

1 November 22, 1994  
2 RT/rt  
3 Title20  
4  
5

Introduced by: CHRISTOPHER VANCE  
Proposed No.: 94-779

6 ORDINANCE NO. **11620**

7 AN ORDINANCE relating to comprehensive  
8 planning and zoning; adopting and  
9 amending Title 20 to be consistent with  
10 and implement the comprehensive plan in  
11 accordance with the Washington State  
12 Growth Management Act, as amended;  
13 amending Ordinance 263, Article 2,  
14 Section 3 and K.C.C. 20.12.030;  
15 amending Ordinance 263, Article 3,  
16 Section 1, and K.C.C. 20.16.020;  
17 amending Ordinance 263, Article 3,  
18 Section 3, and K.C.C. 20.16.080;  
19 amending Ordinance 4461, Section 1, and  
20 K.C.C. 20.24.070; amending Ordinance  
21 4461, Section 2, and K.C.C. 20.24.080;  
22 amending Ordinance 9785, Section 10,  
23 and K.C.C. 20.24.197; amending  
24 Ordinance 263, Article 6, Section 4,  
25 and K.C.C. 20.28.050; amending  
26 Ordinance 2537, Section 2, and K.C.C.  
27 20.36.110; amending Ordinance 3064,  
28 Sections 8 and 10, and K.C.C. 20.54.080  
29 and 20.54.100; amending Ordinance 4828,  
30 Section 2, and amending K.C.C.  
31 20.62.020; amending Ordinance 4828,  
32 Section 7, and amending K.C.C.  
33 20.62.070; amending Ordinance 4828,  
34 Section 8 and K.C.C. 20.62.080; adding  
35 new section to K.C.C. 20.12, 20.24 and  
36 20.62.  
37

38 PREAMBLE:

39 For the purpose of effective land use planning and  
40 regulation, the King County Council makes the  
41 following legislative findings:  
42

43 1. King County has adopted the 1994 King County  
44 Comprehensive Plan, to meet the requirements of the  
45 Washington State Growth Management Act (GMA).  
46

47 2. The GMA requires King County to adopt development  
48 regulations, which include area zoning maps and text,  
49 and its plans and plan amendment processes, including  
50 community and functional plans, to be consistent with  
51 and implement its Comprehensive Plan by December 31,  
52 1994.  
53

54 3. The changes to the King County Planning Code  
55 (Title 20 of the King County Code), as well as the  
56 changes to the area zoning maps and text for each of  
57 the planning areas in King County, which are  
58 contained in this Ordinance are needed to bring Title  
59 20 into conformance with the 1994 King County  
60 Comprehensive Plan, as required by the GMA. They  
61 also are needed to make Titles 20 and 21A consistent  
62 with each other. As such, they bear a substantial  
63 relationship to, and are necessary for, the public  
64 health, safety and general welfare of King County and  
65 its residents.  
66  
67  
68  
69  
70

1 4. Community plans continue in effect to the extent  
 2 they are not in conflict with the 1994 King County  
 3 Comprehensive Plan, but are not readopted as elements  
 4 of the Comprehensive Plan under the GMA. They  
 5 provide historical context for past zoning decisions  
 6 and future zoning decisions to implement the 1994  
 7 King County Comprehensive Plan.  
 8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 263, Article 2, Section 3 and K.C.C.

11 20.12.030 are each amended to read as follows:

12 A. ~~The comprehensive plan ((may thereafter be~~  
 13 ~~progressively amplified and augmented in scope by expanding and~~  
 14 ~~increasing the general provisions and proposals for all or any~~  
 15 ~~one of the elements set forth herein and by adding provisions~~  
 16 ~~and proposals for the optional elements set forth in Section~~  
 17 ~~20.12.040. The comprehensive plan may also be amplified,~~  
 18 ~~augmented and implemented by progressively developing community~~  
 19 ~~plans. The community plan goals, guidelines, policies and area~~  
 20 ~~zoning shall be consistent with the comprehensive plan)) shall be~~  
 21 amended no more than once per calendar year except in case of an  
 22 emergency, as provided in R.C.W. 36.70A.130.

23 B. ~~((The comprehensive plan map and policies shall be~~  
 24 ~~reviewed and evaluated five years from the effective date of~~  
 25 ~~this Ordinance 7178 and every five years thereafter, to~~  
 26 ~~determine whether the plan's key concepts are being implemented~~  
 27 ~~effectively, to reflect new community goals, and to respond to~~  
 28 ~~changing conditions. The review and evaluation shall be in the~~  
 29 ~~form of a report from the county executive to the council, with~~  
 30 ~~public input, findings and recommendations.)) The department, in~~  
 31 consultation with the council, shall adopt a process for  
 32 comprehensive plan land use map and policy amendments under the  
 33 rule-making authority of K.C.C. 2.98 by July 1, 1995. The  
 34 process shall include, at a minimum, the following features:

35 1. Concurrent consideration of all proposed changes to  
 36 allow cumulative impact analysis and meet the limit of  
 37 R.C.W.36.70A.130 of one comprehensive plan amendment per year;

38 2. Process and procedures for plan amendments which are  
 39 initiated by:

40 a. King County Council motion;

1           b. King County Executive request

2           c. private application.

3           3. Deadlines for submittal of proposed changes that will  
4 facilitate coordination between the comprehensive plan amendment  
5 process and preparation and adoption of the county's budget and  
6 permit State Environmental Policy Act (SEPA) review;

7           4. A detailed statement of what is recommended to be  
8 changed and why existing policies or criteria should be changed  
9 or no longer apply;

10          5. Any proposed plan amendment shall be accompanied by a  
11 statement of how the amendment complies with the Comprehensive  
12 Plan, Countywide Planning Policies, and the Washington State  
13 Growth Management Act's goals and specific requirements;

14          6. Proposed amendments to the Comprehensive Plan should  
15 be accompanied by any amendments to development regulations,  
16 including area zoning and codes and local or subarea plans  
17 adopted pursuant to the Growth Management Act which are needed  
18 for consistency with the plan, and work programs and schedules  
19 to update capital improvement programs and functional plans  
20 consistent with the amendments;

21          7. A uniform application procedure and level of  
22 information required to evaluate the feasibility of converting  
23 lands with a rural designation to urban growth area, and  
24 procedures for dedicating or otherwise permanently protecting  
25 the requisite open space in accordance with Countywide Planning  
26 Policy FW-1, step 7, and the applicable policies of the 1994  
27 King County Comprehensive Plan as amended; and

28          8. A public review process for recommended plan  
29 amendments and implementing measures.

30          ~~((C. The comprehensive plan map may be amended through~~  
31 ~~either the community plan process or in response to individual~~  
32 ~~public or private proposals through the processes set forth in~~  
33 ~~this chapter))~~

34          NEW SECTION, SECTION 2. There is hereby added to K.C.C.  
35 20.12 a new section to read as follows:

36           The Four to One Program - Amending the urban growth area  
37 to achieve open space. Rural area land may be added to the

1 urban growth area in accordance with the following criteria in  
2 the following manner.

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

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

8 2. A permanent dedication to the King County Open space  
9 System of four acres of open space for every one acre of land  
10 added to the urban growth area;

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

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

16 5. The minimum size of the property to be considered is  
17 20 acres. Smaller parcels can be combined to meet the 20 acre  
18 minimum.

19 6. Proposals for open space dedication and redesignation  
20 to the urban growth area must be received between July 1, 1994  
21 and June 30, 1996.

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

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

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

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

1           2. In proposals where the thirty percent requirement is  
2 exceeded, the required open space dedication shall be reduced to  
3 3.5 acres of open space for every one acre added to the urban  
4 growth area.

5           C. For parcels which add less than 200 acres and which  
6 provide the thirty percent affordable housing mix, the open  
7 space dedication requirement shall be reduced to 3.5 acres of  
8 open space for every one acre added to the urban growth area.

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

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

19           F. Proposals shall be processed as land use amendments to  
20 the Comprehensive Plan.

21           SECTION 3. Ordinance 263, Article 3, Section 1, and K.C.C.  
22 20.16.020 are each amended to read as follows:

23 Comprehensive plan duties. The division shall (~~with the~~  
24 ~~assistance of the commission,~~) prepare and present to the  
25 county council comprehensive plans and/or amendments thereto as  
26 the needs of the county and the Washington State Growth  
27 Management Act require for adoption by Ordinance. The division  
28 shall identify the financial costs and public benefits of any  
29 update or amendment to the comprehensive plan, or subarea or  
30 neighborhood plan and the applicable Comprehensive Plan policies  
31 that support or that will require update or amendment. In  
32 addition, the division shall state how the amendment furthers  
33 the goals of the Growth Management Act and is consistent with  
34 the Countywide Planning Policies and plans of adjacent  
35 jurisdictions. The division shall also state any proposed  
36 amendments to the comprehensive plan required to make the  
37 proposed amendment consistent. The division shall present its

1 analysis to the council along with the plan so that implementing  
 2 measures can be prioritized and enhanced.

3 A. PUBLIC HEARING REQUIRED. Before adopting any amendment  
 4 (~~(, extension)~~) or addition to the comprehensive plan, the  
 5 council shall hold at least one public hearing thereon(~~(,)~~).

6 B. NOTICE OF PUBLIC HEARING. Notice of the time, place  
 7 and purpose of any such public hearing shall be given by one  
 8 publication in a newspaper of general circulation in the county  
 9 (~~(and in the official gazette, if any, of the county,)~~) at least  
 10 twenty days before the hearing(~~(,)~~).

11 C. FILING OF COPIES. After adoption the division may  
 12 file copies of the comprehensive plan, or any addition or  
 13 amendment thereto, with any adjoining jurisdiction for purposes  
 14 of information to such adjoining jurisdiction(~~(,)~~).

15 (~~(D. ANNUAL REPORT. The planning and community~~  
 16 ~~development division shall render an annual report on the status~~  
 17 ~~of the plan and accomplishments thereunder,)~~).

18 D. PROMOTION OF PUBLIC INTEREST IN PLAN. The division  
 19 shall endeavor to promote public interest in, and understanding  
 20 of, the comprehensive plan and its purpose, and of the official  
 21 controls related thereto.

22 E. EARLY AND CONTINUOUS PUBLIC INVOLVEMENT. The division  
 23 shall provide for early and continuous public involvement in the  
 24 amendment of the comprehensive plan and development regulations  
 25 implementing the comprehensive plan and amendments to the  
 26 comprehensive plan.

27 SECTION 4. Ordinance 263, Article 3, Section 3, and K.C.C.  
 28 20.16.080 are each amended to read as follows:  
 29 Official controls. From time to time, the (~~(division, with the~~  
 30 ~~assistance of the commission, may cause to be prepared)~~)  
 31 department of development and environmental services may prepare  
 32 official controls and other development regulations which when  
 33 adopted by Ordinance by the council will (~~(further the objectives~~  
 34 ~~and goals of)~~) implement the comprehensive plan consistent with  
 35 the requirements of the Washington State Growth Management Act.  
 36 The division may also draft such subarea or neighborhood  
 37 plans(~~(, regulations, programs)~~)and other legislation as may, in

1 its judgment, be required to preserve the integrity of the  
 2 comprehensive plan and assure its systematic execution, and  
 3 ~~((the planning and community development division))~~ may  
 4 recommend ~~((such plans, regulations, programs and legislation))~~  
 5 them to the council for adoption.

6 SECTION 5. Ordinance 11502, Section 2, Ordinance 4461,  
 7 Section 1, and K.C.C. 20.24.070 are hereby amended to read as  
 8 follows:

9 Recommendations to the council.

10 A. The examiner shall receive and examine available  
 11 information, conduct public hearings and prepare recommendations  
 12 and reports thereof and issue recommendations, including  
 13 findings and conclusions to the council based on the issues and  
 14 evidence in the record in the following cases:

15 1. Applications for reclassifications of property;

16 2. Applications for ~~((unclassified))~~ special use  
 17 permits;

18 3. Applications for urban planned ~~((unit))~~  
 19 development ~~((s))~~ permits;

20 4. Applications for preliminary plats; including those  
 21 variance decisions made by the road engineer pursuant to K.C.C.  
 22 14.42.060 with regard to road circulation in the subject  
 23 preliminary plat proposal;

24 5. Applications for shoreline environment  
 25 redesignations;

26 6. ~~((Applications for boundary adjustments of local  
 27 sewer service areas in accordance with the county sewerage  
 28 general plan, Ordinance 4035, Chapter 6 comprehensive plan,  
 29 required for development proposals including but not limited to  
 30 short subdivisions and building permits, which seek or need  
 31 sewer service but are located outside of existing designated  
 32 local sewer service areas.))~~ Applications to extend sewer  
 33 service pursuant to K.C.C. 13.24.

34 7. Applications for agricultural land variances;

35 ~~((8. Applications for review of designations of  
 36 agricultural lands of county significance of King County  
 37 agricultural districts;))~~

1           ~~9. Applications to revise the boundaries of agricultural~~  
2 ~~lands of county significance;))~~

3           ((10))8. Applications for public benefit rating system  
4 assessed valuation on open space land and current use assessment  
5 on timber lands except as provided in Section 20.36.090;

6           ((11))9. Appeals from denials by the county assessor of  
7 applications for current use assessments on farm and  
8 agricultural lands;

9           ((12))10. Appeals from decisions regarding residential  
10 condominium binding site plan applications pursuant to Section  
11 19.34.050;

12           ~~((13 Applications for a public agency exception pursuant~~  
13 ~~to K.C.C. 21.54.050.))~~

14           ((14))11. Applications for the vacation of county roads;

15           ((15))12. Appeals of a recommendation by the department  
16 of public works to deny the petition for vacation of a county  
17 road;

18           ((16))13. Appeals of a recommendation by the department  
19 of public works of the compensation amount to be paid for  
20 vacation of a county road;

21           ((17))14. Other applications or appeals which the  
22 council may prescribe by Ordinance.

23           B. The examiner's recommendation may be to grant or deny  
24 the application or appeal, or the examiner may recommend that  
25 the council adopt the application or appeal with such  
26 conditions, modifications and restrictions as the examiner finds  
27 necessary to make the application reasonably compatible with the  
28 environment and carry out applicable state laws and regulations  
29 and the regulations, policies, objectives and goals of the  
30 comprehensive plan, the community plans, subarea or neighborhood  
31 plans, ((the sewerage general plan,)) the zoning code, the  
32 subdivision code and other official laws, policies and  
33 objectives of King County. In case of any conflict between the  
34 King County Comprehensive Plan and a community, subarea or  
35 neighborhood plan, the Comprehensive Plan shall govern.

36           SECTION 6. Ordinance 11502, Section 3, Ordinance 4461,



1 Section 2, and K.C.C. 20.24.080 are hereby amended to read as  
2 follows:

3 Final decisions by the examiner. A. The examiner shall  
4 receive and examine available information, conduct public  
5 hearings and prepare recommendations and reports thereof, and  
6 issue final decisions, including findings and conclusions, based  
7 on the issues and evidence in the record, which shall be  
8 appealable to superior court as provided by Section 20.24.240,  
9 or to other designated authority in the following cases:

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

14 2. Appeals of threshold determinations;

15 3. Appeals from notices and Orders issued pursuant to  
16 Title 23 of this code or the Rules and Regulations VII of the  
17 King County department of public health;

18 4. Appeals from decisions to require sensitive areas  
19 studies or to condition or deny pursuant to chapter ~~((21.54))~~  
20 21A.24 development proposals which do not otherwise have an  
21 appeal process available;

22 5. Appeals from conditions imposed on final approvals  
23 of subdivisions receiving extensions pursuant to Section  
24 19.28.050.E. or F.;

25 6. Appeals from decisions of the director of the  
26 department of development and environmental services or zoning  
27 adjustor on ~~((administrative conditional use permits,))~~  
28 conditional use permits ~~((or))~~, variances or periodic review of  
29 extractive operations;

30 7. Appeals from decisions regarding site plan approvals  
31 ~~((pursuant to Section 21.46.180 and pursuant to Ordinance~~  
32 ~~4122));~~

33 8. Appeals from decisions regarding the abatement of  
34 ~~((nonconforming uses))~~ a nonconformance;

35 9. Applications for shoreline substantial development  
36 permits when combined with other land use applications pursuant  
37 to Section 25.32.080;

1           ~~((10. Appeals from decisions regarding modification of~~  
2 ~~landscaping requirements pursuant to Section 21.51.050;))~~

3           ~~((11.))~~ 10. Appeals from decisions of the director of  
4 the department of public works on requests for rate adjustments  
5 to surface and storm management rates and charges;

6           ~~((12.))~~ 11. Appeals from decisions regarding the reuse  
7 of public schools pursuant to ~~((Section 21.08.040.H.))~~ Title  
8 21A;

9           ~~((13.))~~ 12. Appeals from decisions to condition or deny  
10 applications pursuant to RCW 43.21C.060, as provided in Section  
11 20.44.120 2.C.;

12           ~~((14.))~~ 13. Appeals from department of public safety  
13 seizures and intended forfeitures, when properly designated by  
14 the chief law enforcement officer of that department as provided  
15 in RCW 69.50.505;

16           ~~((15.))~~ 14. Appeals from decisions of the ~~((manager of~~  
17 ~~building and land development division))~~ director of the  
18 department of development and environmental services on  
19 variances;

20           ~~((16.))~~ 15. Appeals from notices and certifications of  
21 junk vehicles to be removed as a public nuisance as provided in  
22 Chapter 23.10;

23           ~~((17.))~~ 16. Applications for a reasonable use exception  
24 pursuant to K.C.C. ~~((21.54.050))~~ 21A.24.070;

25           ~~((18.))~~ 17. Appeals from denials under K.C.C.  
26 23.08.120;

27           ~~((19.))~~ 18. Appeals from decisions of the director of  
28 the department of development and environment services on  
29 commercial site development permits.

30           19. Appeals from the department's final decisions  
31 regarding transportation concurrency , mitigation payment system  
32 and intersection standards provisions of Title 14.

33           20. Other applications or appeals which the council may  
34 prescribe by Ordinance.

35           B. The examiner's decision may be to grant or deny the  
36 application or appeal, or the examiner may grant the application  
37 or appeal with such conditions, modifications and restrictions

1 as the examiner finds necessary to make the application or  
2 appeal compatible with the environment and carry out applicable  
3 state laws and regulations and the regulations, policies,  
4 objectives and goals of the comprehensive plan, the community  
5 plans, subarea or neighborhood plans, (~~the sewerage general~~  
6 ~~plan~~)) the zoning code, the subdivision code and other official  
7 laws, policies and objectives of King County. In case of any  
8 conflict between the King County Comprehensive Plan and a  
9 community, subarea or neighborhood plan, the Comprehensive Plan  
10 shall govern.

11 SECTION 7. Ordinance 9785, Section 10, and K.C.C.  
12 20.24.197 are hereby amended to read as follows:

13 Additional examiner findings and recommendations - school  
14 capacities. Whenever the examiner in the course of conducting  
15 hearings or reviewing preliminary plat applications (~~(PUD's)~~),  
16 or actualization of potential multi-family zoning, receives  
17 documentation that the public schools in the district where the  
18 development is proposed would not meet the standards set out in  
19 K.C.C. (~~(21.56.050)~~) 21A.28.160 if the development were  
20 approved, the examiner shall remand to (~~BALD~~) the department  
21 of development and environmental services to require or  
22 recommend phasing or provision of the needed facilities and  
23 sites as appropriate to address the deficiency, or deny the  
24 proposal if required by the provisions of this chapter. The  
25 examiner shall prepare findings to document the facts which  
26 support the action taken. The examiner shall recommend such  
27 phasing as may be necessary to coordinate the development of the  
28 housing with the provision of sufficient school facilities, or  
29 in the alternative shall require the provision of the needed  
30 facilities. An offer of payment of a school impact fee as  
31 required by Ordinance shall not be a substitute for such  
32 phasing, but the fee is still assessable. The examiner shall  
33 recommend a payment schedule for the fee to coordinate the  
34 payment with the phasing of an impact mitigation fee if such  
35 provision or payment is satisfactory to the district. The  
36 examiner must determine independently that the conditions of  
37 approval and assessable fees will provide for adequate schools.

1            SECTION 8. Ordinance 263 Art. 6, Section 4, and K.C.C.  
2 20.28.050 are hereby amended to read as follows:

3            Authority. The zoning adjustor, subject to the provisions  
4 of this title and the provisions of the zoning code of King  
5 County (Title 21A) shall hear and decide:

6            A. Applications for conditional use or other permits when  
7 the zoning code sets forth the specific uses to be made subject  
8 to conditional use permits and establishes criteria for  
9 determining the conditions to be imposed;

10           B. Applications for variances from the terms of the zoning  
11 code, provided that any variance granted shall ~~((be subject to~~  
12 ~~such conditions as will assure that the adjustment thereby~~  
13 ~~authorized shall not constitute a grant of special privilege~~  
14 ~~inconsistent with the limitations upon other properties in the~~  
15 ~~vicinity and zone in which subject property is situated and that~~  
16 ~~the following circumstances are found to apply:~~

17           ~~1. Because of special circumstances applicable to~~  
18 ~~subject property, including size, shape, topography, location or~~  
19 ~~surroundings, the strict application of the zoning code is found~~  
20 ~~to deprive property of rights and privileges enjoyed by other~~  
21 ~~properties in the vicinity and under identical zone~~  
22 ~~classification,~~

23           ~~2. That granting of the variance will not be materially~~  
24 ~~detrimental to the public welfare or injurious to the property~~  
25 ~~or improvements in the vicinity and zone in which subject~~  
26 ~~property is situated)) comply with the criteria set forth in~~  
27 K.C.C. 21A.44.030.

28           SECTION 9. Ordinance 2537, Section 2, and K.C.C.  
29 20.36.110 are hereby amended to read as follows:

30           Current use taxation of timber land. Classification of  
31 timber land for current use taxation under the provisions of RCW  
32 84.34 shall be in accordance with the following criteria:

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

35           B. The property must be within an established ~~((FR~~  
36 ~~(forestry recreation),)) F (forest resource), A~~  
37 ~~(agriculture((a1))e ) or ((A-R)) RA (rural area) zone.~~

1            SECTION 10. Ordinance 3064, Section 8, and K.C.C.

2 20.54.080 are hereby amended to read as follows:

3            Exemptions from Section 20.54.070 provisions. The  
4 following shall be exempt from the provisions of Section  
5 20.54.070:

6            A. A division of land to allow a landowner retiring from  
7 commercial agricultural operations to continue to retain and  
8 occupy the farm residence and accessory buildings; provided,  
9 that the owner has resided on the property for at least five  
10 years prior to such division, and further provided, that said  
11 landowner must be at least sixty-two years of age or older at  
12 the time of filing or retired by reason of physical disability;

13            B. A division of land to allow for an additional  
14 single-family dwelling to be occupied by members of the owner's  
15 family who are engaged in the farm operations; provided, that  
16 all land not occupied by the dwelling and accessory buildings  
17 shall be retained in agricultural use;

18            C. A division of land to provide sites for public utility  
19 facilities or communication and transmission towers and  
20 appurtenances;

21            D. Any parcel of land where the size of the entire parcel  
22 under single ownership is less than ten acres, and the land is  
23 not zoned either A or ((G)) RA.

24            SECTION 11. Ordinance 3604, Section 10, and K.C.C.

25 20.54.100 are hereby amended to read as follows:

26            Review and appeals.

27            A. For any rezone or subdivision application in which the  
28 subject property is an undivided parcel of land under a single  
29 ownership and is partially designated as agricultural land of  
30 county significance under Section 20.54.060, the King County  
31 zoning and subdivision examiner shall determine the  
32 applicability of the provisions of Section 20.54.070.

33            B. Nothing in this chapter shall replace the procedures  
34 for the application, review and appeal of zoning  
35 reclassifications pursuant to Chapters ((21.60, 21.62)) 21A.40,  
36 21A.42 and 20.24, or the application, review and appeal of  
37 subdivision applications pursuant to Title 19 and Chapter 20.24.

1 C. Owners of land designated as agricultural land of  
2 county significance may appeal to the King County council for  
3 the purpose of contesting the appropriateness of the designation  
4 based on the criteria for designation described in Section  
5 20.54.060. Such appeals shall be submitted in writing to the  
6 King County office of agriculture and shall be heard by the  
7 zoning and subdivision examiner in accordance with the  
8 procedures in Chapter 20.24, and shall be commenced within one  
9 hundred twenty days of the effective date of any Ordinance  
10 approving such designation. Appeals involving uncontested facts  
11 shall be submitted directly to the council for action by the  
12 office of agriculture.

13 D. Owners of land designated as part of a King County  
14 agricultural district may appeal to the King County council for  
15 the purpose of contesting the appropriateness of the  
16 designation. Such appeals shall be submitted in writing to the  
17 King County office of agriculture and shall be heard by the King  
18 County council and shall be commenced within one hundred twenty  
19 days of the effective date of any Ordinance approving such  
20 designation.

21 NEW SECTION. SECTION 12. A new section is added to  
22 Ordinance 4828 and K.C.C. 20.62 to read as follows:

23 Historic Resources - review process. A. King County shall  
24 not approve any development proposal or otherwise issue any  
25 authorization to alter, demolish, or relocate any historic  
26 resource identified in the King County Historic Resource  
27 Inventory, pursuant to the requirements of this chapter. The  
28 standards contained in K.C.C. 21A.12, Development Standards -  
29 Density and Dimensions and K.C.C. 21A.16, Development Standards  
30 - Landscaping and Water Use shall be expanded, when necessary,  
31 to preserve the aesthetic, visual and historic integrity of the  
32 historic resource from the impacts of development on adjacent  
33 properties.

34 B. Upon receipt of an application for a development  
35 proposal located on or adjacent to of a historic resource listed  
36 in the King County Historic Resource Inventory, the director  
37 shall follow the following procedure:

1           1. The development proposal application shall be  
2 circulated to the King County Historic Preservation Officer for  
3 comment on the impact of the project on historic resources and  
4 for recommendation on mitigation. This includes all permits for  
5 alterations to historic buildings, alteration to landscape  
6 elements, new construction on the same or abutting lots, or any  
7 other action requiring a permit which might affect the historic  
8 character of the resource. Information required for a complete  
9 permit application to be circulated to the historic preservation  
10 Officer shall include:

- 11           a. a vicinity map;
- 12           b. a site plan showing the location of all buildings,  
13 structures, and landscape features;
- 14           c. a brief description of the proposed project  
15 together with architectural drawings showing the existing  
16 condition of all buildings, structures, landscape features and  
17 any proposed alteration to them;
- 18           d. photographs of all buildings, structures, or  
19 landscape features on the site; and
- 20           e. an environmental checklist, except where  
21 categorically exempt under King County SEPA guidelines.

22           2. Upon request, the Historic Preservation Officer shall  
23 provide information about available grant assistance and tax  
24 incentives for historic preservation. The Officer may also  
25 provide the owner, developer, or other interested party with  
26 examples of comparable projects where historic resources have  
27 been restored or rehabilitated.

28           3. In the event of a conflict between the development  
29 proposal and preservation of an historic resources, the Historic  
30 Preservation Officer shall:

- 31           a. suggest appropriate alternatives to the  
32 owner/developer which achieve the goals of historic  
33 preservation.
- 34           b. recommend approval, or approval with conditions to  
35 the Director of the Department of Development and Environmental  
36 Services; or

1 c. propose that a resource be nominated for County  
2 Landmark designation according to procedures established in the  
3 Landmarks Preservation Ordinance (K.C.C. 20.62).

4 4. The director may continue to process the development  
5 proposal application, but shall not issue any development  
6 permits or issue a SEPA threshold determination until receiving  
7 a recommendation from the Historic Preservation Officer. In no  
8 event shall review of the proposal by the historic preservation  
9 officer delay permit processing beyond any period required by  
10 law. Permit applications for changes to landmark properties  
11 shall not be considered complete unless accompanied by a  
12 Certificate of Appropriateness pursuant to K.C.C. 20.62.080.

13 5. On known archaeological sites, before any disturbance  
14 of the site, including, but not limited to test boring, site  
15 clearing, construction, grading or revegetation, the State  
16 Office of Archaeology and Historic Preservation (OAHP), and the  
17 King County historic preservation officer, and appropriate  
18 Native American tribal organizations must be notified and state  
19 permits obtained, if required by law. The officer may require  
20 that a professional archaeological survey be conducted to  
21 identify site boundaries, resources and mitigation alternatives  
22 prior to any site disturbance and that a technical report be  
23 provided to the officer, OAHP and appropriate tribal  
24 organizations. The officer may approve, disapprove or require  
25 permits conditions, including professional archeological  
26 surveys, to mitigate adverse impacts to known archeological  
27 sites.

28 C. Upon receipt of an application for a development  
29 proposal which affects a King County landmark or an historic  
30 resource that has received a preliminary determination of  
31 significance as defined by K.C.C. 20.62.020.V., the application  
32 circulated to the King County Historic Preservation Officer  
33 shall be deemed an application for a Certificate of  
34 appropriateness pursuant to K.C.C. 20.62.080 if accompanied by  
35 the additional information required to apply for such  
36 certificate.



1        SECTION 13. Ordinance 4828, Section 2 and K.C.C. 20.62.020

2        are each hereby amended to read as follows:

3                Definitions. The following words and terms shall, when  
4        used in this chapter, be defined as follows unless a different  
5        meaning clearly appears from the context:

6                A. "Alteration" is any construction, demolition, removal,  
7        modification, excavation, restoration or remodeling of a  
8        landmark.

9                B. "Building" is a structure created to shelter any form  
10       of human activity, such as a house, barn, church, hotel, or  
11       similar structure. Building may refer to an historically  
12       related complex, such as a courthouse and jail or a house and  
13       barn.

14               C. "Certificate of appropriateness" is written  
15       authorization issued by the commission or its designee  
16       permitting an alteration to a significant feature of a  
17       designated landmark.

18               D. "Commission" is the landmarks and heritage commission  
19       created by this chapter.

20               E. "Community landmark" is an historic resource which has  
21       been designated pursuant to Section 20.62.040 of this chapter  
22       but which may be altered or changed without application for or  
23       approval of a certificate of appropriateness.

24               F. "Council" is the King County council.

25               G. "Designation" is the act of the commission determining  
26       that an historic resource meets the criteria established by this  
27       chapter.

28               H. "Designation report" is a report issued by the  
29       commission after a public hearing setting forth its  
30       determination to designate a landmark and specifying the  
31       significant feature or features thereof.

32               I. "Director" is the director of the King County  
33       Department of Development and Environmental Services or his or  
34       her designee.

35               ~~((I.))~~ J. "District" is a geographically definable area,  
36       urban or rural, possessing a significant concentration, linkage,  
37       or continuity of sites, buildings, structures, or objects united

1 by past events or aesthetically by plan or physical development.

2 A district may also comprise individual elements separated  
3 geographically but linked by association or history.

4 ((J-)) K. "Heritage" is a discipline relating to history,  
5 ethnic history, traditional cultures, folklore, archaeology and  
6 historic preservation.

7 ((K-)) L. "Historic preservation officer" is the King  
8 County historic preservation officer or his or her designee.

9 ((L-)) M. "Historic Resource" is a district, site,  
10 building, structure or object significant in ~~((American and/or))~~  
11 national, state or local history, architecture, archaeology, and  
12 culture.

13 N. "Historic resource inventory" is an organized  
14 compilation of information on historic resources considered to  
15 be significant according to the criteria listed in K.C.C.  
16 20.62.040A. The historic resource inventory is kept on file by  
17 the historic preservation officer and is updated from time to  
18 time to include newly eligible resources and to reflect changes  
19 to resources.

20 ((M-)) O. "Incentives" are such compensation, rights or  
21 privileges or combination thereof, which the council, or other  
22 local, state or federal public body or agency, by virtue of  
23 applicable present or future legislation, may be authorized to  
24 grant to or obtain for the owner(s) of designated landmarks.  
25 Examples of economic incentives include but are not limited to  
26 tax relief, conditional use permits, rezoning, street vacation,  
27 planned unit development, transfer of development rights, facade  
28 easements, gifts, preferential leasing policies, private or  
29 public grants-in-aid, beneficial placement of public  
30 improvements, or amenities, or the like.

31 ((N-)) O. "Interested person of record" is any individual,  
32 corporation, partnership or association which notifies the  
33 commission or the council in writing of its interest in any  
34 matter before the commission.

35 ((O-)) P. "Landmark" is an historic resource designated as  
36 a landmark pursuant to Section 20.62.060 of this chapter.

1           (~~P. "Manager" is the manager of the King County building~~  
2 ~~and land development division or his or her designee.~~)

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

5           R. "Object" is a material thing of functional, aesthetic,  
6 cultural, historical, or scientific value that may be, by nature  
7 or design, movable yet related to a specific setting or  
8 environment.

9           S. "Owner" is a person having a fee simple interest, a  
10 substantial beneficial interest of record or a substantial  
11 beneficial interest known to the commission in an historic  
12 resource. Where the owner is a public agency or government,  
13 that agency shall specify the person or persons to receive  
14 notices hereunder.

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

17           U. "Person in charge" is the person or persons in  
18 possession of a landmark including, but not limited to, a  
19 mortgagee or vendee in possession, an assignee of rents, a  
20 receiver, executor, trustee, lessee, tenant, agent, or any other  
21 person directly or indirectly in control of the landmark.

22           V. "Preliminary determination" is a decision of the  
23 commission determining that an historic resource which has been  
24 nominated for designation is of significant value and is likely  
25 to satisfy the criteria for designation.

26           W. "Significant feature" is any element of a landmark  
27 which the commission has designated pursuant to this chapter as  
28 of importance to the historic, architectural or archaeological  
29 value of the landmark.

30           X. "Site" is the location of a significant event, a  
31 prehistoric or historic occupation or activity, or a building or  
32 structure, whether standing, ruined, or vanished, where the  
33 location itself maintains an historical or archaeological value  
34 regardless of the value of any existing structures.

35           Y. "Structure" is any functional construction made usually  
36 for purposes other than creating human shelter.

1           SECTION 14. Ordinance 4828, Section 7 and K.C.C.

2 20.62.070 are each hereby amended to read as follows:

3           Designation procedure. A. The commission may approve,  
4 deny, amend or terminate the designation of an historic resource  
5 as a landmark or community landmark only after a public hearing.  
6 At the designation hearing the commission shall receive evidence  
7 and hear argument only on the issues of 1. whether the historic  
8 resource meets the criteria for designation of landmarks or  
9 community landmarks as specified in Section 20.62.040 of this  
10 chapter and merits designation as a landmark or community  
11 landmark and, 2. the significant features of the landmark. The  
12 hearing may be continued from time to time in the discretion of  
13 the commission. In the event the hearing is continued, the  
14 commission may make a preliminary determination of significance  
15 if the commission determines, based on the record before it that  
16 the historic resource is of significant value and likely to  
17 satisfy the criteria for designation set out in Section  
18 20.62.040. Such preliminary determination shall be effective as  
19 of the date of the public hearing at which it is made. Where  
20 the commission makes a preliminary determination it shall  
21 specify the boundaries of the nominated resource, the  
22 significant features thereof, and such other description of the  
23 historic resource as it deems appropriate. Within five working  
24 days after the commission has made a preliminary determination,  
25 the historic preservation officer shall file a written notice of  
26 such action with the manager and mail copies of the same,  
27 certified mail/return receipt requested, to the owner, the  
28 person submitting the nomination and interested persons of  
29 record. Such notice shall include:

- 30           1. A copy of the commission's preliminary determination;  
31           2. A statement that while proceedings pursuant to this  
32 chapter are pending, or six months from the date of the notice,  
33 whichever is shorter, and thereafter if the designation is  
34 approved by the commission, the certificate of appropriateness  
35 procedures set out in Section 20.62.080, a copy of which shall  
36 be enclosed, shall apply to the described historic resource  
37 whether or not a building or other permit is required. The

1 decision of the commission shall be made after the close of the  
2 public hearing or at the next regularly scheduled public meeting  
3 of the commission thereafter.

4 B. Whenever the commission approves the designation of an  
5 historic resource under consideration for designation as a  
6 landmark, it shall, within fourteen calendar days of the public  
7 meeting at which the decision is made, issue a written  
8 designation report which shall include:

9 1. The boundaries of the nominated resource and such  
10 other description of the resource sufficient to identify its  
11 ownership and location;

12 2. The significant features and such other information  
13 concerning the historic resource as the commission deems  
14 appropriate;

15 3. Findings of fact and reasons supporting the  
16 designation with specific reference to the criteria for  
17 designation set forth in Section 20.62.040;

18 4. A statement that no significant feature may be  
19 changed, whether or not a building or other permit is required,  
20 without first obtaining a certificate of appropriateness from  
21 the commission pursuant to the provisions of Section 20.62.080,  
22 a copy of which shall be included in the designation report.  
23 This subsection shall not apply to historic resources designated  
24 as community landmarks.

25 C. Whenever the commission rejects the nomination of an  
26 historic resource under consideration for designation as a  
27 landmark, it shall, within fourteen calendar days of the public  
28 meeting at which the decision is made, issue a written decision  
29 including findings of fact and reasons supporting its  
30 determination that the criteria set forth in Section 20.62.040  
31 have not been met. If an historic resource has been nominated  
32 as a landmark and the commission designates such historic  
33 resource as a community landmark, such designation shall be  
34 treated as a rejection of the nomination for King County  
35 landmark status and the foregoing requirement for a written  
36 decision shall apply. Nothing contained herein shall prevent

1 renominating any historic resource rejected under this  
2 subsection as a King County landmark at a future time.

3 D. A copy of the commission's designation report or  
4 decision rejecting a nomination shall be delivered or mailed to  
5 the owner, to interested persons of record and the ((~~manager~~))  
6 director within five working days after it is issued. If the  
7 commission rejects the nomination and it has made a preliminary  
8 determination of significance with respect to such nomination,  
9 it shall include in the notice to the ((~~manager~~)) director a  
10 statement that the provisions of Section 20.62.080 no longer  
11 apply to the subject historic resources.

12 E. If the commission approves, or amends a landmark  
13 designation, the provisions of Section 20.62.080 shall apply as  
14 approved or amended. A copy of the commission's designation  
15 report or designation amendment shall be filed with the division  
16 of recommendations and elections together with a legal  
17 description of the designated resource and notification that the  
18 provisions of Sections 20.62.080 and 20.62.130 apply. If the  
19 commission terminates the designation of an historic resource,  
20 the provisions of Section 20.62.080 shall no longer apply to  
21 said historic resource.

22 SECTION 15. Ordinance 4828, Section 8 and K.C.C.  
23 20.62.080 are each hereby amended to read as follows:

24 Certificate of appropriateness procedure.

25 A. At any time after a designation report and notice has  
26 been filed with the ((~~manager~~)) director and for a period of six  
27 months after notice of a preliminary determination of  
28 significance has been mailed to the owner and filed with the  
29 ((~~manager~~)) director, a certificate of appropriateness must be  
30 obtained from the commission before any alterations may be made  
31 to the significant features of the landmark identified in the  
32 preliminary determination report or thereafter in the  
33 designation report. The designation report shall supersede the  
34 preliminary determination report. This requirement shall apply  
35 whether or not the proposed alteration also requires a building  
36 or other permit. The requirements of this section shall not  
37 apply to any historic resource located within incorporated

1 cities or towns in King County, except as provided by applicable  
2 interlocal agreement.

3 B. Ordinary repairs and maintenance which do not alter the  
4 appearance of a significant feature and do not utilize  
5 substitute materials do not require a certificate of  
6 appropriateness. Repairs to or replacement of utility systems  
7 do not require a certificate of appropriateness provided that  
8 such work does not alter an exterior significant feature.

9 C. There shall be three types of certificates of  
10 appropriateness, as follows:

11 1. Type I, for restorations and major repairs which  
12 utilize in-kind materials.

13 2. Type II, for alterations in appearance, replacement  
14 of historic materials and new construction.

15 3. Type III, for demolition, moving and excavation of  
16 archaeological sites.

17 In addition, the commission shall establish and adopt an appeals  
18 process concerning Type I decisions made by the historic  
19 preservation officer with respect to the applications for  
20 certificates of appropriateness.

21 The historic preservation officer may approve Type I  
22 certificates of appropriateness administratively without public  
23 hearing, subject to procedures adopted by the commission.  
24 Alternatively the historic preservation officer may refer  
25 applications for Type I certificates of appropriateness to the  
26 commission for decision. The commission shall adopt an appeals  
27 procedure concerning Type I decisions made by the historic  
28 preservation officer.

29 Type II and III certificates of appropriateness shall be  
30 decided by the commission and the following general procedures  
31 shall apply to such commission actions:

32 1. Application for a certificate of appropriateness  
33 shall be made by filing an application for such certificate with  
34 the historic preservation officer on forms provided by the  
35 commission.

36 2. If an application is made to the ((manager)) director  
37 for a permit for any action which affects a landmark, the

1 ((~~manager~~)) director shall promptly refer such application to  
2 the historic preservation officer, and such application shall be  
3 deemed an application for a certificate of appropriateness if  
4 accompanied by the additional information required to apply for  
5 such certificate. The ((~~manager~~)) director may continue to  
6 process such permit application, but shall not issue any such  
7 permit until the time has expired for filing with the  
8 ((~~manager~~)) director the notice of denial of a certificate of  
9 appropriateness or a certificate of appropriateness has been  
10 issued pursuant to this chapter.

11 3. After the commission has commenced proceedings for  
12 the consideration of any application for a certificate of  
13 appropriateness by giving notice of a hearing pursuant to  
14 subsection 3 of this section, no other application for the same  
15 or a similar alteration may be made until such proceedings and  
16 all administrative appeals therefrom pursuant to this chapter  
17 have been concluded.

18 4. Within forty five calendar days after the filing of  
19 an application for a certificate of appropriateness with the  
20 commission or the referral of an application to the commission  
21 by the ((~~manager~~)) director except those decided  
22 administratively by the historic preservation officer pursuant  
23 to subsection 2 of this section, the commission shall hold a  
24 public hearing thereon. The historic preservation officer shall  
25 mail notice of the hearing to the owner, the applicant, if the  
26 applicant is not the owner, and parties of record at the  
27 designation proceedings, not less than ten calendar days before  
28 the date of the hearing. No hearing shall be required if the  
29 commission, the owner and the applicant, if the applicant is not  
30 the owner, agree in writing to a stipulated certificate  
31 approving the requested alterations thereof. This agreement  
32 shall be ratified by the commission in a public meeting and  
33 reflected in the commission meeting minutes. If the commission  
34 grants a certificate of appropriateness, such certificate shall  
35 be issued forthwith and the historic preservation officer shall  
36 promptly file a copy of such certificate with the ((~~manager~~))  
37 director.



1           5. If the commission denies the application for a  
2 certificate of appropriateness, in whole or in part, it shall so  
3 notify the owner, the person submitting the application and  
4 interested persons of record setting forth the reasons why  
5 approval of the application is not warranted.

6           D. The commission shall adopt such other supplementary  
7 procedures consistent with K.C.C. 2.98 as it determines are  
8 required to carry out the intent of this section.

9           SECTION 16. Administrative rules. The director may  
10 promulgate administrative rules and regulations pursuant to  
11 K.C.C. 2.98, to implement the provisions and requirements of  
12 this chapter.

13           SECTION 17 . Severability. If a provision of this  
14 chapter or its applicability to any person or circumstance is  
15 held invalid, the remainder of the provisions of this chapter or  
16 the application of the provision to other persons or  
17 circumstances shall not be affected.

18           NEW SECTION. SECTION 18. There is hereby added to K.C.C.  
19 20.12 to read as follows:

20           The King County Nonmotorized Transportation Plan

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

27           B. The Nonmotorized Transportation Plan shall be  
28 implemented through:

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

32           2. Updating the King County road standards.

33           3. County road maintenance, operating revisions and  
34 improvements.

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

4           5. Providing an overall guide for the coordination,  
5 development and implementation of the nonmotorized element of the  
6 county transportation system.

7           NEW SECTION. SECTION 19. There is hereby added to K.C.C.  
8 20.12 a new section to read as follows:

9           King County Arterial HOV Transportation Plan

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

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

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

21           2. Updating the King County road standards.

22           3. County road maintenance, operating revisions and  
23 improvements.

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

27           5. Providing an overall guide for the coordination,  
28 development and implementation of the HOV element of the county  
29 transportation system.

30           NEW SECTION. SECTION 20. Amendments to this ordinance as  
31 passed by the council on December 19, 1994 are set forth in  
32 Attachment A to this ordinance and are incorporated by reference  
33 herein. Due to the number and length of the ordinances required  
34 by the Growth Management Act to be passed by the end of the year  
35 to amend county development regulations and the unavailability of  
36 a reliable electronic text version of the proposed ordinance as

1 introduced, it may not be possible to prepare an ordinance that  
2 incorporates amendments within each section prior to the charter  
3 deadline for transmitting the adopted ordinance to the executive.  
4 The clerk is hereby authorized to transmit the ordinance with  
5 amendments set forth in an attachment, or, if time allows, to  
6 incorporate the amendments within each section.

7 INTRODUCED AND READ for the first time this 28<sup>th</sup> day of  
8 November, 19 94.

9 PASSED by a vote of 10 to 0 this 19<sup>th</sup> day of  
10 December, 1994.

11 KING COUNTY COUNCIL  
12 KING COUNTY, WASHINGTON  
13

14 Kent Pullen  
15 Chair  
16

17 ATTEST:

18  
19 Gerald A. Peterson  
20 Clerk of the Council  
21

22 APPROVED this 30<sup>th</sup> day of December, 1994.

23  
24 Bruce Locke  
25 King County Executive  
26

27 Attachments: Attachment A, Amendments passed by the council on  
28 12/19/94.

11620

ATTACHMENT A

AMENDMENTS PASSED BY THE KING COUNTY COUNCIL

DECEMBER 19, 1994

(20.1)

11620

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

1  
2  
3  
4

Executive Proposed Ordinance 94-779 - Amending Title 20

**AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING KCC  
TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT**

---

5  
6

Page 3, lines 34-37, page 4, lines 1-37, page 5, lines 1-20, strike existing language and insert the following with changes shown in bold:

7  
8

**NEW SECTION. SECTION 2. There is hereby added to K.C.C. 20.12a new section to read as follow:**

9  
10  
11

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

12  
13

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

14  
15  
16

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

17  
18

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

19  
20  
21

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

22  
23

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

24  
25

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

1 6. Proposals for open space dedication and redesignation to the urban growth  
2 area must be received between July 1, 1994 and June 30, 1996.

11620

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

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

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

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

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

18 C. Proposals which add less than 200 acres to the urban growth area and  
19 which meet the affordable housing criteria in Section 2B (1) above, shall meet a  
20 reduced open space dedication requirement of 3.5 acres of open space for every  
21 one acre added to the urban growth area.

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

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

29 F. Proposals shall be processed as land use amendments to the  
30 Comprehensive Plan.

31 Rationale:

32 Clarifies the reduced open space requirement for proposals under 200 acres in  
33 size which meet the affordable housing standards for larger proposals.

20.2

11620

December 12, 1994

Introduced By: Vance

Proposed By: Development

Reg. Team

1  
2  
3  
4

Executive Proposed Ordinance 94-779 - Amending Title 20

**AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING  
KCC TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT**

---

5  
6  
7

Page 6, line 5, after 'thereon' and before '.' insert "or may refer a proposed amendment to the hearing examiner pursuant to K.C.C. 20.24.070" as shown below:

8  
9  
10  
11

A. PUBLIC HEARING REQUIRED. Before adopting any amendment (~~extension~~) or addition to the comprehensive plan, the council shall hold at least one public hearing thereon, or may refer a proposed amendment to the hearing examiner pursuant to K.C.C. 20.24.070.

12

Rationale:

13  
14  
15  
16

Proposed by the Zoning and Subdivision Examiner. Would clarify that when the Council elects to do so, it may continue the current practice of referring property-specific plan amendments to the examiner for hearing and recommendation.

11620

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-779 - Amending Title 20

1  
2  
3

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING  
KCC TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT

4  
5

Page 8, line 21, after '14.' and before 'other' insert "Proposals for establishment  
or modification of cable system rates. 15." as shown below:

6

14. Proposals for establishment or modification of cable system rates.

7

((17))15. Other applications or appeals....

8

Rationale:

9

Housekeeping amendment recommended by Zoning and Subdivision  
Examiner.

10



20.4  
**11620**

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-779 - Amending Title 20

1  
2 **AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING**  
3 **KCC TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT**

---

4 Page 10, line 25, after 'from' insert "~~((denials))~~ enforcement actions" as shown  
5 below:

6 ~~((18.))~~ 17. Appeals from ~~((denials))~~ enforcement actions under K.C.C.  
7 23.08.120;

8 Rationale: KCC 23.08.120 allows for enforcement actions which are not  
9 technically "denials," including revocation of permits and refusal to accept  
10 applications. It should be clarified that these actions, as well as monetary  
11 penalties, can be appealed.

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-779 - Amending Title 20

1  
2 **AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING**  
3 **KCC TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT**

---

4 Page 14, line 35, after 'to' and before 'a' delete "of" as shown below:

5 B. Upon receipt of an application for a development proposal located on or  
6 adjacent to ((of)) a historic resource listed.....

7 Note: Entire Section is new

8 Rationale: Typo.

Mr. Vance moved Amendment 20.6. The motion PASSED 10-0,  
Mr. Derdowski, Ms. Sullivan and Mr. Nickels excused.

20.6

11620

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-779 - Amending Title 20

1  
2 AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779 AMENDING  
3 KCC TITLE 20, AS PRESENTED IN LEGISLATIVE FORMAT

4 Page 25, line 18, after 'added' and before 'to' insert " a new section" as shown  
5 below:

6 NEW SECTION. SECTION 18. There is hereby added a new section to K.C.C.

7 Rationale: Typo.

Mr. Vance moved Amendment 20.7. The motion PASSED 10-0,  
Mr. Derdowski, Ms. Sullivan and Mr. Nickels excused.

20.7

11620

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-779

1  
2  
3  
4  
5  
6  
7  
8

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-779- RELATING  
TO COMPREHENSIVE PLANNING AND ZONING (TITLE 20), ADOPTING  
CHANGES TO KING COUNTY'S PLANNING PROCESS IN COMPLIANCE  
WITH THE WASHINGTON STATE GROWTH MANAGEMENT ACT, AS  
AMENDED- AS PRESENTED IN LEGISLATIVE FORMAT

---

9 Add a new section to read as follows:

10 SECTION 20. Should any section, subsection, paragraph, sentence,  
11 clause or phrase of this ordinance or its application to any person or  
12 circumstance be declared unconstitutional or invalid for any reason, such  
13 decision shall not affect the validity of the remaining portion of this ordinance or  
14 its application to other persons or circumstances.

15 Rationale:

16 Each ordinance needs to contain a severability clause for the ordinance.

**11620**

Amendment to Proposed Ordinance 94- 779

Sponsored by: Vance

Insert just prior to the severability clause at the end of the ordinance the following new section:

SECTION: Amendments to this ordinance as passed by the council on December 19, 1994 are set forth in Attachment \_\_\_ to this ordinance and are incorporated by reference herein. Due to the number and length of the ordinances required by the Growth Management Act to be passed by the end of the year to amend county development regulations and the unavailability of a reliable electronic text version of the proposed ordinance as introduced, it may not be possible to prepare an ordinance that incorporates amendments within each section prior to the charter deadline for transmitting the adopted ordinance to the executive. The clerk is hereby authorized to transmit the ordinance with amendments set forth in a attachment, or, if time allows, to incorporate the amendments within each section.

NOTE: This amendment has been incorporated into this ordinance.