

ORDINANCE NO. 3026

1 AN ORDINANCE relating to County environmental
2 policy; implementing the State Environmental
3 Policy Act and SEPA Guidelines in King County
4 through adoption of a County environmental
5 policy and through provision of procedures for
6 determining and considering the environmental
7 impact of actions taken by the County; repealing
8 Ordinance 1700, and Ordinance 1841, and
9 Ordinance 2285, and Ordinance 2533, Section 1,
10 and Ordinance 2674, and KCC 20.44.010 through
11 KCC 20.44.200.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Ordinance 1700, Section 1 through 17, and
14 Ordinance 1841, Section 1 through 3, and Ordinance 2285, Sections
15 1 through 3, and Ordinance 2533, Section 1, and Ordinance 2674,
16 Sections 1 through 6, and KCC 20.44.010 through KCC 20.44.200, are
17 each repealed, and the following substituted.

18 SECTION 2. Policies and Authority.

19 (a) King County hereby adopts by reference the policies of
20 the State Environmental Policy Act as expressed in RCW 43.-21C.010
21 and RCW 43.21C.020.

22 (b) The County and its departments may exercise
23 where appropriate the authority to approve, deny or condition all
24 public and private proposals, subject to the limitations of this
25 Section, so as to mitigate or prevent identified significant adverse
26 environmental impacts insofar as practical, in accordance with
27 RCW 43.21C.020(2). A proposal which is a major action may be
28 denied only if: (1) the proposal would result in significant and
29 unavoidable adverse environmental impacts identified in a final
30 impact statement prepared pursuant to this Ordinance; and
31 (2) approval of such a proposal would be arbitrary and capricious
32 and clearly erroneous in view of such impacts; and (3) a feasible
33 alternative exists with a reasonable level of environmental
34 impact. A proposal which is a major action may be conditioned:
35 (1) so as to mitigate or prevent any significant adverse environmental impacts
36 identified in an environmental document prepared pursuant to this
37 Ordinance; (2) where the conditions can reasonably be fulfilled;

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1 and (3) based on the economic impact of the conditions on the applicant.

2 (c) Any decision of denial, or approval with conditions,
3 made pursuant to this Section shall be set forth by the responsible official
4 in a written order containing findings of fact and conclusions explicitly
5 based on the proposal's impacts as identified in the final EIS or other
6 environmental document, giving appropriate consideration to economic values
7 provided, that at the same time such written order is made, a proposed
8 ordinance shall be prepared which amends the King County Code with general
9 provisions consistent with the decision, and which shall be proposed
10 by the Executive to the Council.

11 (d) Any decision made pursuant to this section may be appealed by
12 an aggrieved person through the zoning and subdivision examiner to the
13 Council in a manner consistent with the procedures in KCC 20.24. Any such
14 appeal shall be filed in writing with the examiner within ten days of the
15 date of the written decision, and shall state in full the facts of the
16 matter and the reasons for appeal. In the event of an appeal of this
17 decision to the Council, the Council as a part of the appeal shall act on
18 the proposed ordinance as provided in subsection (c).

19 (e) Compliance with this Ordinance shall constitute complete
20 compliance with SEPA (RCW 43.21C) and the SEPA Guidelines (WAC 197-10).
21 This Ordinance also insures that economic values will be given appropriate
22 consideration in the County's rulemaking process along with environmental,
23 social, health, and safety consideration, in accordance with Chapter 117,
24 Laws of 1976, 2nd Ex. Sess.

25 SECTION 3. Definitions.

26 (a) King County hereby adopts by reference the definitions contained
27 in WAC 197-10-040, as now or hereafter amended.

28 (b) "Aggrieved person" for purposes of this chapter shall mean the
29 project sponsor for project denials and affirmative threshold determinations,
30 and otherwise any person directly affected by a proposal.

31 (c) "County Departments" means any administrative office or
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1 executive department of King County.

2 (d) "County Council" means the County Council described in
3 Article 2 of the Home Rule Charter for King County, or its duly
4 authorized designee.

5 (e) "County Executive" means the King County Executive described
6 in Article 3 of the Home Rule Charter for King County, or his duly
7 authorized designee.

8 (f) "SEPA Guidelines" means Chapter 197-10 WAC adopted by the Council
9 on Environmental Policy, as now or hereafter amended.

10 NEW SECTION. SECTION 4. Scope of Proposal. Categorical Exemptions.

11 (a) King County hereby adopts by reference WAC 197-10-060, and 197-
12 10-160 through -180, as now or hereafter amended. The scope of proposed
13 actions to be reviewed pursuant to this chapter, and the extent and use of
14 exemptions of categories of actions from review pursuant to this chapter,
15 shall be governed by the SEPA Guidelines cited herein.

16 (b) Use of exemptions: (1) The applicability of the exemptions set
17 forth in WAC 197-10-170 shall be determined by each department within the
18 County which receives an application for a license, or in the case of County
19 proposals, by that department initiating the proposal.

20 (2) If a proposal includes a series of actions, physically or function-
21 ally related to each other, some of which are exempt and some of which are
22 not, the proposal is not exempted.

23 (3) If the proposal includes a series of exempt actions which are
24 physically or functionally related to each other, and which together may have
25 a significant environmental impact, the proposal is not exempted.

26 (4) If it is determined that a proposal is exempt, no further procedural
27 requirements of this chapter apply to the proposal. No environmental
28 checklist shall be required for an exempt proposal.

1 (c) The following modifications of categorical exemptions set forth
 2 in the SEPA Guidelines shall apply in King County, subject to state approval
 3 as required by WAC 197-10-150:

4 (1) WAC 197-10-170-(18) (b); substitute the following:

5 "All storm water, water and sewer facilities, lines equipment, hookups or
 6 appurtenances, PROVIDED that new lines and processing and pumping facilities
 7 to serve an undeveloped area of King County where there has not been a
 8 previous commitment to urbanization by the County at a planned density in
 9 excess of 2 dwelling units per gross acre, are not exempt, PROVIDED FURTHER,
 10 that all utility hookups, including but not limited to natural gas and
 11 electricity, to individual developments already authorized by valid building
 12 permits or other county actions shall always be exempt, regardless of
 13 their location.

14 (2) WAC 197-10-170(18) (g); substitute: "All grants of
 15 franchises to utilities, PROVIDED, that sewer and water utilities within
 16 King County must have a comprehensive plan approved by the County since
 17 June 26, 1973, before this exemption applies."

18 NEW SECTION. SECTION 5. Sensitive Areas.

19 (a) The categorical exemptions set forth in WAC 197-10-170(1) (a)
 20 through (c) and (f), (i) and (j), (9) (a) through (c), (10) (a), (18) (b) and (i),
 21 and (19) (h) shall not apply when the project activity is located in a
 22 sensitive area defined as follows:

23 (1) Areas "subject to flooding" such as in the Sammamish
 24 River Valley and in the lower valley of the Green River where
 25 levees provide a high degree of flood protection but also prevent
 26 precipitation in the immediate watershed from draining into the river
 27 as identified in reference iii below.

28 (2) Areas of "wetlands" or "poorly drained soils" in
 29 flat terraces adjacent to small streams and/or poorly drained
 30 depressional soils as identified under "drainage" in Table 3 of reference
 31 i below as subject to "Flood Hazard" and the Buckley
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1 soils characterizing the Enumclaw Plateau between the Green and
2 White Rivers, as identified in reference i below;

3 (3) All lands having over twenty-five percent slope as
4 identified in references i and ii below, and those lands having
5 under twenty-five percent slope which contain a potential hazard
6 by reasons of soil erosion or landslide, and associated sediment-
7 ation, together with related ravines and narrow beaches located
8 within or immediately adjacent to those slope areas;

9 (4) Areas having soil subject to severe or very severe
10 erosion hazard as described in reference i below;

11 (5) Areas having soils subject to severe or very severe
12 slippage (landslide) hazard as described in reference i below,
13 and/or soils mapped as potential landslide hazard areas as
14 described in reference iv below, and in areas with known occur-
15 rences of slides as described in reference v below;

16 (6) Areas having soils with high shrink-swell potential
17 as identified in Table 2 of reference i below;

18 (7) Any other area hereafter designated by the County
19 Council as sensitive or unique and mapped for the purposes of
20 this Section.

21 (b) The sensitive areas defined in subsection (a) of this
22 Section are mapped on the following references, which in accord-
23 ance with WAC 197-10-177(1), are hereby adopted as part of this
24 Ordinance:

25 (i) "Soil Survey, King County Area, Washington," USDA,
26 Soil Conservation Service, 1971 (maps and associated technical
27 report);

28 (ii) U.S. Geological Survey (USGS) 7-½ minute series
29 quadrangles and other topographic maps having comparable or better
30 accuracy;

31 (iii) Flood Plain Profiles available in the hydraulics
32 division, King County Department of Public Works;

33 (iv) "Flood Hazard Maps" adopted by the County Council

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1 pursuant to Chapter 21.54 of the Zoning Code, on file in the Building
2 and Land Development Division.

3 (v) "Land Use Sheets" maintained in the permanent working
4 files of the Building and Land Development Division.

5 (c) In case of a conflict between the definitions of subsection
6 (a) of this Section and the maps referenced in subsection (b) of this
7 Section, the actual presence or absence of the characteristics of such
8 sensitive areas on the site shall govern. In making its determination
9 that a proposal is, or is not, located in a sensitive area, the County
10 may use detailed project site surveys, soil reports and other data which it
11 may require an applicant to furnish, in addition to the maps referenced in
12 subsection (b) of this Section.

13 (d) This section shall become effective only upon adoption by ordinance
14 by the Council of a single map designating all sensitive areas specified
15 in subsection (a).

16 NEW SECTION. SECTION 6. Lead Agency, Responsibilities and Designation.

17 (a) King County hereby adopts by reference WAC 197-10-200 through
18 -270, and 197-10-345, as now or hereafter amended. The responsibilities and
19 designation of responsible officials within the County shall be governed
20 by the SEPA Guidelines cited herein.

21 (b) In case of uncertainty or disagreement as to which County
22 department, if any, should carry out the County's lead agency
23 responsibilities, the County executive shall designate the responsible
24 official.

25 (c) The director of the County department exercising initial
26 jurisdiction over private proposals, or sponsoring a County proposal,
27 shall be the responsible official as defined in WAC 197-10-040(30) and
28 required by WAC 197-10-820. The directors of County departments may
29 delegate their lead agency responsibilities to divisions within their depart-
30 ments on an action category basis, and in accordance with their written
31 departmental procedures
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1 prepared pursuant to Section 15 of this ordinance.

2 (d) The responsible official shall make the threshold determination,
3 supervise preparation of any required EIS, and perform any other
4 functions assigned to the lead agency or responsible official by those
5 sections of the SEPA Guidelines adopted by reference in this chapter
6 for all proposals for which the County is the lead agency.

7 (e) The lead agency responsibilities of the County Council
8 shall be carried out as follows:

9 (1) With respect to Council action on applications for
10 zone reclassification, unclassified use permits, planned unit
11 developments, preliminary plat approvals, changes to shoreline management
12 environment designations, or any other non-exempt proposal reviewed
13 by the zoning and subdivision examiner pursuant to KCC 20.24.070,
14 the director, Department of Planning and Community Development, shall be
15 the responsible officials making threshold determinations. The
16 examiner's recommendations on such applications shall include findings
17 and conclusions on the environmental significance of the proposed
18 actions. The Council, when acting on such recommendations, shall expressly
19 concur with and adopt, or expressly modify or reverse, the examiner's
20 findings and conclusions on the environmental significance of such
21 proposed actions. In so doing, the Council shall accord substantial
22 weight to the threshold determination made by the Department of Planning
23 and Community Development.

24 (2) With respect to Council initiated actions, the
25 Council shall refer such proposals to the County Executive for threshold
26 determination and any other procedural steps necessary for compliance
27 with SEPA.

28 NEW SECTION. SECTION 7. Threshold Determination and Criteria
29 Procedures; Environmental Checklist; Information Required from Applicant.

30 (a) King County hereby adopts by reference WAC 197-10-050,
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1 and WAC 197-10-300 through -340, and WAC 197-10-350 through -390 as now
2 or hereafter amended. Procedures and criteria for all threshold determin-
3 ations made pursuant to this Ordinance, including use of environmental
4 checklist and requiring additional information from applicants, shall be
5 governed by the SEPA Guidelines cited herein, PROVIDED, that nothing in
6 WAC 197-10-350 or -390 shall preclude the County from denying an application
7 for a private or non-county proposal which is determined to be
8 significant, based on grounds which are ascertainable without preparation
9 of an EIS, as provided for in subsection 11(b) of this Ordinance.

10 (b) Additional information not required by other state law
11 or County ordinance for an application may be required of an applicant
12 by a responsible official of the County for use in threshold determination,
13 pursuant to WAC 197-10-330(1) (a). The responsible official may refuse to
14 process and consider the application further if the applicant refuses
15 or fails to provide specifically required information within six months
16 of written notification of such requirement. Written notice specifying
17 all additional information so required must be provided within fifteen
18 days of the proper filing of the application, except in the case of
19 proposals being heard by the zoning and subdivision examiner. Such a
20 refusal by a responsible official shall be final.

21 (c) In making threshold determinations, the responsible official
22 shall measure the environmental significance of a proposal recognizing
23 that all applicable mandatory standards and mitigating conditions would
24 be imposed as part of any approval of a proposed action.

25 (d) The environmental checklist required by WAC 197-10-365
26 shall be used for both county and non-county major actions. County
27 departments are hereby authorized to combine the checklist and/or
28 information thereon, with departmental reports and application forms,
29 provided that the checklist questions are unaltered, as required by
30 WAC 197-10-365.

1 (e) For proposals being heard by the zoning and subdivision examiner
2 and submitted to the county council for final action pursuant to KCC 20.24.070,
3 initial threshold determinations shall be completed prior to commencement of
4 public hearings before the examiner, except that in the case of applications
5 by private persons and non-county agencies where the applicant requests in
6 writing that an environmental impact statement be prepared because of the
7 significant impact asserted and stated by the applicant, the responsible
8 official shall make a determination of significance within fifteen (15)
9 days of such request. The Examiner may require additional information prior
10 to making his threshold determination, pursuant to WAC 197-10-330; such
11 requirement shall be provided orally or in writing prior to closing the
12 public hearing. For all other non-county proposals requiring county
13 licenses, initial threshold determination shall be made within fifteen
14 calendar days of submittal of a complete application, except when addi-
15 tional information is required pursuant to subsection (b) of this Section.

16 NEW SECTION. SECTION 8. Draft Environmental Impact Statements;
17 Timing and Purpose, Content and Procedures.

18 (a) King County hereby adopts by reference WAC 197-10-055, and
19 WAC 197-10-400 through -465, and WAC 197-10-495, as now or hereafter
20 amended. The contents and preparation procedures for draft environmental
21 impact statements shall be governed by the SEPA Guidelines cited herein.

22 (b) The following additional elements may be part of the environment
23 for the purposes of environmental impact statement content and final
24 decisions on proposed actions but do not add to the criteria for threshold
25 determinations:

26 (1) The economy, including both public and private sectors;

27 (2) Applicable local and regional goals, policies, plans, laws
28 and regulations.

1 (c) Pursuant to WAC 197-10-444(1), the county shall focus the
2 content of the draft EIS on the issues which caused the affirmative thresh-
3 hold determination, whether the proposal is publicly or privately
4 sponsored. The purpose of this Subsection is to insure compliance with
5 SEPA in the most efficient manner consistent with production of an ade-
6 quate EIS and provision of all relevant information to county responsible
7 officials.

8 (d) The responsible official may refuse to process and consider an
9 application further if the applicant refuses or fails to provide infor-
10 mation specifically required for preparation of an adequate draft EIS,
11 within six months of written notification of such requirements. Written
12 notice specifying all additional information so required must be pro-
13 vided within thirty (30) days of the initial threshold determination.
14 Such a refusal by responsible official shall be final.

15 (e) The departmental procedures required by Section 15 of this
16 Ordinance shall specify each county department's procedures for requiring
17 additional information and/or participation in draft EIS preparation, in
18 accordance with WAC 197-10-420. County departments are hereby authorized
19 to require or to allow complete preparation and printing of a draft EIS
20 by a private applicant or his agent, subject to the provisions of WAC
21 197-10-420.

22 (f) For any action, except an approval of a county-sponsored proposal
23 which is determined to be significant, the draft environmental impact
24 statement shall be prepared and listed in the "EIS available register" no
25 later than forty-five (45) days after final determination of significance.
26 The purpose of this subsection, and of all other time limits contained in
27 this Ordinance, is to insure timely processing of all non-county proposals
28 subject to the requirements of SEPA.
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1 (g) For proposed actions involving applications by private persons and
2 non-county agencies that are unusually large, complex or significant, the
3 county executive or his designee may extend any of the time limits of this
4 Section in thirty-day increments. In so doing, the county executive or his
5 designee shall notify the applicant in writing, specifying the good cause
6 for such extension.

7 NEW SECTION. SECTION 9. Public Hearings on Proposed Actions.

8 (a) King County hereby adopts by reference WAC 197-10-480 through
9 -490 as now or hereafter amended. Public hearings on the environmental
10 impacts of proposed actions shall be governed by the SEPA Guidelines cited
11 herein. Public hearings on proposed major actions held by the zoning and
12 subdivision examiner, zoning adjustor, or any other official or branch of
13 the county, pursuant to other requirements of the King County Code, shall
14 be open to consideration of the proposals' environmental impacts. A hear-
15 ing on such a proposed action determined to require an EIS may not be
16 closed until the final EIS is available to the county decision-maker.

17 NEW SECTION. SECTION 10. Responsibilities of Consulted Agencies.

18 (a) King County hereby adopts by reference WAC 197-10-500 through -545,
19 as now or hereafter amended. The responsibilities of the county, including
20 all its branches and departments, as a consulted agency shall be governed
21 by the SEPA Guidelines cited herein.

22 (b) The county's responsibilities as a consulted agency, and as a reviewer
23 of another agency's EIS, shall be carried out by the branch or department
24 having jurisdiction or technical expertise, except that the county executive
25 may assume, divide, or reassign this responsibility for a specific proposed
26 action when it originally falls within the jurisdiction or technical expertise
27 of an executive department, provided that the executive-designated responsible
28 department shall always have technical expertise in such a proposed action.

29 (c) Within ninety days of the effective date of this section the county
30 executive shall prepare a list specifying the consulting agency responsi-
31 bilities of all executive departments, according to the action category
32 jurisdiction or technical expertise of each department. This list shall be
33 made available to all interested non-county agencies and to the general

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1 public.

2 NEW SECTION. SECTION 11. Final Environmental Impact Statement;
3 Content, Procedures and Use for Official Actions.

4 (a) King County hereby adopts by reference WAC 197-10-550 through -710,
5 as now and hereafter amended. The contents, preparation procedures and use
6 of final environmental impact statements in official actions of the county
7 shall be governed by the SEPA Guidelines cited herein.

8 (b) Nothing in WAC 197-10-650 through -695 shall prevent the county
9 from obtaining new environmental information and studies and making same
10 available to the appropriate decision-maker to be included in the planning,
11 review and decision processes without the necessity of a draft and final
12 supplemental EIS.

13 (c) The responsible official may refuse to process and consider further
14 an application if the applicant refuses or fails to provide new information
15 which the responsible official requires in order to respond adequately to
16 critical comments received on the draft EIS, within six months of written
17 notification of such requirements. Written notification specifying all
18 additional information so required must be provided within seven days of the
19 expiration of the draft EIS circulation period set forth in WAC 197-10-455.
20 Such a refusal shall be final.

21 (d) Where approval is given to a proposal which required an EIS, the
22 county's responsible official may impose those reasonable conditions necessary
23 to mitigate or avoid the identified significant adverse impacts of the proposal.

24 (e) When denial of a private proposal, which is determined to be sig-
25 nificant, can be based on existing county ordinances, the responsible
26 official may deny the request without preparing an EIS in order to save the
27 applicant and the county from incurring needless expense, subject to the
28 following provisions:

29 (1) With respect to any application reviewed by the zoning and sub-
30 division examiner pursuant to KCC 20.24.070 which is not categorically exempt,
31 an affirmative threshold determination shall not preclude the department of
32 planning and community development or the zoning and subdivision examiner from
33 recommending denial of an application based on existing county ordinances.

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1 Such a recommendation for denial shall be based on express written findings
2 and conclusions of:

3 (i) clear and irreconcilable conflict with the policies and
4 standards of the county's comprehensive plan, or;
5 (ii) irreconcilable conflict with adopted county ordinance, or;
6 (iii) irreconcilable conflict with duly adopted rules and regu-
7 lations. Provided, that the examiner may find that there is reasonable doubt
8 that grounds for denial are sufficient, and therefore remand the application
9 for reconsideration following preparation of an EIS:

10 (2) When the county council considers a recommendation for denial
11 by the zoning and subdivision examiner made pursuant to this subsection, it
12 may take one of the following actions:

13 (i) deny the application;
14 (ii) find that there is reasonable doubt that grounds for denial
15 are sufficient, and therefore remand the application for reconsideration
16 following preparation of an EIS:
17 (iii) expressly reverse the examiner's conclusions and determina-
18 tion of environmental significance, as provided in Section 6 (e) of this
19 ordinance;

20 (3) With respect to any other application reviewed by any responsible
21 official within the county for a project which is not categorically exempt,
22 an affirmative threshold determination shall not preclude the responsible
23 official from denying an application based on existing county ordinances.
24 Such a denial shall be based on express written findings and conclusions of:

25 (i) clear and irreconcilable conflict with the policies and stan-
26 dards of the county's comprehensive plan, or,
27 (ii) irreconcilable conflict with adopted county ordinance, or;
28 (iii) irreconcilable conflict with duly adopted rules and
29 regulations.

30 NEW SECTION. SECTION 12. SEPA Public Information Center.

31 (a) King County hereby adopts by reference the applicable provisions of
32 WAC 197-10-830 and -835, as now and hereafter amended. The establishment
33 and maintenance of the County's SEPA public information center

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1 shall be governed by the SEPA Guidelines cited herein.

2 (b) The county executive is hereby directed to designate the King
3 County SEPA Public Information Center. The center will maintain all regis-
4 ters and other files required by WAC 197-10-830 until a regional center is
5 established pursuant to WAC 197-10-835.

6 (c) The SEPA information center established by the county executive
7 may be used jointly by other jurisdictions by mutual agreement with the
8 county.

9 (d) The responsible official, as opposed to the SEPA Public Information
10 Center, shall be responsible for ensuring that all environmental documents
11 are transmitted to the Public Information Center in proper order and within
12 the time limits established by this Ordinance.

13 NEW SECTION. SECTION 13. Application of SEPA Requirements to
14 On-Going Actions.

15 (a) King County hereby adopts by reference WAC 197-10-840, as now
16 or hereafter amended, pursuant to which the requirements of this Ordinance
17 shall be applied to any proposed action, or element thereof, initiated sub-
18 sequent to the effective date of this Ordinance.

19 NEW SECTION. SECTION 14. Public Notice and Statute of Limitations.

20 (a) Notice of any final decision made by the county in respect to the
21 actions defined in Section 3 of this Ordinance, including actions qualified
22 for categorical exemption, may be publicized at the private or non-county
23 agency applicant's expense, or in the case of county sponsored projects and
24 activities, by the county. In no event shall the county be responsible for
25 publicizing notice for decisions made by the county in respect to private or
26 non-county agency projects and activities. Such notice, whenever given, shall
27 be in substantially the form set forth in subsection (b) of this Section
28 and shall be made in the following manner:

29 (1) By publishing the notice on the same day of each week for two con-
30 secutive weeks in a newspaper of general circulation in the area where the
31 property which is the subject of the action is located; in the case of actions
32 which are not related to a particular identifiable location, the notice shall
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1 be published in a newspaper of general circulation in the county; and

2 (2) By filing notice of such action with the Department of Ecology
3 at its main office in Olympia; and

4 (3) Where no EIS is filed and where the property which is the subject
5 matter of the action is under ten acres, such action shall also be publi-
6 cized by sending a notice of such action through the United States mail,
7 first class, postage prepaid, to all owners of property abutting the pro-
8 perty which is the subject matter of such action, as such property owners
9 appear on the property tax rolls of the county assessor.

10 (b) The forms for such notices as may be given pursuant to this section
11 shall be made available to private and non-county agency applicants at the
12 offices of the clerk of the County Council or the applicable county depart-
13 ment and such notices shall read substantially as follows (subject to what-
14 ever further changes are required by amendment of applicable state law or
15 state regulation):

16 "NOTICE OF ACTION BY KING COUNTY DEPARTMENT OF _____
17 (the responsible department or King County Council if applicable)

18 Pursuant to the provisions of Chapter 43.21.C RCW, and the King County
19 Ordinances or rules implementing Chapter 43.21.C RCW, notice is hereby
20 given that:

21 King County Department of _____ (or King
22 County Council) did on _____ (date) take an action which was
23 (or, was not) determined to be a major action significantly affecting the
24 quality of the environment.

25 Any action to set aside, enjoin, review, or otherwise challenge such
26 action on the grounds of noncompliance with the provisions of chapter
27 43.21C RCW (State Environmental Policy Act) or any King County ordinance
28 or rules implementing chapter 43.21C shall be commenced within _____
29 in Superior Court (60 days for private projects; 90 days for public agency
30 projects or activities) or be barred.

31 The action taken by King County, notice of which is hereby given,
32 was as follows:

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1 (1)(here insert description by ordinance, motion or file
2 number of action taken such as: adoption of ordinance; issuance of build-
3 ing permit; approval of preliminary or final plat, etc);

4 (2)(here insert description of the project or activity);

5 (3) Said action pertained to property commonly known as:
6 (Sufficient description to locate property, but complete legal description
7 not required; where action does not relate to particular location, this
8 paragraph is not applicable);

9 (4) Pertinent documents may be examined during regular business hours
10 at the office of.....located at.....

11 (Location, including room number)(name of government
12 agency, proponent, or applicant giving notice)

13 Filed by(Signature of individual and capacity
14 in which such individual is signing)"

15 (d) Any action to set aside, enjoin, review or otherwise challenge any
16 action by the County, for which notice is given as provided in this Section on
17 grounds of noncompliance with the State Environmental Policy Act or any county
18 ordinance or rules implementing said Act shall be commenced within sixty days
19 from the giving of notice in the case of privately sponsored projects within
20 ninety days from the giving notice for projects or activities sponsored by a
21 government agency, or be barred. Such action shall be taken in superior
22 court. The time of giving of notice as provided in this Section shall be con-
23 sidered the date of filing notice with the Department of Ecology, the date
24 of final newspaper publication, or, when applicable, the date of mailing
25 notices to abutting property owners, whichever occurs later.

26 (e) Any action to set aside, enjoin, review or otherwise challenge any
27 action by the county on grounds of noncompliance with SEPA or this Ordi-
28 nance for which a shorter time period than sixty or ninety days for chal-
29 lenge is provided by state law or county ordinance on the grounds of non-
30 compliance with another federal or state law or county ordinance or rules
31 implementing said law or ordinance, shall be commenced within the applicable
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1 time limits and avenues provided by such state law or county ordinance.

2 (f) In the case of any subsequent actions by the county on a project
3 or activity for which notice was properly given and for which an environ-
4 mental impact statement was previously prepared, the county may utilize the
5 same environmental impact statement for the subsequent action as long as
6 there has been no substantial change in the project or activity between the
7 time of the original action and any subsequent actions. In such a case, the
8 subsequent action or actions shall not be set aside, enjoined, reviewed or
9 thereafter challenged on grounds of noncompliance with RCW 43.21.C030 (2) (c)
10 or any county ordinance or rules implementing said Act.

11 (g) In any action involving an attack on a determination made by the
12 County or a responsible official of the county relating to the environmental
13 significance of an action or category of actions or relating to the adequacy
14 of an environmental impact statement, the determination by the county or a
15 responsible official of the county shall be accorded substantial weight.

16 NEW SECTION. SECTION 15. Departmental Procedures - Regulations by
17 County Executive. Appeals.

18 (a) Each county department shall develop and present to the county
19 executive for approval, within ninety days of the effective date of this
20 section, or within ninety days of the effective date of any subsequent amend-
21 ment of this Ordinance, its own formal procedures to implement this Ordi-
22 nance. After approval the procedures shall be filed with the clerk of the
23 county council. The procedures shall accomplish the following:

24 (1) Identify the specific categories of departmental actions which may
25 potentially have a significant effect on the environment so as to require
26 an action by action determination of environmental significance and possibly
27 the preparation of an environmental impact statement;

28 (2) Identify the responsible official or officials within the department
29 for purposes of compliance with the SEPA Guidelines and this ordinance;

30 (3) For non-county projects, specify the circumstances under which addi-
31 tional information may be required from private applicants for the purposes
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1 of threshold determination and preparation of draft and final impact statements.

2 (4) Identify the specific comprehensive plan policies and standards, and
3 portions of the county code, which can be cited as grounds for denial of
4 private or non-county applications to the department for significant pro-
5 posals without preparation of an EIS, as provided for in Section 11 (e) of
6 this Ordinance.

7 (b) Any responsible official within King County proposing to assume the
8 lead agency responsibilities of a non-county agency pursuant to WAC 197-10-
9 260 or -345 shall submit said proposal to the County Executive for approval
10 before its submittal to CEP and/or the non-county agency in question.

11 (c) The county executive shall have authority to approve, disapprove or
12 modify the procedures of county departments developed pursuant to this sec-
13 tion to insure their consistency with this Ordinance and to make orders and
14 regulations relating to the implementation by county departments of the State
15 Environmental Policy Act and this Ordinance.

16 (d) Appeals.

17 (1) The zoning and subdivision examiner shall hear appeals by aggrieved
18 persons of threshold determinations made by responsible officials within the
19 executive branch. Any such appeal shall be filed in writing with the
20 examiner within ten days of the threshold determination being listed with
21 the SEPA public information center, and shall state in full the reasons for
22 the appeal. The ruling of the examiner on any appeal of a threshold deter-
23 mination filed pursuant to this section shall be final; provided, that for
24 land use proposals normally heard by the examiner for the council pursuant
25 to K.C.C. 20.24, the examiner and the council shall rule on the question as
26 set forth in section 6(e) of this Ordinance; in such cases the applicant shall
27 appeal an affirmative threshold determination within ten days by requesting
28 in writing that the examiner's public hearing on the matter commence without
29 preparation of a draft EIS.

30 (2) Any appeal of a county action which is based on the adequacy of
31 an EIS shall be filed in superior court.
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1 NEW SECTION. SECTION 16. Fees.

2 (a) The following fees shall be required for applications for county
3 licenses and actions filed by a person or noncounty agency in addition to
4 the regular application and inspection fees:

5 (1) Actions in categories without environmental significance:
6 no fee required;

7 (2) Actions requiring an individual determination of environmental
8 significance and resulting in declaration of no significant impact: a minimum
9 of fifty dollars, plus additional actual cost to the county; provided, that
10 such fee shall not be required for applications made to the county where
11 this fee has been incorporated into a regular application fee.

12 (3) Actions requiring preparation by the county of an environmental
13 impact statement:

14 (i) Five hundred dollars to be deposited with the responsible official
15 prior to commencement of preparation of the impact statement by the county,
16 plus;

17 (ii) Actual cost of additional time spent by regular county professional,
18 technical and clerical employees required for the preparation and distribu-
19 tion of the applicant's impact statement; provided that such costs shall be
20 accounted for properly; provided further, that no costs shall be charged for
21 processing of the application which take place with or without the require-
22 ment for an impact statement and which are covered by the regular application
23 fee, and no costs shall be charged for review of completed impact statements
24 by county officials;

25 (iii) Additional costs, if any, for experts not employed by the county,
26 texts, printing and for any other actual costs required for the preparation
27 and distribution of the impact statement; provided that no additional costs
28 can be charged for existing studies or general information already in the
29 possession of the county;

30 (iv) Additional costs as described in Subsections 3(ii) and (iii) above
31 shall not exceed two thousand dollars, and shall be billed to the applicant
32 in five hundred dollar increments as they are incurred;

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1 (v) Any unexpended balance from deposits made by the applicant shall be
2 returned upon completion of the final EIS:

3 (4) Actions requiring an environmental impact statement which is pre-
4 pared by a private applicant:

5 (i) Two hundred and fifty dollars to be deposited with the responsible
6 official prior to submission of the applicant's proposed draft EIS, plus
7 additional costs as set forth in Subsections 3(ii) through (iv) above;

8 (ii) Any unexpended balance from deposits made by the applicant shall
9 be returned upon completion of the final EIS:

10 (b) In the case of those actions requiring environmental impact state-
11 ments, the responsible official shall, to the maximum extent practicable
12 consistent with the requirements of producing an adequate environmental
13 impact statement, utilize information, studies and tests and assistance,
14 any proposed draft EIS, provided by the applicant in order to minimize addi-
15 tional costs for the preparation of the impact statement;

16 (c) In the case of those non-county actions requiring environmental
17 impact statements, the responsible official shall inform the applicant in
18 writing of the projected scope, cost and timetable of the EIS prior to
19 accepting the deposit required in Subsection (a) (3) (i) of this section.

20 (d) The county hereby adopts by reference WAC 197-10-470, as now or
21 hereafter amended, governing charges to the public for costs of reproduction
22 of environmental documents. Within thirty days of the effective date of
23 this Ordinance the environmental impact committee shall adopt a uniform
24 schedule of fees to the public for environmental documents from all county
25 departments.

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NEW SECTION. SECTION 17. Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be held unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

INTRODUCED AND READ for the first time this 9th day of August, 19 76.

PASSED this 27th day of December, 19 76.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

David Hoony
Chairman

ATTEST:

Deborah M. Owens
Deputy Clerk of the Council

APPROVED this 4th day of January, 19 77.

John Spillner
King County Executive