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Introduced By: Brian Derdowski

Proposed No.: 1999-0189

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ORDINANCE NO. 13687

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AN ORDINANCE clarifying the process for consideration of shorelines redesignations; amending Ordinance 3688, Section 213, and K.C.C. 25.08.130, adding new sections to K.C.C. chapter 25.32 and adding a new section to K.C.C. chapter 27.36.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. Ordinance 3688, Section 214, and K.C.C. 25.08.150 are each hereby

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amended to read as follows:

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Department. "Department" means the ~~((D))~~department of ~~((Planning and~~

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~~Community D))~~development and environmental services.

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SECTION 2. Ordinance 3688, section 813, as amended, and K.C.C. 25.32.130 are each

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hereby amended to read as follows:

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Shoreline environment redesignation. A. Shoreline environments designated by the master

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program may be redesignated by the county council upon finding that such a redesignation

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will be consistent with ((:

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————— 1. The policy of Section 2 of the Shoreline Management Act of 1971:

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————— 2. The goals, objectives and policies of the master program;

20 ~~3. The designation criteria of the shoreline environment designation requested)) the~~
21 standards in section 7 of this ordinance. A shorelines redesignation may be initiated by an
22 applicant or by motion of the council.

23 B. ~~((Application for redesignation))~~ A redesignation initiated by an applicant shall be
24 made on forms and processed in a manner prescribed in ((chapter 20.24 K.C.C. and chapter
25 20.20 K.C.C.)) section 3 of this ordinance. A redesignation initiated by the council shall
26 follow the process in section 4 of this ordinance.

27 C. The fee which shall accompany an application for a shoreline redesignation shall be
28 as adopted by ordinance.

29 D. ~~((Applications for redesignation shall not be accepted by the department if a request~~
30 ~~for redesignation involving the same designation for substantially the same property has been~~
31 ~~denied within the last year.~~

32 ~~E.))~~ The ((report and recommendation of the)) departmental report and recommendation
33 regarding an application or a site-specific redesignation initiated by council motion shall be
34 forwarded to the hearing examiner for consideration together with all relevant testimony at a
35 public hearing to be held consistent with the procedures for a zone reclassification as provided
36 in K.C.C. chapter 20.24 ((K.C.C)).

37 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 25.32 a new
38 section to read as follows:

39 **Redesignation applications.** A. A redesignation initiated by an applicant, as
40 described in section 2B of this ordinance, must follow the procedures in K.C.C. chapters
41 20.20 and 20.24 for shorelines redesignations and must include the following information in
42 addition to the requirements in K.C.C. chapter 20.20:

- 43 1. Applicant information, including signature, telephone number and address;
- 44 2. The applicant's interest in the property, such as owner, buyer or consultant;
- 45 3. Property owner concurrence, including signature, telephone number and address;
- 46 4. A property description, including parcel number, property street address and
- 47 nearest cross street;
- 48 5. A county assessor's map outlining the subject property;
- 49 6. Related or previous permit activity;
- 50 7. A description of the proposed shorelines redesignation;
- 51 8. A mitigation plan providing for significant enhancement of the first one hundred
- 52 feet adjacent to the shoreline and improved habitat for species declared as endangered or
- 53 threatened under the Endangered Species Act, to the extent that the impacts of development
- 54 can be determined at the time of the proposed shoreline redesignation.
- 55 9. A discussion of how the proposed shorelines redesignation meets the criteria in
- 56 section 7 of this ordinance.

57 B. The examiner shall make a recommendation to the council based on the criteria for
58 review in section 7 of this ordinance.

59 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 25.32 a new
60 section to read as follows:

61 **Redesignations initiated by motion.** A. A motion initiating a shorelines
62 redesignation, as described in section 2B of this ordinance must be accompanied by the
63 following information:

64 1. A description of the shoreline reach and a property description, including parcel
65 numbers, property street addresses and nearest cross streets, for all properties that the
66 shoreline runs through or is adjacent to;

67 2. A county assessor's map outlining the subject property or properties; and

68 3. A description of the proposed shorelines redesignation.

69 B. If the motion proposes site-specific redesignation, as "site" is defined in K.C.C.
70 Title 21A, the redesignation shall be referred to the hearing examiner for consideration
71 following the procedures of Section 3 for consideration of redesignation application. Any
72 other redesignation proposal initiated by motion shall be referred to the executive for
73 consideration as to whether the redesignation is appropriate for review as part of the annual
74 or four-year Comprehensive Plan update, or should proceed independent of the annual or
75 four year update process, such as through a subarea planning process.

76 C. A motion initiating a site-specific redesignation must identify the resources and the
77 work program required to provide the same level of review accorded to an applicant-
78 generated shorelines redesignation. Before adoption of the motion, the executive shall have
79 the opportunity to provide an analysis of the motion's fiscal impact. If the executive
80 determines that additional funds are necessary to complete the work program, the executive
81 may transmit an ordinance requesting the appropriation of supplemental funds. The council
82 may consider the supplemental appropriation ordinance concurrently with the proposed
83 motion referring the shorelines redesignation proposal to the examiner.

84 D. A site-specific redesignation initiated by motion shall follow the procedures in
85 K.C.C. chapters 20.20 and 20.24 for shorelines redesignations with regard to the information
86 to be provided and the notice and hearing processes, and shall meet the submittal

87 requirements of section 3 of this ordinance. The examiner shall make a recommendation to
88 the council based on the criteria for review in section 7 of this ordinance.

89 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 25.32 a new
90 section to read as follows:

91 **Frequency of consideration of shorelines redesignations.** A. A shorelines
92 redesignation may not be initiated unless at least three years have elapsed since the council's
93 prior consideration of the current designation for the property. The executive or the council
94 may waive this time limit if the proponent establishes that there exists either an obvious
95 technical error or a change in circumstances justifying the need for earlier consideration of
96 the shorelines redesignation.

97 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 25.32 a new
98 section to read as follows:

99 **Joining of application for or motion to consider shorelines redesignation and site-**
100 **specific land use map amendment or zone reclassification.** A site-specific shorelines
101 redesignation may be accompanied by a related proposal for a site-specific land use map
102 amendment or zone reclassification, or both, in which case county review of the two
103 applications must be consolidated to the extent practical, consistent with this ordinance and
104 K.C.C. chapter 20.20. The council's consideration of a subarea or comprehensive shorelines
105 redesignation is a legislative decision that must be determined before and separate from the
106 council's final consideration of a zone reclassification or site-specific shorelines
107 redesignation, which is a quasi-judicial decision.

108 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 25.32 a new
109 section to read as follows:

110 **Criteria for hearing examiner review.** A shorelines redesignation referred to the
111 hearing examiner for a public hearing shall be reviewed based upon the requirements of
112 Comprehensive Plan policies NE-308 and I-202, state and county shorelines management
113 goals and objectives and the following additional standards:

114 A. The proposed change implements and supports the goals of the comprehensive
115 plan, the goals, policies and objectives of the state Shorelines Management Act and the
116 county's shorelines master program and the designation criteria of the shoreline
117 environment designation requested;

118 B. The impacts of development allowed by the proposed change will not permanently
119 impair any habitat critical to endangered or threatened species.

120 C. The impacts of development allowed by the proposed change are adequately
121 addressed in a mitigation plan providing significant enhancement of the first one hundred
122 feet adjacent to the stream and improved habitat for species declared as endangered or
123 threatened under the Endangered Species Act, to the extent those impacts may be
124 determinable at the time of the shorelines redesignation. A full mitigation plan shall
125 accompany each application, as provided in sections 3 and 4 of this ordinance; and

126 D. If greater intensity of development would be allowed as a result of the shorelines
127 redesignation, the proposal shall utilize clustering or a multi-story design to pursue
128 minimum densities while minimizing lot coverage adjacent to the shorelines setback area.

129 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 27.36 a new
130 section to read as follows:

131 **Site-specific shorelines redesignation fee.** A site-specific shorelines redesignation,
132 whether generated by an applicant or initiated by motion, is subject to application and

133 review fees as provided in this title. The property owner shall be responsible for payment of
134 the fees unless the council approves an appropriation ordinance to fund the review. If the

135 property owner does not agree to payment of the fees, the redesignation shall not be
136 processed.

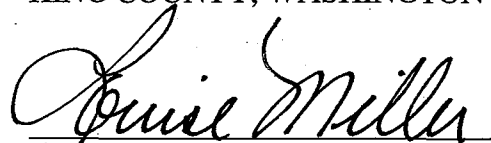
137 SECTION 9. Severability. If any provision of this ordinance or its application to
138 any person or circumstance is held invalid, the remainder of the ordinance or the application
139 of the provision to other persons or circumstances is not affected.

140 INTRODUCED AND READ for the first time this 29th day of March, 1999.

141 PASSED by a vote of 12 to 0 this 13th day of December, 1999.

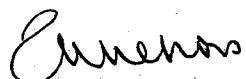
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

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146 ATTEST:

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148 Clerk of the Council

149 APPROVED this 22 day of December, 1999.

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King County Executive

152 Attachments: None

