

May 21, 1998

Introduced by: Larry Phillips

srb/sm
clerk 6/9/98

Proposed No.: 98-366

ORDINANCE NO. **13250**

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AN ORDINANCE relating to land use permit issuance and judicial review procedures; revising county procedures to be in compliance with state law; amending Ordinance 12627 Section 5, as amended, and K.C.C. 20.20.100, Ordinance 12196 Section 44, as amended, and K.C.C. 20.24.240.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12627, Section 5, as amended, and K.C.C. 20.20.100 are each hereby amended as follows:

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

- New residential building permits ~~((90))~~ ninety days
- Residential remodels ~~((40))~~ forty days
- Residential appurtenances, such as decks and garages ~~((15))~~ fifteen days
- SEPA exempt clearing and grading ~~((45))~~ forty-five days
- SEPA clearing and grading ~~((90))~~ ninety days

1 The following periods shall be excluded from this ((120))one hundred twenty-day period:

2 1. Any period of time during which the applicant has been requested by the
3 department, hearing examiner or council to correct plans, perform required studies((,)) or
4 provide additional information, including road variances and variances required under K.C.C.
5 chapter 9.04. The period shall be calculated from the date of notice to the applicant of the
6 need for additional information until the earlier of the date the county advises the applicant
7 that the additional information satisfies the county's request, or fourteen days after the date
8 the information has been provided. If the county determines that the correction, study or other
9 information submitted by the applicant is insufficient, it shall notify the applicant of the
10 deficiencies and the procedures of this section shall apply as if a new request for information
11 had been made.

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

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

18 c. When granting a request for a deadline extension, the department shall give
19 consideration to the number of days between receipt by the department of a written request for
20 a deadline extension and the mailing to the applicant of the department's decision regarding
21 that request.

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

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

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

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

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

14 1. Requires an amendment to the comprehensive plan or a development regulation,
15 or modification or waiver of a development regulation as part of a demonstration project;

16 2. Requires approval of a new fully contained community as provided in RCW
17 36.70A.350, master planned resort as provided in RCW 36.70A.360((,)) or the siting of an
18 essential public facility as provided for RCW 36.70A.200; or

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

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

5 D. The department shall require that all plats, short plats, building permits, clearing
6 and grading permits, conditional use permits, special use permits, site development permits,
7 shoreline substantial development permits, binding site plans, urban planned development
8 permits or fully contained community permits issued for development activities on or within
9 ~~((three))~~ five hundred feet of designated agricultural lands, forest lands or mineral resource
10 lands shall contain a notice that the subject property is within or near designated agricultural
11 lands, forest lands((,)) or mineral resource lands on which a variety of commercial activities
12 may occur that are not compatible with residential development for certain periods of limited
13 duration.

14 SECTION 2. Ordinance 12196, Section 44, as amended, and K.C.C. 20.24.240 are
15 each hereby amended as follows:

16 Judicial review of final decisions. A. Decisions of the council in cases identified in
17 K.C.C. 20.24.070 or in cases appealed to the council as provided in K.C.C. 20.24.210D, shall be
18 final and conclusive action unless within twenty-one calendar days from the date of the council's
19 adoption of an ordinance an appeal is filed in ~~((S))~~ superior ~~((C))~~ court, state of Washington, for the
20 purpose of review of the action taken; provided, no development or related action may occur
21 during ~~((said))~~ the twenty-one day appeal period.

1 B. Decisions of the examiner in cases identified in K.C.C. 20.24.080 shall be a final and
2 conclusive action unless within twenty-one calendar days from the date of issuance of the
3 examiner's decision an aggrieved person files an appeal in ((S))superior (C)court, state of
4 Washington, for the purpose of review of the action taken; provided, no development or related
5 action may occur during ((said))the twenty-one day appeal period; provided further, that the
6 twenty-one day appeal period from examiner decisions on appeals of threshold determinations
7 or the adequacy of a final EIS shall not commence until final action on the underlying proposal.

8 C. Prior to filing an appeal of a final decision for a conditional use permit or special
9 use permit, requested by a party that is licensed or certified by the Washington state
10 department of social and health services or the Washington state department of corrections, an
11 aggrieved party (other than a county, city or town) must comply with the mediation

1 requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time limits for
2 appealing a final decision are tolled during the mediation process.

3 INTRODUCED AND READ for the first time this 15th day of
4 June, 1998.

5 PASSED by a vote of 10 to 0 this 3rd day of August,
6 1998

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9
10 Louise Miller
11 Chair

12 ATTEST:

13
14 Zunens
15 Clerk of the Council

16 APPROVED this 6 day of August, 1998

17
18 Dale Amin
19
20 King County Executive

21 Attachments:
22 None