

03/31/98

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5/12/98 clerk

Introduced By:

CW:ps096-497

Proposed No.:

96-497

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ORDINANCE NO. **13147**

AN ORDINANCE relating to comprehensive planning and zoning; adopting changes to King County's planning process, in compliance with the Washington State Growth Management Act, as amended; repealing Ordinance 263, Article 1, Section 2, as amended, 5, 6 as amended, 8, 10, 12, 13,14, 18, Article 3 (part), Article 3, Section 1-2(a), (b) (c), (d), 3 as amended, 4, 5 as amended, 7 as amended and K.C.C. 20.08.020, .040, .050, .080, .110, .130, .140, .150, .190, K.C.C. 20.12.030, K.C.C. 20.16.010, .020, .030, .040, .050, .060, .070, .090, .080, .100, .110, and .120; amending Ordinance 263, Article 1 (part) as amended, Section 3 as amended, K.C.C. 20.08.060, and .100; amending Ordinance 4461 Section 10 and K.C.C. 20.24.190; amending Ordinance 12196, Section 9, and K.C.C. 20.20.020; adding a new chapter to K.C.C. 20, and adding new sections to K.C.C. 20.08, 20.24 and 27.36.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. For the purpose of effective land use planning and

regulation, the metropolitan King County council makes the following legislative findings:

A. King County has adopted the 1994 King County Comprehensive Plan, to meet the requirements of the Washington State Growth Management Act (GMA).

B. The GMA requires the county's comprehensive plan amendment process to include concurrent consideration of all map and policy changes to ensure that cumulative impacts may be analyzed and coordination with capital improvement programs and facility plans and standards occurs.

1 C. This ordinance complies with the GMA requirement for enhanced public  
2 participation pursuant to RCW 36.70A.140 and for coordinating a docket pursuant to RCW  
3 36.70A.470.

4 SECTION 2. Ordinance 263, Article 1, Section 2 and K.C.C. 20.08.020 are hereby  
5 repealed.

6 SECTION 3. Ordinance 263, Article 1, Section 3 and K.C.C. 20.08.030 are hereby  
7 amended as follows:

8 "Area zoning" as used in this title is synonymous with the terms of "rezoning or  
9 original zoning" as used in the King County charter and means ~~((P))~~ procedures initiated  
10 by King County which result in the adoption or amendment of zoning maps on an  
11 area ~~(( ))~~ wide basis. This type of zoning is characterized by being comprehensive in nature,  
12 deals with ~~((natural homogeneous))~~ distinct communities, specific ~~((distinctive))~~ geographic  
13 areas and other types of districts having unified interests within the county. Area zoning,  
14 unlike a reclassification, usually involves many separate properties under various  
15 ownerships and utilizes several of the zoning classifications available to express the county's  
16 current comprehensive plan ~~((and community plan))~~ and subarea plan policies in zoning map  
17 form.

18 SECTION 4. Ordinance 263, Article 1, Sections 5, 6, 8 and 10 and K.C.C.  
19 20.08.040, .050, .080 and .110 are hereby repealed.

20 SECTION 5. Ordinance 263, Article 1 as amended and K.C.C. 20.08.060 are hereby  
21 amended to read as follows:

22 ~~((Community plan, s))~~ Subarea plan ~~((, or neighborhood plan))~~. ~~(( "Community plan,"~~  
23 ~~"s))~~ "Subarea plan" ~~((, "or "neighborhood plan"))~~ means detailed local land use plan

1 ~~((consistent with and implementing))~~ which implements and is an element of the  
 2 comprehensive plan ~~((which contains))~~ containing specific policies, guidelines and criteria  
 3 adopted by the council to guide development and capital improvement decisions within  
 4 specific subareas of the county. The subareas of the county shall consist of ~~((natural~~  
 5 ~~homogeneous))~~ distinct communities, ~~((distinctive))~~ specific geographic areas~~((;))~~ or other  
 6 types of districts having unified interests or similar characteristics within the county.  
 7 Subarea plans may include: community plans, which have been prepared for large  
 8 unincorporated areas; potential annexation area plans, which have been prepared for urban  
 9 areas that are designated for future annexation to a city; neighborhood plans, which have  
 10 been prepared for small unincorporated areas; and plans addressing multiple areas having  
 11 common interests. The relationship between the 1994 King County Comprehensive Plan  
 12 and subarea plans is established by K.C.C. 20.12.015. ~~((Neighborhoods designated for the~~  
 13 ~~purpose of a neighborhood plan will consist of communities and/or commercial centers with~~  
 14 ~~an area of generally less than two square miles.))~~

15 SECTION 6. Ordinance 263, Article 1, Section 4 and K.C.C. 20.08.090 are hereby  
 16 amended to read as follows:

17 "Council" means the metropolitan King County council.

18 SECTION 7. Ordinance 263, Article 1, Section 9 and K.C.C. 20.08.100 are hereby  
 19 amended to read as follows:

20 "Department" means the department ~~((of parks, planning and resources as organized~~  
 21 ~~and functioning))~~ or office responsible for comprehensive planning as provided in K.C.C.  
 22 2.16.~~((050.))~~

1            SECTION 8. Ordinance 263, Article 1, Section 10 and K.C.C. 20.08.110 are hereby  
2 repealed.

3            SECTION 9. Ordinance 263, Article 2, Section 11 and K.C.C. 20.08.120 are hereby  
4 amended to read as follows:

5            “Examiner” means the hearing (~~((zoning and subdivision))~~) examiner as established by  
6 ((€)) K.C.C. chapter 20.24.

7            SECTION 10. Ordinance 263, Article 1, Sections 12, 13, 14 and 18 and K.C.C.  
8 20.08.130-.150 and 20.08.190 are hereby repealed.

9            NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 20.08 a  
10 new section to read as follows:

11            “Benchmarks” means quantifiable measures used to monitor the outcomes of public  
12 policy.

13            NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 20.08 a  
14 new section to read as follows:

15            “Site-specific comprehensive plan land use map amendment” means an amendment to  
16 the comprehensive plan land use map which includes one property or a small group of  
17 specific properties.

18            NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 20.08 a  
19 new section to read as follows:

20            “Development regulations” means the controls placed on development or land use  
21 activities by the county including, but not limited to, zoning ordinances, critical areas  
22 ordinances, shoreline master programs, official controls, planned unit development  
23 ordinances, subdivision ordinances and binding site plan ordinances, together with any

1 amendments thereto. A development regulation does not include a decision to approve a  
2 project permit application, as defined in RCW 36.70B.020, even though the decision may be  
3 expressed in an ordinance by the county.

4 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 20.08 a  
5 new section to read as follows:

6 "Docket" (noun) means the list of suggested changes to the comprehensive plan or  
7 development regulations maintained by the department. "Docket" (verb) means to record  
8 with the department a suggested change to the comprehensive plan or development  
9 regulations.

10 SECTION 15. Ordinance 263, Article 2, Section 3, as amended, and K.C.C.  
11 20.12.030 are hereby repealed.

12 SECTION 16. Ordinance 263, Article 3 (part), Section 1, 2, 3 and K.C.C. 20.16.010-  
13 .120 are hereby repealed.

14 NEW SECTION. SECTION 17. There is hereby added to K.C.C. a new chapter to  
15 Title 20 to be entitled: "Procedures for Amendment of Comprehensive Plan or of  
16 Development Regulations-Public Participation". Sections 18 through 32 and 34 through 35  
17 shall be codified in this new chapter.

18 NEW SECTION. SECTION 18. There is hereby added to K.C.C. Title 20 a new  
19 section to read as follows:

20 Purpose. The purpose of this chapter is to establish the procedures and review  
21 criteria for amending the county's comprehensive plan and development regulations and  
22 providing for public participation. Amendments to the comprehensive plan are the means  
23 by which the county may modify its twenty-year plan for land use, development or growth

1 policies in response to changing county needs or circumstances. All plan and development  
2 regulation amendments will be reviewed in accordance with the state Growth Management  
3 Act (GMA) and other applicable state laws, the countywide planning policies, the adopted  
4 King County Comprehensive Plan, and applicable capital facilities plans. All plan and  
5 development regulation amendments will be afforded appropriate public review pursuant to  
6 the provisions of this ordinance.

7 NEW SECTION. SECTION 19. There is hereby added to K.C.C. Title 20 a new  
8 section to read as follows:

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

- 11 1. Emergencies;
- 12 2. An appeal of the plan filed with the Central Puget Sound Growth Management  
13 Hearings Board or with the court;
- 14 3. The initial adoption of a subarea plan;
- 15 4. The adoption or amendment of a shoreline master program pursuant to chapter  
16 90.58 RCW; or
- 17 5. An amendment of the capital facilities element of the comprehensive plan that  
18 occurs in conjunction with the adoption of the county budget.

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

- 1           1. Technical amendments;
- 2           2. The annual capital improvement plan;
- 3           3. The transportation needs report;
- 4           4. School capital facility plans;
- 5           5. Changes to the designations shown on the service and finance strategy map and
- 6 any amendments required thereby;
- 7           6. Changes required by existing (as of December 31, 1997) comprehensive plan
- 8 policies;
- 9           7. Changes to the technical appendices and any amendments required thereby;
- 10          8. Comprehensive updates of subarea plans initiated by motion;
- 11          9. Changes required by amendments to the countywide planning policies or state
- 12 law;
- 13          10. Redesignation proposals under the 4 to 1 program pursuant to K.C.C.
- 14 20.12.458; and

- 15          11. The following site-specific comprehensive land use map amendments:
  - 16           a. amendments to correct a technical error; and
  - 17           b. land use amendments which do not require substantive change to
  - 18 comprehensive plan policy language nor alter the urban growth area boundary.

19           C. Every fourth year beginning in 2000, the county shall complete a comprehensive  
20 review to provide for a cumulative analysis of the twenty-year plan based upon official  
21 population growth forecasts, benchmarks and other relevant data in order to consider  
22 substantive changes to policy language and changes to the urban growth area (UGA). This  
23 comprehensive review will begin one year in advance of the transmittal and may be referred

1 to as the four-year cycle. The urban growth area boundaries shall be reviewed in the  
2 context of the four-year cycle and in accordance with countywide planning policy FW-1 and  
3 RCW 36.70A.130. If the county determines that the purposes of the comprehensive plan  
4 are not being achieved as evidenced by official population growth forecasts, benchmarks,  
5 trends and other relevant data, substantive changes to the comprehensive plan may also be  
6 considered on even calendar years. This determination shall be authorized by motion. The  
7 motion shall specify the scope of the even-year amendment, and identify that the resources  
8 necessary to accomplish the work are available. An analysis of the motion's fiscal impact  
9 shall be provided to the council prior to adoption. The executive will determine if  
10 additional funds are necessary to complete the even-year amendment, and may transmit an  
11 ordinance requesting the appropriation of supplemental funds.

12 D. The executive will seek public comment on the comprehensive plan and any  
13 proposed comprehensive plan amendments in accordance with the procedures in section 32  
14 of this ordinance before making a recommendation, in addition to conducting the public  
15 review and comment procedures required by the state Environmental Policy Act (SEPA).  
16 The public, including unincorporated area councils, shall be afforded at least one official  
17 opportunity to record public comment prior to the transmittal of a recommendation by the  
18 executive to the council. County-sponsored councils and commissions may submit written  
19 position statements which will be considered by the executive prior to transmittal and by the  
20 council prior to adoption, provided they are received in a timely manner. The executive's  
21 recommendations for changes to policies, text, and maps shall include the elements listed in  
22 comprehensive plan policy I-202 and analysis of their financial costs and public benefits.  
23 Proposed amendments to the comprehensive plan shall be accompanied by any development



1 regulations or amendments thereto, including area zoning, necessary to implement the  
2 proposed amendments.

3 NEW SECTION. SECTION 20. There is hereby added to K.C.C. Title 20 a new  
4 section to read as follows:

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

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

- 10 1. Amendments to correct a technical error; and
- 11 2. Amendments which do not require substantive change to comprehensive plan  
12 policy language nor alter the urban growth area boundary.

13 C. Site-specific land use map amendments which require substantive change to  
14 comprehensive plan policy language or the urban growth area boundary may only be  
15 initiated by the county and considered in the four-year cycle, except for 4 to 1 proposals  
16 which may be considered annually pursuant to the application process set out in K.C.C.  
17 20.12.458. Property owners may complete an application and docket the recommended  
18 changes to policy and/or the urban boundary pursuant to Section 30 of this ordinance. The  
19 application will be included in the docket and considered by the county in the four-year  
20 cycle and pursuant to Section 22 of this ordinance.

21 D. No amendment to a land use designation for a property may be initiated unless at  
22 least three years have elapsed since council adoption or review of the current designation  
23 for the property. This time limit may be waived by the executive or the council if the

1 proponent establishes that there exists either an obvious technical error or a change in  
2 circumstances justifying the need for the amendment.

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

7 2. A waiver by the council shall be considered by motion.

8 NEW SECTION. SECTION 21. There is hereby added to K.C.C. Title 20 a new  
9 section to read as follows:

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

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

19 2. Site-specific land use map amendments for which a completed recommendation  
20 by the hearing examiner has been submitted to the council by January 15 will be considered  
21 concurrently with the annual amendment to the comprehensive plan. Applications for the  
22 annual review for which a recommendation has not been issued by January 15 will be

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included in the next appropriate review cycle following issuance of the examiner's recommendation.

3. Applications which require a substantive change to policy text or to the urban growth area boundary may be docketed by the applicant for consideration during the four-year cycle pursuant to Section 19 of this ordinance.

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

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

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

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

- 1. Application form signed by the owner(s) of record;
- 2. Description of the proposed amendment;
- 3. Property description, including parcel number, property street address and nearest cross street;
- 4. County assessor's map outlining the subject property;
- 5. Related or previous permit activity;
- 6. Applicant information, including signature, telephone number and address;
- 7. Applicant's interest in property (owner, buyer, consultant); and
- 8. Property owner concurrence, including signature, telephone number and address.

1           D. A preapplication conference will be scheduled by the department with the  
2 applicant upon receipt of a completed application form. At the preapplication conference,  
3 the department will review with the applicant the proposed amendment's consistency with  
4 applicable county policies or regulatory enactments including specific reference to  
5 comprehensive plan policies, countywide planning policies and state Growth Management  
6 Act requirements. The application will be classified pursuant to Section 20 of this  
7 ordinance and this information either will be provided at the preapplication conference or in  
8 writing to the applicant within thirty days. Applications requiring either a substantive  
9 change to policy language and/or a change to the urban growth area boundary are only  
10 appropriate for review in the four-year cycle, but may be docketed by the applicant pursuant  
11 to Section 30 of this ordinance. Docketed amendments will be considered with the four-  
12 year cycle and pursuant to Section 22 of this ordinance. The council may override the  
13 amendment classification determined by the department by motion.

14           E. After the preapplication conference, applicants shall submit the completed  
15 application including an application fee and an environmental checklist to the department  
16 of development and environmental services to proceed with an amendment. Following the  
17 submittal of the complete application, the department of development and environmental  
18 services shall submit a report including an executive recommendation on the proposed  
19 amendment to the hearing examiner within one hundred twenty days. The department of  
20 development and environmental services shall provide notice of a public hearing and notice  
21 of threshold determination pursuant to K.C.C. 20.20.060 F, G and H. The hearing will be  
22 conducted by the hearing examiner pursuant to Section 34 of this ordinance. Following  
23 the public hearing, the hearing examiner shall prepare a report and recommendation on the

1 proposed amendment pursuant to Section 34 of this ordinance. A compilation of all  
2 completed reports will be considered by the council pursuant to Section 23 of this  
3 ordinance.

4 F. An application for a site-specific land use map amendment may be  
5 accompanied by an application for a zone reclassification to implement the proposed  
6 amendment, in which case administrative review of the two applications shall be  
7 consolidated to the extent practical consistent with this ordinance and K.C.C. chapter  
8 20.20. The council's consideration of a site-specific land use map amendment is a  
9 legislative decision which will be determined prior to and separate from their consideration  
10 of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not  
11 proposed in conjunction with an application for a site-specific land use map amendment  
12 and the amendment is adopted, the property shall be given potential zoning. A zone  
13 reclassification pursuant to K.C.C. 20.20.020 will be required in order to implement the  
14 potential zoning.

15 NEW SECTION. SECTION 22. There is hereby added to K.C.C. Title 20 a new  
16 section to read as follows:

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

- 18 1. The department will accept proposed amendments to the comprehensive plan  
19 no later than the first business day of January for consideration in the following year;  
20 2. The department shall complete a review of all proposed amendments which  
21 incorporates analysis of official population growth forecasts and benchmarks;

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

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

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

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

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

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

1           NEW SECTION. SECTION 23. There is hereby added to K.C.C. Title 20 a new  
2 section to read as follows:

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

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

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

20           D. Site-specific land use map amendments for which recommendations have been  
21 issued by the hearing examiner by January 15 shall be submitted to the council by the  
22 hearing examiner by January 15. The department will provide for cumulative analysis of  
23 these recommendations and the determination will be included in the annual March

1 transmittal. All such amendments will be considered concurrently by the council committee  
2 charged with the review of the comprehensive plan. Following this review, site-specific  
3 land use map amendments which are recommended by this committee will be incorporated  
4 as an attachment to the adopting ordinance transmitted by the executive for consideration  
5 by the full council. Final action by the council on these amendments will occur concurrently  
6 with the annual amendment to the comprehensive plan.

7 E. All amendments proposed in conjunction with the four-year cycle and those  
8 determined pursuant to Section 19 of this ordinance for inclusion in an even year review  
9 shall be coordinated with the amendments proposed for the annual cycle to ensure  
10 transmittal to the council of all proposed amendments by the first business day of March,  
11 except that the capital improvement program and the ordinances adopting updates to the  
12 transportation needs report and the school capital facility plans shall be transmitted no later  
13 than the annual budget transmittal and shall be adopted in conjunction with the budget.

14 NEW SECTION. SECTION 24. There is hereby added to K.C.C. Title 20 a new  
15 section to read as follows:

16 Subarea plan procedures. Initial subarea plans may be adopted by ordinance at any  
17 time. Subarea plans may be initiated by motion or by council action which preceded the  
18 adoption of this ordinance. If initiated by motion, the motion shall specify the scope of the  
19 plan, identify the completion date, and identify that the resources necessary to accomplish  
20 the work are available. The executive will determine if additional funds are necessary to  
21 complete the subarea plan, and may transmit an ordinance requesting the appropriation of  
22 supplemental funds. Amendments to or updates of existing subarea plans shall be  
23 considered in the same manner as amendments to the comprehensive plan and shall be



1 classified pursuant to Section 20 of this ordinance, except that comprehensive updates of  
2 subarea plans may be initiated by motion and the resulting amendments may be considered  
3 in the annual cycle.

4 NEW SECTION. SECTION 25. There is hereby added to K.C.C. Title 20 a new  
5 section to read as follows:

6 Development Regulations Preparation. The department of development and  
7 environmental services shall prepare implementing development regulations to accompany  
8 any proposed comprehensive plan amendments. In addition, from time to time, department  
9 of development and environmental services may propose development regulations to further  
10 implement the comprehensive plan, consistent with the requirements of the Washington  
11 State Growth Management Act. Notice of proposed amendments to development  
12 regulations shall be provided to the state and to the public pursuant to Section 31 of this  
13 ordinance.

14 NEW SECTION. SECTION 26. There is hereby added to K.C.C. Title 20 a new  
15 section to read as follows:

16 Description of the Amendments. All proposals for amendments to the comprehensive  
17 plan or development regulations shall include a detailed description of the proposed  
18 amendment in nontechnical terms. This description will be made publicly available by the  
19 responsible department or the council sponsor using one or more methods provided in  
20 Section 32B of this ordinance and upon request. This description will be posted on the  
21 internet. Internet posting of the description is supplemental to other required notice, and  
22 the county's failure in any particular case to provide notice via the internet shall not  
23 constitute a procedural violation.

1           NEW SECTION. SECTION 27. There is hereby added to K.C.C. Title 20 a new  
2 section to read as follows:

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

5           Notice of the time, place and purpose of a public hearing before the council to consider  
6 amendments to the comprehensive plan or development regulations, other than area zoning,  
7 shall at a minimum be given by one publication in a newspaper of general circulation in the  
8 county at least thirty days before the hearing. Notice for site-specific land use map  
9 amendments will also be provided pursuant Section 21 of this ordinance. The county shall  
10 endeavor to provide such notice in nontechnical language. The notice shall indicate how the  
11 detailed description of the ordinance required by Section 26 of this ordinance can be  
12 obtained by a member of the public.

13           NEW SECTION. SECTION 28. There is hereby added to K.C.C. Title 20 a new  
14 section to read as follows:

15           Notice of public hearing for area zoning. A. Notice of the time, place and purpose of  
16 a public hearing before the council to consider changes to area zoning shall, at a minimum,  
17 include publication in the official county newspaper and another newspaper of general  
18 circulation in the area for which the area zoning is proposed at least thirty days before the  
19 hearing. The county shall endeavor to provide such notice in nontechnical language. The  
20 notice shall indicate how the detailed description of the ordinance required by Section 26 of  
21 this ordinance can be obtained by a member of the public.

22           B. Notice of the hearing shall also be given by mail to affected property owners,  
23 appropriate to the scope of the proposal, whose names appear on the rolls of the King

1 County assessor and shall at a minimum include owners of properties within five hundred  
2 feet of affected property, at least twenty property owners in the vicinity of the property, and  
3 to any individuals or organizations that have formally requested to the department or  
4 department of development environmental services to be kept informed of applications in an  
5 identified area. Notice shall specifically be given to any unincorporated area council that  
6 includes the subject property in its territory. The county shall endeavor to provide such  
7 notice in nontechnical language. The mailed notice required herein shall be postmarked at  
8 least thirty days before the hearing. Failure to notify any specific property owner shall not  
9 invalidate an area zoning proceeding or any resulting reclassification of land.

10 NEW SECTION. SECTION 29. There is hereby added to K.C.C. Title 20. a new  
11 section to read as follows:

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

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

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

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

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

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

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

6           5. The proposed change is to an ordinance enacting a moratorium or interim  
7 control adopted under RCW 36.70A.390.

8           NEW SECTION. SECTION 30. There is hereby added to K.C.C. Title 20 a new  
9 section to read as follows:

10           Provision for receipt, review of and response to the docket. A. Pursuant to RCW  
11 36.70A.470, a docket containing written comments on suggested plan or development  
12 regulation amendments shall be coordinated by the department. The docket is the means to  
13 suggest a change and/or to identify a deficiency in the comprehensive plan or development  
14 regulation. A deficiency refers to the absence of required or potentially desirable contents  
15 of the comprehensive plan or development regulation and does not refer to whether a  
16 development regulation addressed a project's probable specific adverse environmental  
17 impacts which could be mitigated in the project review process. Any interested party,  
18 including applicants, citizens and government agencies, may submit items to the docket.

19           B. All agencies of county government having responsibility for elements of the  
20 comprehensive plan or implementing development regulations shall provide a means by  
21 which citizens may docket written comments on the plan or on development regulations.  
22 The department shall use public participation methods identified in Section 32 of this  
23 ordinance to solicit public use of the docket prior to the annual September 30 submittal

1 deadline. The department shall provide a mechanism for docketing amendments through  
2 the internet.

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

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

10 3. Each agency shall submit all docketed comments relating to the comprehensive  
11 plan in the requested format to the department by September 30 for amendment  
12 consideration. The department shall forward to the council a complete listing of all  
13 docketed items with an initial executive response by the first business day of December each  
14 year. This listing shall be made available through the internet within one week of transmittal  
15 to the council. Internet posting of the listing is supplemental to other required notice, and  
16 the county's failure in any particular case to provide notice via the internet shall not  
17 constitute a procedural violation. The department shall include in the annual transmittal of  
18 the comprehensive plan amendment a final listing of all the docketed items relating to the  
19 comprehensive plan and development regulations with a recommendation on each item.  
20 This listing shall be made publicly available, including posting on the internet. Internet  
21 posting of the information is supplemental to other required notice, and the county's failure  
22 in any particular case to provide notice via the internet shall not constitute a procedural  
23 violation.

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

12 NEW SECTION. SECTION 31. There is hereby added to K.C.C. Title 20 a new  
13 section to read as follows:

14 Provision for notice of intent to amend, and post-adoption notice. A. Pursuant to  
15 RCW 36.70A.106 and WAC 365-195-620, the responsible department or the council  
16 sponsor of the amendment shall notify the state of its intent to adopt amendments to the  
17 comprehensive plan or to development regulations at least sixty days prior to anticipated  
18 legislative action on the proposal except for regulations or amendments which are  
19 procedural, ministerial or required to address an emergency. When the state is notified, the  
20 department or the council sponsor shall also provide notice to the public, using one or more  
21 methods provided in Section 32B of this ordinance, of the intent to amend the  
22 comprehensive plan and/or development regulations, if such notice has not already been  
23 provided. This information will be posted on the internet. Internet posting of the

1 information is supplemental to other required notice, and the county's failure in any  
2 particular case to provide notice via the internet shall not constitute a procedural violation.

3 B. Within ten days of adoption, the clerk of the council shall transmit to the state any  
4 adopted plan, amendment to the comprehensive plan or development regulation. Pursuant  
5 to RCW 36.70A.160, within ten days of adoption, the clerk of the council shall provide  
6 published notice in the official county newspaper of adoption of or amendment to the  
7 comprehensive plan or any development regulation. The notice shall indicate how the  
8 detailed description of the ordinance required by Section 26 of this ordinance can be  
9 obtained by a member of the public.

10 NEW SECTION. SECTION 32. There is hereby added to K.C.C. Title 20 a new  
11 section to read as follows:

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

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

- 16 1. Annual dissemination of a schedule for public participation;
- 17 2. Issuance of a citizen's guide to the comprehensive plan process that provides  
18 information on citizen participation in the comprehensive plan process, a description of the  
19 procedure and schedule for amending the comprehensive plan and/or implementing  
20 development regulation(s), and a guide on how to use the docket;
- 21 3. Provision for broad dissemination of the proposal and alternatives appropriate  
22 to the scope and significance of the proposal. The county shall make available to the public  
23 printed and electronic information which clearly defines and visually portrays, when

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

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

21 5. The county shall provide mechanisms to enable public access to additional  
22 information. The county shall provide for publicly accessible and complete records of all  
23 applications, docketed amendment requests, and related background information during



1 normal business hours. The public may seek assistance from the office of citizen complaints  
2 to obtain time sensitive information. Methods of disseminating information may include,  
3 but are not limited to, the following: published notice of location of public review  
4 documents, use of the public education and government channel, use of electronic kiosks  
5 and the internet, telephone information lines with or without fax options, placement of  
6 documents in public libraries and community centers, speakers bureau and public displays.

7 C. When technical matters are considered with regard to docketed issues, or to  
8 evaluate public testimony, due consideration shall be given to technical testimony from the  
9 public and third party analysis may be sought when appropriate.

10 SECTION 33. Ordinance 12196, Section 9 and K.C.C. 20.20.020 are hereby amended  
11 to read as follows:

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

18 1. Type 1 decisions are made by the director, or his or her designee, ("director") of  
19 the department of development and environmental services ("department"). Type 1  
20 decisions are nonappealable administrative decisions which require the exercise of little or  
21 no administrative discretion except for Type 1 decisions for which the department has  
22 issued a state Environmental Policy Act ("SEPA") threshold determination. Type 1  
23 decisions for which the department has issued a SEPA threshold determination are

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

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

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

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

21 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080, or unless otherwise  
22 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit  
23 applications that would require more than one type of land use decision process may be

1 processed and decided together, including any administrative appeals, using the highest  
 2 numbered land use decision type applicable to the project application.

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

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

10 Exhibit A

11 LAND USE DECISION TYPES

12	TYPE 1	(Decision by	Building; clearing and grading; boundary line
13		director, no	adjustment; right of way; road variance except those
14		administrative	rendered in conjunction with a short plat decision**;
15		appeal)	variance from the requirements of K.C.C. chapter
16			9.04; shoreline exemption; approval of a
17			conversion option harvest plan.
18	TYPE 2	(Decision by	Short plat; road variance decisions rendered in
19		director,	conjunction with a short plat decision**; zoning
20		appealable to	variance; conditional use permit; temporary use;
21		hearing	shoreline substantial development permit; Type 1
22		examiner, no	decision for which the department has issued a SEPA
23		further	threshold determination ****, procedural
24		administrative	and substantive SEPA decision; site development
25		appeal)	permit; approval of residential density incentives or
26			transfer of development credits; reuse of public

schools; reasonable use exceptions under K.C.C. 21A.24.070B; preliminary determinations under K.C.C. 20.20.030B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of K.C.C. chapter 21A.24, extractive operations pursuant to K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.

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TYPE 3 (Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)

Preliminary plat, plat alterations; preliminary plat revisions

TYPE 4\*\*\* (Recommendation by director, hearing and recommendation by hearing examiner decision by county council

Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations

1 on the record)

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

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

9 \*\*\* ~~((Only a))~~ Approvals that are consistent with the Comprehensive Plan ~~((are  
10 included.))~~ may be considered by the council at any time. Zone reclassifications which are  
11 not consistent with the comprehensive plan require a site-specific land use map amendment  
12 and the council's hearing and consideration will be scheduled with the amendment to the  
13 comprehensive plan pursuant to Section 20 and 22 of this ordinance.

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

18 NEW SECTION. SECTION 34. There is hereby added to K.C.C. 20.24 a new  
19 section to read as follows:

20 Site-specific land use map amendment. Upon initiation of a site-specific land use  
21 map amendment to the comprehensive plan pursuant to Section 21 of this ordinance, the  
22 hearing examiner shall conduct a public hearing to consider the report and recommendation

1 of the department and to take testimony and evidence relating to the proposed amendment.  
2 The hearing examiner may consolidate hearings pursuant to K.C.C. 20.24.140 to the extent  
3 practical. Following the public hearing, the hearing examiner shall complete a report within  
4 thirty days which contains written findings and conclusions regarding the proposed  
5 amendment's qualification for annual review consideration, and consistency or lack of  
6 consistency with the applicable review criteria. An annual report containing all site specific  
7 land use map amendment reports which have been completed shall be compiled by the  
8 hearing examiner and submitted to the council by January 15 of the following year.

9 NEW SECTION. SECTION 35. There is hereby added to K.C.C. 27.36 a new  
10 section to read as follows:

11 Site-specific land use map amendment fee. Applicant generated site-specific land  
12 use map amendments shall be charged an application fee of one thousand five hundred  
13 dollars. If the amendment is implemented as part of the comprehensive plan amendment  
14 process, the application fee will be credited toward the zoning reclassification fee required  
15 pursuant to K.C.C. 27.36.020, provided that the application for zoning reclassification is  
16 filed within one year of the effective date of the land use map amendment.

17 SECTION 36. Severability. Should any section, subsection, paragraph, sentence,  
18 clause or phrase of this ordinance be declared unconstitutional or invalid for any reason,  
19 such decisions shall not affect the validity of the remaining portion of this ordinance.

20 SECTION 37. Consistent with the goal of providing meaningful, early and  
21 continuous public participation in land use decision-making, the council should examine and  
22 establish a public participation program for the land use permit review process that builds

1 on the principles established by this ordinance. Such review shall focus on the effectiveness  
2 of the processes when the public has an existing established role.

3 SECTION 38. Effective date. This ordinance shall become effective on June 11,  
4 1998.

5 SECTION 39. Direction to the clerk. The clerk is given direction to edit and revise  
6 this ordinance to the extent deemed necessary or desirable by the clerk and without  
7 changing the meaning of any such law, in the following respects only:

8 A. Make capitalization uniform with that followed generally by the state.

9 B. Make chapter or section division and subdivision designations uniform with that  
10 followed in the code.

11 C. Substitute for the term "this ordinance," where necessary, the term "section,"  
12 "part," "code," "chapter," or "title," or reference to specific section or chapter numbers, as  
13 the case may require.

14 D. Substitute for reference to a section of "this ordinance," the proper code section  
15 number reference.

16 E. Strike out figures where merely a repetition of written words and substitute,  
17 where deemed advisable for uniformity, written words for figures.

18 F. Rearrange any misplaced statutory material, incorporate any omitted statutory  
19 material as well as correct manifest errors in spelling, and manifest clerical or typographical  
20 errors, or errors by way of additions or omissions.

21 G. Correct manifest errors in references, by chapter or section number, to other  
22 code.

23 H. Correct manifest errors or omissions in numbering or renumbering sections of

1 the code.

2 I. Divide long sections into two or more sections, and rearrange the order of  
3 sections to conform to such logical arrangement of subject matter as may most generally be  
4 followed in the code when to do so will not change the meaning or effect of such sections.

5 J. Change the wording of section captions, if any, and provide captions to new  
6 chapters and sections.

7 K. Strike provisions manifestly obsolete.

8 INTRODUCED AND READ for the first time this 10th day of June, 1996.

9 PASSED by a vote of 12 to 0 this 11<sup>th</sup> day of May  
10 1998.

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12

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

13  
14

*Louis Miller*  
Chair

15 ATTEST:

16 *[Signature]*  
17 Clerk of the Council

18 APPROVED this 21 day of May, 1998

19  
20

*[Signature]*  
King County Executive

21 Attachments: None