process appeals as expeditiously as possible, giving appropriate consideration to procedural due process rights. The council should schedule consideration of the appeal within sixty days of the filing of the response to the appeal. Failure of the council to consider the appeal within the time limit does not terminate the council's jurisdiction.
- B. The council's consideration of an appeal from a recommendation of the examiner shall be based upon the record as presented to the examiner at the public hearing and upon the arguments presented in the written appeal, appeal response, and appeal reply. The council also may allow parties a period for oral argument based on the record. Consistent with RCW 36.70B.020(1) and upon the request of a councilmember, the examiner may provide a written or oral summary, or both, of the record, issues, and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in the appeal. Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.
- C. An examiner may conduct a conference with all parties to clarify or resolve issues on appeal, but the examiner who conducted the public hearing on the proposal shall not conduct the conference. The conference shall be informal and shall not be part of the public record.
- D. If, after consideration of the record, written appeal, appeal response, appeal reply, and any oral argument, the council determines that:
1. An error in fact or procedure exists, or additional information or clarification is desired, the council shall remand the matter to the examiner; or
 2. The examiner's recommendation is based on an error in judgment or conclusion, the council may modify or reverse the examiner's recommendation, or the council may retain the matter, refer it to a council committee, or remand to the examiner for further hearing, receipt of additional information, or further consideration, before the council takes final action on the matter. (Ord. 19648 § 36, 2023: Ord. 18230 § 48, 2016:

Ord. 13793 § 2, 2000: Ord. 12650 § 1, 1997: Ord. 12196 § 40, 1996: Ord. 11502 § 9, 1994: Ord. 4461 § 12, 1979. Formerly K.C.C. 20.24.220).

20.22.250 Appeals - council final action - ordinance.

A. The council shall take final action on an examiner recommendation by ordinance and, when so doing, shall make findings and conclusions from the record of the public hearing conducted by the examiner to set forth and demonstrate the manner in which the action is consistent with applicable laws, regulations, and adopted policies. The council's findings and conclusions may adopt as its own all or portions of the examiner's findings and conclusions.

B. The ordinance may contain conditions regarding the manner of development or use of the property including, but not limited to, dedicating land, providing public improvements, or requiring impact fees authorized by chapter 82.02 RCW, or any combination thereof.

C. The ordinance also may contain reasonable conditions, in accordance with applicable laws, regulations, and adopted policies, that must be satisfied. The ordinance shall designate the time within which any such conditions must be satisfied and the official zoning maps shall not be amended until the conditions have been satisfied. If any of the conditions are not satisfied within the designated time, the property shall continue to be subject to all laws, regulations, and adopted policies as if the ordinance had not been adopted. If, before the expiration of the time within which the conditions must be satisfied, the applicant submits a written request to the examiner for an extension of the time, the examiner shall hold a hearing and make a recommendation on whether the extension is in the public interest and whether to grant or deny all or any part of the requested time extension. The examiner's recommendation may be appealed using the procedures in K.C.C. 20.22.220.B. (Ord. 19648 § 37, 2023: Ord. 18230 § 51, 2016: Ord. 13625 § 19, 1999: Ord. 12196 § 42, 1996: Ord. 9544 § 17, 1990: Ord. 4680 § 2, 1980: Ord. 4461 § 13, 1979: Ord. 263 Art. 5 § 18, 1969. Formerly K.C.C. 20.24.230).

20.22.270 Council final actions - judicial review.

A. Council action on examiner recommendations in cases identified in K.C.C. 20.22.060 is final and conclusive unless an appeal is timely filed with the appropriate court or tribunal. However, development or related action shall not occur until the applicable appeal period has expired.

B. Decisions of the examiner in cases identified in K.C.C. 20.22.040 are final and conclusive unless an appeal is timely filed with the appropriate court or tribunal. However, development or related action shall not occur until the applicable appeal period has expired. The appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final environmental impact statement shall not commence until final action on the underlying proposal. (Ord. 19648 § 38, 2023: Ord. 18230 § 55, 2016: Ord. 13250 § 2, 1998: Ord. 12196 § 44, 1996: Ord. 11502 § 10, 1994: Ord. 4461 § 15, 1979. Formerly K.C.C. 20.24.240).

20.22.280 Council final actions - effective date. The ordinance implementing the council's final action on the examiner's recommendation shall take effect ten days after its adoption. (Ord. 19648 § 39, 2023: Ord. 18230 § 57, 2016: Ord. 12196 § 45, 1996: Ord. 4461 § 14, 1979. Formerly K.C.C. 20.24.250).

20.22.290 Digest of decisions and recommendations. The office of the hearing examiner shall maintain and publish on its website a quarterly digest of all examiner determinations. Determinations reported in the digest shall not be construed to establish

legal precedent. (Ord. 19648 § 40, 2023: Ord. 18230 § 59, 2016: Ord. 11502 § 17, 1994. Formerly K.C.C. 20.24.300).

20.22.300 Guides describing the examiner process - availability. The office of the hearing examiner shall produce guides describing the examiner process, including making an appeal or participating in a hearing. The office shall make them available to the public in printed and electronic forms and shall post them to its website. (Ord. 19648 § 41, 2023: Ord. 18230 § 61, 2016: Ord. 11502 § 18, 1994. Formerly K.C.C. 20.24.310).

20.22.310 Annual report. The office of the hearing examiner shall prepare an annual report to the council detailing the length of time required for hearings in the previous year, categorized both on average and by type of proceeding. The report shall provide commentary on office operations and identify any need for clarification of county policy or regulations. The office shall electronically file the report by March 1 of each year with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers. (Ord. 19648 § 42, 2023: Ord. 18635 § 30, 2017: Ord. 18230 § 63, 2016: Ord. 11502 § 19, 1994. Formerly K.C.C. 20.24.320).

20.22.320 Mediation process. For any application or appeal decided under this chapter, the responsible agency, the council, or the examiner may, at the responsible agency, council, or examiner's own discretion, or at the request of any party or interested person, initiate a mediation process to resolve disputes as to the application or appeal at any state of the proceedings on the application or appeal. The mediation process shall be conducted in accordance with rules for conducting the examiner process adopted under K.C.C. 20.22.330. (Ord. 19648 § 43, 2023: Ord. 18683 § 39, 2018: Ord. 18230 § 65, 2016: Ord. 11502 § 20, 1994. Formerly K.C.C. 20.24.330).

20.22.330 Rules for conducting the examiner process - motion - proposed rules or amendments - publication.

A. The council shall, by motion, adopt rules and amendments to the rules for conducting the examiner process, including prehearing conferences and mediation.

B.1. The hearing examiner may propose rules or amendments to the rules by electronically filing a draft of the rules or amendments with the clerk of the council, for distribution to all councilmembers for review.

2. At the same time as the filing of the draft rules or amendments, the hearing examiner shall also:

a. electronically distribute a copy of the draft rules to any county agency that has appeared before the examiner in the preceding twelve months;

b. make best efforts to electronically distribute a copy of the draft rules to any party that has appeared before the examiner in the preceding twelve months; and

c. post a copy on the examiner's website.

3. Comments may be electronically filed with the clerk of the council, for distribution to all councilmembers, for sixty days after the proposed rules or amendments are distributed for comment.

4. The rules or amendments shall take effect when they have been approved by the council by motion.

C. The office of the hearing examiner shall publish the rules and any amendments to the rules and make them available to the public in printed and electronic forms and shall post the rules and any amendments to the examiner's website. (Ord. 19648 § 44, 2023: Ord. 18230 § 68, 2016: Ord. 15048 § 1, 2004: Ord. 11502 § 8, 1994: Ord. 4461 § 8, 1979: Ord. 263 Art. 5 § 13, 1969. Formerly K.C.C. 20.24.170).

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

Sections:

20.36.010	Purpose and intent.
20.36.015	Definitions.
20.36.020	Hearing examiner.
20.36.030	Applications.
20.36.040	Fees.
20.36.050	Time to submit applications.
20.36.060	Notice of public hearing for open space applications in unincorporated areas.
20.36.080	Effect of approval.
20.36.090	Open space applications in incorporated areas.
20.36.100	Public benefit rating system for open space land - definitions and eligibility.
20.36.120	Assessor to approve or disapprove all farm and agricultural applications.
20.36.130	Time limit for farm and agricultural appeals, public benefit rating system open space land, and farm and agricultural or open space land removal appeals.
20.36.160	Appraised valuation schedule - public benefit rating system.
20.36.165	Determination of public benefit values-split parcels.
20.36.180	Report and evaluation.
20.36.190	Evaluation and approval of open space resource applications.
20.36.200	Outreach by department.

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 residents.

It is the intent of this chapter to implement chapter 84.34 RCW, as amended, by establishing procedures, rules and fees for considering applications for public benefit rating system assessed valuation on open space land and for current use assessment on farm and agricultural land as those lands are defined in RCW 84.34.020. Chapter 84.34 RCW, and the regulations adopted thereunder, govern matters not expressly covered in this chapter. (Ord. 19556 § 2, 2022: Ord. 19484 § 5, 2022: Ord. 10511 § 3, 1992: Ord. 1886 § 1, 1974: Ord. 1076 § 1, 1971).

20.36.015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Certified local government programs" means historic preservation programs formally certified by the National Park Service and Washington state Office of Archaeology and Historic Preservation.

B. "Department" means the department of natural resources and parks or its successor agency.

C. "Enrolled parcel" means a parcel:

1. For which a public benefit rating system open space application has been received ;

2. For which an agreement related to open space classification, as described in WAC 458-30-240, has been executed and recorded with the King County recorder's office or its successor; and

3. That is receiving tax reduction benefits.

D. "Native plant" or "native vegetation" means native vegetation as defined in K.C.C. 21A.06.790.

E. "Open space" means land that meets the criteria specified in RCW 84.34.020(1)(b) and (c).

F. "Reevaluate" means to examine the characteristics of a property currently designated under current use taxation provisions of the open space program for qualification under the current public benefit rating system provided for in this chapter. (Ord. 19556 § 3, 2022: Ord. 19484 § 6, 2022: Ord. 17052 § 1, 2011: Ord. 15971 § 90, 2007: Ord. 15137 § 1, 2005).

20.36.020 Hearing examiner. The office of hearing examiner, as established by K.C.C. chapter 20.22, shall act on behalf of the council in considering applications for public benefit rating system assessed valuation on open space land as provided in this chapter. The examiner shall process all such applications and appeals under the procedures established in this chapter and in K.C.C. chapter 20.22. (Ord. 19556 § 4, 2022: Ord. 19484 § 7, 2022: Ord. 18230 § 118, 2016: Ord. 17052 § 2, 2011: 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 apply to the county assessor. An owner of open space land desiring assessed valuation under the public benefit rating system shall apply to the county council by filing an application with the department of natural resources and parks. The application shall be on forms supplied by the county and shall include any information reasonably necessary to properly classify an area of land under chapter 84.34 RCW and must be notarized. (Ord. 19556 § 5, 2022: Ord. 19484 § 8, 2022: Ord. 14199 § 228, 2001: 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. Except as provided in subsection B. of this section, the applicant shall pay a current use filing fee, payable to the King County finance and business operations division or its successor, of six hundred twenty dollars for each open space application and one hundred eighty-one dollars for each farm and agriculture application.

B. A fee shall not be charged for an application to award credit for farm and agricultural conservation land, ecological enhancement land, forest stewardship land, resource restoration or rural stewardship land category to a parcel that is already enrolled in the public benefit rating system. The definitions in K.C.C. 20.36.100 apply to this subsection.

C. For all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the county shall collect and retain the entire fee. For open space applications based on land in an incorporated area of the county, where the city legislative authority has set no filing fee, the county fee governs and the county shall collect and retain the entire fee. Where the city legislative authority has established a filing fee for open space applications based on land in an incorporated area of the county, the county shall collect the fee established in subsection A. of this section and pay the city one-half. The amount the county pays the city shall not exceed the fee established by the city. The city is responsible for collecting any fees the city has

established that exceed one-half of the amount established by subsection A. of this section. (Ord. 19556 § 6, 2022: Ord. 19484 § 9, 2022: Ord. 18820 § 1, 2018: Ord. 17052 § 3, 2011: Ord. 15970 § 3, 2007: Ord. 15579 § 1, 2006: Ord. 15137 § 2, 2005: Ord. 13332 § 64, 1998: Ord. 9719 § 23, 1990: Ord. 1886 § 4, 1974; Ord. 1076 § 4, 1971).

20.36.050 Time to submit applications. Applications shall be submitted by December 31 of the calendar year before the year the classification is to begin. (Ord. 19556 § 7, 2022: Ord. 1886 § 5, 1974: Ord. 1076 § 5, 1971).

20.36.060 Notice of public hearing for open space applications in unincorporated areas. The clerk of the council shall publish notice of the time, place and purpose of a public hearing before the hearing examiner on an open space application in a newspaper of general circulation in the area at least ten days before the hearing. (Ord. 19556 § 8, 2022: Ord. 19484 § 10, 2022: Ord. 17052 § 4, 2011: Ord. 16552 § 5, 2009: Ord. 15137 § 3, 2005: Ord. 4462 § 6A, 1979: Ord. 1886 § 7, 1974: Ord. 1076 § 7, 1971).

20.36.080 Effect of approval. An ordinance approving an application constitutes authorization for the chair of the council or the chair's designee to sign the open space taxation agreement for classification under the public benefit rating system program. (Ord. 19556 § 10, 2022: Ord. 19484 § 12, 2022: Ord. 17052 § 7, 2011: Ord. 11195 § 1, 1994: Ord. 4462 § 8, 1979).

20.36.090 Open space applications in incorporated areas.

For of open space applications the county receives for land in incorporated areas, the department shall promptly transmit a copy of the application to the affected city.

Both the county council, consistent with K.C.C. 20.36.020, and the applicable city legislative body shall act on the applications upon after a public hearing by each body and after notice of each hearing by publication in a newspaper of general circulation in the area at least ten days before the hearing. (Ord. 19556 § 11, 2022: Ord. 19484 § 13, 2022: Ord. 17052 § 7, 2011: Ord. 15137 § 4, 2005: Ord. 11195 § 2, 1994: Ord. 1886 § 10, 1974).

20.36.100 Public benefit rating system for open space land - definitions and eligibility.

A. The definitions in this section apply throughout this section, as well as in K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise.

B. To be eligible for open space classification under the public benefit rating system, a property shall contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section.

C. The following open space resources are each eligible for the points indicated:

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter

into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

2. Aquifer protection area - five points. "Aquifer protection area" means property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. If the enrolling open space area does not have a plant community in which native plants are dominant, revegetation shall occur subject to a revegetation plan reviewed and approved by the department;

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet in wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met:

a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing;

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project and shall include

photographs to document the success. Land receiving credit for this category may not receive credit for the rural stewardship land or resource restoration categories;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration or rural stewardship land categories;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is

located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site - five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for medical, public safety or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

12. Rural open space - five points. "Rural open space" means an area of ten or more contiguous acres of open space located outside of the Urban Growth Area as identified in the King County Comprehensive Plan that:

- a. has a plant community in which native plants are dominant; or
- b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, rural stewardship or resource restoration plan acceptable to the department;

13. Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration or forest stewardship land categories;

14. Scenic resource, viewpoint or view corridor - five points.

a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.

b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way.

c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. The site shall have a significant cultural areas and contain significant inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction;

15. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department in order to qualify. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category;

16. Significant wildlife or salmonid habitat - five points.

a. "Significant wildlife or salmonid habitat" means:

(1) an area used by animal species listed as endangered, threatened, sensitive or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local significance that are listed by the King County Comprehensive Plan or a local jurisdiction;

(2) an area where the species listed in subsection C.16.a.(1) of this section are potentially found with sufficient frequency for critical ecological processes, such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

(3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife and that is so listed by the King County Comprehensive Plan or by the local jurisdiction in which the property is located; or

(4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction.

b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.16.a. of this section. To receive credit for salmonid habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible;

17. Special animal site - three points. "Special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a biodiversity area and corridor identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application as identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

18. Surface water quality buffer - five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, rural stewardship, or resource restoration plan. Grazing use by livestock on such land is prohibited;

19. Urban open space - five points.

a. "Urban open space" means land located within the boundaries of a city or within the Urban Growth Area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

- (1) the land conserves and enhances natural or scenic resources;
- (2) the land protects streams or water supply;
- (3) the land promotes conservation of soils, wetlands, beaches, or tidal marshes;
- (4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;
- (5) the land enhances recreation opportunities for the general public; or
- (6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

20. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, resource restoration, or rural stewardship plan that addresses this need and is acceptable to the department.

D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows:

1. Conservation easement or historic preservation easement - eighteen points. "Conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The easement is subject to approval by the department and shall be recorded with the King County recorder's office or its successor. The easement shall be conveyed to the county or to an organization acceptable to the department, such as a land trust or conservancy. Historic preservation easements are subject to approval by the historic preservation officer of King County or of the local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required;

2. Contiguous parcels under separate ownership - two points.

a. "Contiguous parcels under separate ownership" means at least two or more parcels under different ownership where either:

(1) the enrolling parcels and open space acreage abut each other without a significant human-made barrier separating them; or

(2) the enrolling parcels do not abut each other, but abut a publicly owned open space, without a significant human-made barrier separating the publicly owned open space and the open space portion of the parcels seeking open space classification.

b. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Only a single application fee is required.

c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program.

d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories.

e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner;

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

4. Public access - points depend on type and frequency of access allowed. "Public access" means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic properties is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access because of resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner.

c. Seasonally limited public access - three points. Access by the public is allowed only for part of the year due to seasonal conditions, as mutually agreed to by the landowner and the department.

d. Environmental education access - three points. The landowner enters into an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or, with the agreement of the department, with another community organization that allows membership by the general public to provide environmental education to its members or the public at large. The department shall verify that the enrolled portion of the property has value for environmental education purposes.

e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and

5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored,

a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land, forest stewardship land or rural stewardship land categories. (Ord. 19881 § 68, 2024: Ord. 19556 § 12, 2022: Ord. 19484 § 14, 2022: Ord. 18683 § 40, 2018: Ord. 17052 § 8, 2011: Ord. 16942 § 1, 2010: Ord. 15971 § 91, 2007: Ord. 15137 § 5, 2005: Ord. 15028 § 3, 2004: Ord. 14259 § 6, 2001: Ord. 14199 § 229, 2001: Ord. 12969 § 3, 1998: Ord. 11796 § 3, 1995: Ord. 10778 § 3, 1993: Ord. 10511 § 7, 1992).

20.36.120 Assessor to approve or disapprove all farm and agricultural applications. The county assessor shall approve or disapprove all applications for farm and agricultural classification with due regard for all relevant evidence. These applications are deemed approved unless, prior to the first of May of the year after such application was mailed or delivered to the assessor, the assessor notifies the applicant in writing that some or all of the application is denied. (Ord. 19556 § 13, 2022: Ord. 18683 § 41, 2018: Ord. 1886 § 11, 1974).

20.36.130 Time limit for farm and agricultural appeals, public benefit rating system open space land, and farm and agricultural or open space land removal appeals.

A.1. An applicant for current assessment of farm and agricultural land who receives notice in writing from the county assessor that all or a portion of the application has been denied may appeal the denial by filing a written appeal with the board of appeals and equalization within sixty calendar days of the date of the notice of denial.

2. An applicant for public benefit rating system open space land who receives notice in writing from the council that all or a portion of the application has been denied may appeal the denial by filing a written appeal with the superior court of the county within twenty calendar days of the date of the notice of denial.

B. An owner of farm and agricultural or open space classified land who receives notice in writing from the county assessor that all or a portion of the land has been removed from current use classification may appeal the removal by filing a written appeal with the board of appeals and equalization within sixty calendar days of the date of the notice of removal. (Ord. 19556 § 14, 2022: Ord. 18683 § 42, 2018: Ord. 1886 § 12, 1974).

20.36.160 Appraised valuation schedule - public benefit rating system. The public benefit rating system reduces the appraised land value for the participating portion of the parcel. The level of reduction shall be based on the total number of points awarded. The total number of points awarded establishes the current use value for taxation purposes. The current use value shall be expressed as a percentage of appraised value based on the public benefit rating of the property and the following valuation schedule:

<u>Public Benefit Rating</u>	<u>Current Use Value</u>
0-4 points	100% of appraised value
5-10 points	50% of appraised value
11-15 points	40% of appraised value
16-20 points	30% of appraised value

21-34 points	20% of appraised value
35 points and above	10% of appraised value

(Ord. 19556 § 15, 2022: 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).

20.36.180 Report and evaluation. The executive shall submit an annual report to the council that details the extent of participation in the public benefit rating system. (Ord. 19556 § 17, 2022: Ord. 10511 § 9, 1992).

20.36.190 Evaluation and approval of open space resource applications.

A. A property may achieve a maximum ninety-percent reduction in appraised value for that portion of the land enrolled in the public benefit rating system. A plant community where native plants are dominant that does not independently contain a qualifying open space resource can participate if it is contiguous to and provides a benefit to a portion of the property being awarded credit for a qualifying open space priority resource. The department shall evaluate the property for the presence of open space resource categories. Abutting parcels of land with the same open space resources, owned by one or more landowners, may be eligible for consideration as a single parcel if open space classification is sought under the same application; however, property pursuing credit for the farm and agricultural conservation land category, which shall be owned by the same owner or held under the same ownership. For buffer measurements under this chapter, the width is the distance perpendicular to the edge of the resource and the length of the buffer is parallel to the resource. The entire buffer width may be averaged to qualify for a resource category.

B. The presence or occurrence of an eligible open space resource may be verified by:

1. Reference to a recognized source, such as:
 - a. the natural heritage data base;
 - b. the state office of historic preservation;
 - c. state, national, county, or city registers of historic places;
 - d. the Washington state recreation and conservation office inventory of dry accretion beach and shoreline features;
 - e. a shoreline master program;
 - f. parks and recreation studies; or
 - g. studies by the state Department of Fish and Wildlife or Department of Natural Resources;
2. Reference to a map developed by the county or other recognized authority; or
3. Using the best available source, such as a recognized expert in the particular resource being reviewed.

C. When more than one reasonable interpretation can be supported by the text of this chapter, the department may make a determination relating to the open space resource definitions and eligibility standards in accordance with the purpose and intent of this chapter. The department may calculate the appropriate area of land to receive credit for a particular priority resource to support the assessor's determination of the accompanying tax reduction for each priority resource.

D. Management or preservation of the open space resources is a condition for acceptance into the program. Each open space resource shall be maintained in the same

or better condition as it was when approved for enrollment. The property owner shall not engage in any activity that reduces the value of the open space resource, unless that activity is required for public safety and is conducted lawfully under appropriate permits. As a condition of enrollment into the program, the department may require the owner to develop a plan acceptable to the department to restore any property whose open space resources are degraded. In addition, if an existing approved plan for farm and agricultural conservation land, ecological enhancement land, forest stewardship land, rural stewardship land or resource restoration category has a management schedule or management goals that are out of date or otherwise require change, the owner is responsible for revising the plan. Plan revisions are subject to review and approval by the department.

E. The county may base acceptance of property into the public benefit rating system on specific conditions or requirements being met, including, but not limited to, granting easements.

F. Except as otherwise provided in this chapter, the following properties or areas are not eligible for open space classification:

1. Improvements or structures on eligible open space land;
2. Properties that do not contain a qualifying open space resource;
3. Open space areas protected by a native growth, forest retention or other covenant that is required as part of a development process or subdivision, or required by zoning or other land use regulations; however, such an area is eligible as ecological enhancement, or forest stewardship or rural stewardship land if implementation of the associated plan provides resource improvements within the enrolling open space. Such an area is also eligible as public recreation area, equestrian-pedestrian-bicycle or active trail linkage due to the public's use and benefit. Additionally:

- a. Enrollment of at least ten percent additional open space acres, beyond that restricted or required by applicable covenant or regulation, is necessary to qualify for additional resource categories not referenced in this subsection F.3. but not including those additional resource categories referenced in subsection F.3.b. of this section; and

- b. The minimum ten percent additional open space acres provided shall, to the satisfaction of the department, feature a plant community where native plants are dominant or should be dominant after implementing an approved farm management, ecological enhancement, forest stewardship, resource restoration, or rural stewardship plan associated with the approved open space resource or bonus category;

4. Any portion of a property dominated by or whose resource value is compromised by invasive plant species, unless the department has received a resource restoration, rural stewardship, ecological enhancement, farm management, or forest stewardship plan and determined that the plan adequately addresses the invasive plant species concern and is being implemented; and

5. Homesite and other areas developed for residential or personal use, such as garden, landscaping and driveway, except for historic resources.

G. The department may monitor the participating portion of the property to evaluate its current use and continuing compliance with the conditions of enrollment.

1. Monitoring may include scheduled, physical inspections of the property and in-office review using aerial photography, mapping software, or other available technologies.

2. Program staff may require an owner of enrolled property to submit a monitoring report on an annual or less frequent basis. The report shall include a brief description of how the property still qualifies for each awarded resource category, photographs from established points on the property, and any owner observations by the owner. The owner shall submit this report to the department by email, the program's website, or by other mutually agreed upon method. An environmental consultant need not prepare this report.

3. An owner of property receiving credit for farm and agricultural conservation land, ecological enhancement land, forest stewardship land, or rural stewardship land, all of which require a stewardship or management plan, shall annually provide a monitoring report that describes progress in implementing the plan and includes a brief description of activities taken to implement the plan and photographs from established points on the property. The owner shall submit this report to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.

H. Failure by the owner to meet the conditions of the approval or to maintain the uses of the property that were the basis for the original approval is grounds for the department to reevaluate the property under the public benefit rating system. If the reevaluation shows the property or a portion of the property is no longer eligible to participate in the program, the county shall take action to remove the current use classification and determine the amount of deferred taxes, interest, and penalty owed by the landowner. If the reevaluation shows the property or a portion thereof is no longer eligible as approved but that the property still qualifies for one or more public benefit rating system resource categories, then the overall credit award shall be adjusted to reflect the reevaluation. The new credit award may result in a current use assessment at a lower percentage of appraised value than was originally approved. A landowner may appeal a determination under this subsection by following K.C.C. 20.36.130.B. (Ord. 19881 § 69, 2024: Ord. 19556 § 18, 2022: Ord. 17052 § 10, 2011: Ord. 15137 § 10, 2005).

20.36.200 Outreach by department. The department shall undertake an outreach effort to actively encourage participation by eligible landowners in obtaining open space classification under the public benefit rating system, with emphasis on rural stewardship, aquifer protection areas, farm and agricultural conservation lands, forest stewardship lands, rural open space lands, and watershed protection areas. This outreach must include, among other elements, communications with community groups, civic organizations, volunteer associations and similar organizations, to:

- A. Highlight the benefits of the program;
- B. Seek participation by qualifying landowners;
- C. Seek communications with local media outlets; and
- D. Seek participation in workshops by the department related to farm management planning, forest management planning and rural stewardship planning. (Ord. 15137 § 11, 2005).

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.
- 20.44.075 Department of natural resources and parks procedural SEPA decisions.
- 20.44.080 Procedures and standards in WAC adopted - substantive authority under SEAPA - material to be included in decision document - chapter

not a limitation on decisions based on other statutes, ordinances, or regulations.

- 20.44.085 SEPA/GMA Integration.
- 20.44.090 Ongoing actions.
- 20.44.100 Responsibility as consulted agency.
- 20.44.120 Appeals.
- 20.44.130 Department procedural rules.

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 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. 18683 § 43, 2018; 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).

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

B. 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.

C. The department of local services, permitting division, may require, in accordance with K.C.C. 20.20.100, submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. (Ord. 19872 § 22, 2024; Ord. 18791 § 156, 2018:

Ord. 17420 § 91, 2012: Ord. 14449 § 4, 2002: Ord. 8998 § 1, 1989: Ord. 8236 § 1, 1987: Ord. 7990 § 35, 1987: Ord. 6949 § 5, 1984).

20.44.040 Categorical 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 in accordance with 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 twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or 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 twelve thousand 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 five hundred 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: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in an aquatic area, wetland, steep slope or landslide hazard area. If the proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred 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 that 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. 18683 § 44, 2018: Ord. 16263 § 10, 2008: Ord. 14449 § 5, 2002: Ord. 12196 § 46, 1996: Ord. 11792 § 16, 1995: Ord. 9103, 1989: Ord. 8236 § 2, 1987: Ord. 6949 § 6, 1984).

20.44.042 Planned 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).

20.44.050 Environmental 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 an EIS 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 project 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; or 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 for project proposals. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents for project proposals, 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. Pursuant to K.C.C. chapter 2.98, the department of local services shall adopt public rules 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. chapter 2.93.

E. All costs of preparing the environment document shall be borne by the applicant. Pursuant to K.C.C. chapter 2.98, the department of local services shall promulgate administrative rules that 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 moneys 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 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 two hundred seventy 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 period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; 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 period for issuing a final environmental impact statement:

1. Any period during which the applicant has failed to pay required environmental review fees to the department;
2. Any period during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and
3. Any period during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement. (Ord. 19881 § 70, 2024: Ord. 19445 § 3, 2022: Ord. 18791 § 157, 2018: Ord. 17420 § 92, 2012: Ord. 12196 § 48, 1996: Ord. 8998 § 2, 1989: Ord. 6949 § 7, 1984).

20.44.060 Comments 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. The comment period for notices under this section shall be fourteen days. Publication of notice in a newspaper of general circulation 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 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. 19872 § 22, 2024: Ord. 12196 § 49, 1996: Ord. 9540 § 3, 1990: Ord. 8998 § 3, 1989: Ord. 6949 § 8, 1984).

20.44.070 Use 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).

20.44.075 Department of natural resources and parks procedural SEPA decisions. The Department of natural resources and parks by public rule may authorize procedural SEPA administrative appeals of threshold determinations or determinations of the adequacy of a final EIS made by one or more of the department's divisions. The public rule shall establish procedures for the administrative appeal, which shall be governed by K.C.C. 20.44.120. (Ord. 14449 § 6, 2002).

20.44.080 Procedures and standards in WAC adopted - substantive authority under SEAPA - material to be included in decision document - chapter not a limitation on decisions based on other statutes, ordinances, or regulations.

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, 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 RCW 43.21C.240:

1. The policies of the state Environmental Policy Act under RCW 43.21C.020;
2. The King County Comprehensive Plan, its addenda and revisions, subarea plans and functional plans;
3. The King County Zoning Code under K.C.C. Title 21A;
4. The King County Protection and Preservation of Landmarks, Landmark Sites and Districts Preservation Code under K.C.C. chapter 20.62;
5. The King County Shoreline Master Program under K.C.C. 20.12.200;

6. The King County Surface Water, Stormwater and Groundwater Management Code under K.C.C. Title 9;
7. The King County Roads and Bridges Code under K.C.C. Title 14;
8. The King County Metro Strategic Plan for Public Transportation 2021-2031, Metro Connects, and the King County Metro Service Guidelines;
9. The King County Open Space Plan;
10. The Strategic Plan for Roads;
11. 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;
12. The rules and regulations for construction and use of local sewage facilities set forth in K.C.C. chapters 28.81 through 28.84;
13. Noise requirements under K.C.C. chapter 12.86;
14. Water and Sewer Systems Code under K.C.C. Title 13;
15. Building and Construction Standards Code under K.C.C. Title 16;
16. Fire Code under K.C.C. Title 17;
17. Land Segregation Code under K.C.C. Title 19A; and
18. The King County Board of Health Code.

C. 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 that 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.

D. 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. 19881 § 71, 2024: Ord. 18626 § 20, 2017: Ord. 16263 § 11, 2008: Ord. 14449 § 7, 2002: 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).

***Reviser's note: Ordinance 11032, Section 28, as amended, was codified as K.C.C. 28.48.010. The section was repealed by Ordinance 12074, Section 1.**

20.44.085 SEPA/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).

20.44.090 Ongoing 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).

20.44.100 Responsibility 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 local services, permitting

division. 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. 18791 § 158, 2012: Ord. 17420 § 93, 2012: Ord. 12196 § 51, 1996: Ord. 6949 § 12, 1984).

20.44.120 Appeals.

A. The administrative appeal of a threshold determination or of the adequacy of a final environmental impact statement is a procedural SEPA appeal that is conducted by the hearing examiner under K.C.C. 20.22.040 and is subject to the following:

1. A procedural SEPA appeal to the hearing examiner is authorized only for an action classified as a Type 2, 3, or 4 land use decision in K.C.C. 20.20.020, or as provided for by public rule adopted under K.C.C. 20.44.075;

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

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

4. An appeal of a determination of significance must be filed with the department issuing the determination of significance as provided in K.C.C. 20.22.080;

5. An appeal of a determination of nonsignificance or of the adequacy of an environmental impact statement must be filed with the department issuing the determination of nonsignificance or environmental impact statement as provided in K.C.C. 20.22.080. The appeal period for a determination of nonsignificance shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies;

6. Except as otherwise provided in this section, SEPA appeals are subject to K.C.C. 20.22.080.C.; and

7. The hearing examiner shall make a final decision on all procedural SEPA appeals.

B. Except for a procedural SEPA appeal authorized under K.C.C. 20.44.075, the hearing examiner's consideration of a procedural SEPA appeal shall be consolidated in all cases with the substantive SEPA appeal, if any, involving a decision to condition or deny an application under RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for an appeal of a determination of significance.

C. A procedural or substantive SEPA appeal authorized by subsection A. of this section on a Type 2, 3, or 4 land use decision shall be consolidated with any administrative appeal on the merits of that decision, as provided in K.C.C. chapter 20.22 and this section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C. 20.44.075 shall not be consolidated with the administrative appeal on the merits of the decision. If a Type 4 land use decision is appealed to the county council as provided in K.C.C. 20.22.220.B., the appeal of the recommendation of the examiner to condition or deny the proposal under RCW 43.21C.060 shall be made to the council, which shall make a final decision.

D. Notwithstanding subsections A. through C. of this section, a department may adopt procedures in accordance with K.C.C. chapter 2.98 under which an administrative appeal shall not be provided if the director of that department finds that consideration of an appeal would likely 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. (Ord. 19648 § 45, 2023: Ord. 18230 § 119, 2016: Ord. 14449 § 8, 2002: Ord. 13573 § 4, 1999: Ord. 13131 § 6, 1998: Ord. 12196 § 52, 1996: Ord. 11961 § 4, 1995: Ord. 8998 § 4, 1989: Ord. 6949 § 14, 1984).

20.44.130 Department procedural rules.

A. County departments which administer activities subject to SEPA may prepare rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA, WAC chapter 197-11 and this chapter.

B. The rules and regulations prepared by the department of local services, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by the council by motion. (Ord. 18791 § 159, 2018: Ord. 17420 § 94, 2012: Ord. 14498 § 26, 2002: Ord. 6949 § 15, 1984).

20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

- 20.62.010 Findings and declaration of purpose.
- 20.62.020 Interpretation: Standard Industrial Classification.
- 20.62.030 Landmarks 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.

20.62.010 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 historic preservation and archaeological resource management 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 historical or archaeological 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 historic preservation and archaeological resource management; and
9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

20.62.020 Interpretation: Standard Industrial Classification. 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 residence, barn, religious facility, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a residence 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 commission created by this chapter.
- E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.
- F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.
- G. "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.
- H. "Director" is the director of the King County department of local services permitting division manager or designee.
- I. "District" is a geographically definable area, urban, rural, or natural resource lands, 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.
- J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures, and folklore.
- K. "Historic preservation officer" is the King County historic preservation officer or designee.
- L. "Historic resource" is a district, site, building, structure, or object significant in national, state or local history, architecture, archaeology, and culture.

M. "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. 20.62.040.A. 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.

N. "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 or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, 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.

O. "Interested person of record" is any individual, corporation, partnership, or association that notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.070.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "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.

S. "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 under this chapter.

T. "Person" is any individual, partnership, corporation, group, or association.

U. "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.

V. "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.

W. "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.

X. "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.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 19881 § 72, 2024: Ord. 18791 § 160, 2018: Ord. 18683 § 45, 2018: Ord. 17635 §, 1, 2013: Ord. 17420 § 95, 2012: Ord. 14482 § 69, 2002: Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

20.62.030 Landmarks commission created - membership and organization.

A. There is created the King County landmarks 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 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 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. of this section, shall be made for a three-year term. Each regular member shall serve until a 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 the 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 in subsection B. of this section an appointment for a one-or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with 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. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. 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.

F. 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 is familiar with the record.

G. 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.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or 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.

I. 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 chair 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.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at the interested person's own expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys 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 the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites. (Ord. 18683 § 46, 2018: Ord. 14482 § 70, 2002: 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, quality of work, feeling, or association, or any combination of the foregoing aspects of integrity, sufficient to convey its historic character, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Is associated with the lives of persons significant in national, state, or local history;
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;
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 a 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 individuals 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 K.C.C. 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 properties shall be eligible for designation if they are an integral part of districts that meet the criteria set out in subsection A. of this section or if they are:

1. Religious properties deriving primary significance from architectural or artistic distinction or historical importance;

2. Buildings or structures removed from their original locations but that are significant primarily for their architectural value, or that are the surviving structure most importantly associated with historic persons or events;

3. Birthplaces, graves, or residences of historical figures of outstanding importance if there are no other appropriate sites or buildings directly associated with the historical figures' productive lives;

4. Cemeteries that derive their primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events;

5. Reconstructed buildings when accurately executed in a suitable environment and presented in a dignified manner or as part of restoration master plans, and when no other buildings or structures with the same association have survived;

6. Properties commemorative in intent if design, age, tradition or symbolic value have invested them with their own historical significance; or

7. Properties achieving significance within the past forty years if they are of exceptional importance. (Ord. 19881 § 73, 2024: Ord. 18683 § 47, 2018: Ord. 17635 § 2, 2013: 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 a 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 K.C.C. 20.62.040 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 at the discretion of the commission. If 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 in K.C.C. 20.62.040. The 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 the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and
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 in K.C.C. 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 a 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 in K.C.C. 20.62.040; and
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 in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a 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 in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the 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 the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007: Ord. 14482 § 71, 2002: Ord. 14176 § 4, 2001: 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).

20.62.110 Appeal procedure. Decisions of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may file an appeal with the historic preservation officer, under K.C.C. 20.22.080. (Ord. 19648 § 46, 2023: Ord. 18230 § 123, 2016: 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 historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 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, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council 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. 14482 § 72, 2002: 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 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3, 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 dimensional standards of the underlying zone contained in K.C.C. Title 21A. and K.C.C. chapter 21A.16 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 that 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; or
- c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance under K.C.C. chapter 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 Department of Archaeology and Historic Preservation, and the King County historic preservation officer, and appropriate Indian 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, the state Department of Archaeology and Historic Preservation, and appropriate Indian 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 that affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020.V., 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. 19881 § 74, 2024: Ord. 18791 § 161, 2018: 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).