

April 7, 1998

Introduced by: ~~ROB MCKENNA~~  
JANE HAGUE

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Proposed No.: 98-056

ORDINANCE NO. **13097**

AN ORDINANCE relating to permit processing, amending Ordinance 12196, Sections 13, 16, 17 and 29, K.C.C. 20.20.060, .090, .100, and K.C.C. 20.24.098.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12196, Section 13, and K.C.C. 20.20.060 are hereby amended as follows:

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

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

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

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

1. The file number;
2. The name of the applicant;

1 3. The date of application, the date of the notice of completeness((,)) and the date of the  
2 notice of application;

3 4. A description of the project, the location, a list of the permits included in the application  
4 and the location where the application and any environmental documents or studies can be reviewed;

5 5. A site plan on 8 1/2 x 14 inch paper, if applicable;

6 6. The procedures and deadline for filing comments, requesting notice of any required  
7 hearings((,)) and any appeal procedure.

8 7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice.

9 8. The identification of other permits not included in the application to the extent known.

10 9. The identification of existing environmental documents that evaluate the proposed project.

11 10. A statement of the preliminary determination, if one has been made, of those  
12 development regulations that will be used for project mitigation and of consistency with applicable  
13 county plans and regulations.

14 E. Notice shall be provided in the following manner:

- 15 1. Posted at the project site as provided in subsections F and I hereof;
- 16 2. Mailed by first class mail as provided in subsection G hereof; and
- 17 3. Published as provided in subsection H hereof.

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

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

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

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

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

7 d. Where it is completely visible to pedestrians.

8 2. Additional notice boards may be required when:

9 a. The site does not abut a public road;

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

11 c. The department determines that additional notice boards are necessary to provide  
12 adequate public notice.

13 3. Notice boards shall be:

14 a. maintained in good condition by the applicant during the notice period ((, which  
15 ~~shall extend~~) through the time of the final county decision on the proposal ((and)), including the  
16 expiration of any applicable appeal periods and for decisions which are appealed, through the time of  
17 the final resolution of any appeal.

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

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

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

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

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

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

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

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

16 3. To the ((S))state ((D))department of ((T))transportation, if the site adjoins a state  
17 highway;

18 4. To the affected tribes;

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

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

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

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

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

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

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

18           2. Notice boards shall include the following information:

19           a. permit number and a description of the project;

20           b. projected completion date of the project;

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

22           and

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

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

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

5           5. These provisions shall become effective 90 days following adoption of this ordinance.

6           SECTION 2. Ordinance 12196, Section 16, and K.C.C. 20.20.090 are hereby amended  
 7 as follows:

8           Notice of Decision or Recommendation - Appeals. A. The department shall provide notice in  
 9 a timely manner of its final decision or recommendation on permits requiring Type 2, 3 and 4 land  
 10 use decisions, including the threshold determination, if any, the dates for any public hearings and the  
 11 procedures for administrative appeals, if any. Notice shall be provided to the applicant, to the  
 12 ~~((D))~~department of ~~((E))~~ecology and to agencies with jurisdiction if required by chapter 20.44 K.C.C.,  
 13 to the ~~((D))~~department of ~~((E))~~ecology and ~~((A))~~attorney ~~((G))~~general as provided in ~~((RCW))~~  
 14 chapter 90.58 RCW, and to any person who, prior to the decision or recommendation, had requested  
 15 notice of the decision or recommendation or submitted comments. The notice shall also be provided  
 16 to the public as provided K.C.C. 20.20.060.

17           B. Except for shoreline permits which are appealable to the state Shorelines Hearings Board,  
 18 all notices of appeal to the hearing examiner of Type 2 land use decisions made by the ~~((D))~~director  
 19 shall be filed within fourteen calendar days from the date of issuance of the notice of decision as  
 20 provided in K.C.C. 20.24.090; provided that the appeal period shall be extended for an additional  
 21 seven calendar days if WAC 197-11-340(2)(a) applies.

22           SECTION 3. Ordinance 12196, Section 17, and K.C.C. 20.20.100 are hereby amended  
 23 as follows:

1 Permit Issuance. A. Final decisions by the county on all permits and approvals subject to the  
2 procedures of this chapter shall be issued within 120 days from the date the applicant is notified by  
3 the department pursuant to this chapter that the application is complete, provided that the following  
4 shorter time periods should apply for the type of land use permit indicated:

- 5 1. New residential building permits.....90 days
- 6 2. Residential remodels.....40 days
- 7 3. Residential appurtenances, such as decks and garages....15 days, or 40 days for residential  
8 appurtenances which require substantial site review.
- 9 4. SEPA exempt clearing and grading.....45 days
- 10 5. SEPA clearing and grading.....90 days
- 11 6. Health Department review (for projects pending a final department review and /or  
12 permit)..... 40 days

13 The following periods shall be excluded from this 120-day period:

- 14 1. Any period of time during which the applicant has been requested by the department,  
15 hearing examiner or council to correct plans, perform required studies((s)) or provide additional  
16 information, including road variances and variances required under chapter ((K.C.C.)) 9.04 K.C.C.

17 The period shall be calculated from the date of notice to the applicant of the need for additional  
18 information until the earlier of the date the county advises the applicant that the additional information  
19 satisfies the county's request, or fourteen days after the date the information has been provided. If the  
20 county determines that the correction, study or other information submitted by the applicant is  
21 insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall  
22 apply as if a new request for information had been made.

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

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

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

11 2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental  
12 impact statement is being prepared following a determination of significance pursuant to chapter  
13 43.21C RCW.

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

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

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

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



1           1. Requires an amendment to the comprehensive plan or a development regulation, or  
2 modification or waiver of a development regulation as part of a demonstration project;  
3           2. Requires approval of a new fully contained community as provided in RCW 36.70A.350,  
4 master planned resort as provided in RCW 36.70A.360((g)) or the siting of an essential public facility  
5 as provided for RCW 36.70A.200, or

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

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

13           D. The department shall require that all plats, short plats, building permits, clearing  
14 and grading permits, conditional use permits, special use permits, site development permits,  
15 shoreline substantial development permits, binding site plans, urban planned development  
16 permits or fully contained community permits issued for development activities on or within  
17 three hundred feet of designated agricultural lands, forest lands or mineral resource lands shall  
18 contain a notice that the subject property is within or near designated agricultural lands, forest  
19 lands, or mineral resource lands on which a variety of commercial activities may occur that  
20 are not compatible with residential development for certain periods of limited duration.

21           SECTION 4. Ordinance 11502, Section 15, and K.C.C. 20.24.098 are hereby amended  
22 as follows:

1 Time limits. In all matters where the examiner holds a hearing on applications under K.C.C.  
2 20.24.070, the hearing shall be completed and the examiner's written report and recommendation  
3 issued within ~~((thirty))~~ twenty-one days from the date the hearing opens, excluding any time required  
4 by the applicant or the department to obtain and provide additional information requested by the  
5 hearing examiner and necessary for final action on the application consistent with applicable laws and  
6 regulations. In every appeal heard by the examiner pursuant to K.C.C. 20.24.080, the appeal process,  
7 including a written decision, shall be completed within ninety days from the date the examiner's  
8 office is notified of the filing of a notice of appeal pursuant to K.C.C. 20.24.090. When reasonably  
9 required to enable the attendance of all necessary parties at the hearing, or the production of evidence,  
10 or to otherwise assure that due process is afforded and the objectives of this chapter are met, these  
11 time periods may be extended by the examiner at the examiner's discretion for an additional thirty  
12 days. With the consent of all parties, the time periods may be extended indefinitely.

1 In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or  
2 decision. Failure to complete the hearing process within the stated time shall not terminate the  
3 jurisdiction of the examiner.

4 INTRODUCED AND READ for the first time this 9<sup>th</sup> day of

5 February, 19 98.

6 PASSED by a vote of 12 to 0 this 27<sup>th</sup> day of April

7 19 98.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

10 Luise Miller  
11 Chair

12 ATTEST:

13 Quennis

14 Clerk of the Council

15 APPROVED this 9 day of May, 19 98

16 Scott Amis  
17 King County Executive

18 Attachments: None  
19