



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 21, 2001

Ordinance 14047

Proposed No. 2000-0188.3

Sponsors Sullivan

1 AN ORDINANCE relating to planning; clarifying King
2 County's planning process to be consistent with the King
3 County Comprehensive Plan; amending Ordinance 13147,
4 Section 19, and K.C.C. 20.18.030, Ordinance 13147,
5 Section 20, and K.C.C. 20.18.040, Ordinance 13147,
6 Section 21, and K.C.C. 20.18.050, Ordinance 13147,
7 Section 22, and K.C.C. 20.18.060, Ordinance 13147,
8 Section 23, and K.C.C. 20.18.070, Ordinance 13147,
9 Section 28, and K.C.C. 20.18.120, Ordinance 13147,
10 Section 30, and K.C.C. 20.18.140, Ordinance 12196,
11 Section 9, as amended, and K.C.C. 20.20.020, Ordinance
12 4461, Section 10, and K.C.C. 20.24.190, Ordinance 9785,
13 Section 16, as amended, and K.C.C. 20.24.197, adding new
14 sections to K.C.C. chapter 20.18 and repealing Ordinance
15 11620, Section 2, as amended, and K.C.C. 20.12.458.

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PREAMBLE:

For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

1. King County has adopted the 1994 King County Comprehensive Plan to meet the requirements of the Washington state Growth Management Act (GMA).
2. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation by the county.
3. King County has performed its first comprehensive four-year cycle review of the Comprehensive Plan and development regulations. As a result of the review, King County is amending the 1994 Comprehensive through passage of the 2000 King County Comprehensive Plan.
4. The changes to K.C.C. Title 20 contained in this ordinance bring K.C.C. Title 20 into conformance with the 2000 King County Comprehensive Plan as required by the GMA. As such they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13147, Section 19, and K.C.C. 20.18.030 are each hereby amended to read as follows:

General procedures. A. The King County Comprehensive Plan shall be amended ((no more than once a year, except that it may be amended)) pursuant to this

41 chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
42 participation program whereby amendments are considered by the council no more
43 frequently than once a year as part of the amendment cycle established in this chapter,
44 except that the council may consider amendments more frequently to address:

- 45 1. Emergencies;
- 46 2. An appeal of the plan filed with the Central Puget Sound Growth
47 Management Hearings Board or with the court;
- 48 3. The initial adoption of a subarea plan, which may amend the urban growth
49 area boundary only to redesignate land within a joint planning area;
- 50 4. The adoption or amendment of a shoreline master program (~~(pursuant to)~~)
51 under chapter 90.58 RCW; or
- 52 5. An amendment of the capital facilities element of the ~~((e))~~Comprehensive
53 ~~((p))~~Plan that occurs in conjunction with the adoption of the county budget.

54 B. Every year the ~~((e))~~Comprehensive ~~((p))~~Plan may be amended to address
55 technical updates and corrections, and to consider ~~((changes which))~~ amendments that do
56 not require substantive changes to policy language, changes to the priority areas map, or
57 changes to the urban growth area boundary, except as permitted in subsection B.5, 10 and
58 12 of this section. This review may be referred to as the annual cycle. The
59 ~~((e))~~Comprehensive ~~((p))~~Plan, including subarea plans, may be amended in the annual
60 cycle only to consider the following:

- 61 1. Technical amendments to policy, text, or maps;
- 62 2. The annual capital improvement plan;
- 63 3. The transportation needs report;

- 64 4. School capital facility plans;
- 65 5. Changes to the ~~((designations shown on the service and finance strategy map~~
66 ~~and any amendments required thereby)) priority areas map that are required by~~
67 annexations and incorporations;
- 68 6. Changes required by existing ~~((as of December 31, 1997))~~
69 ~~((e))~~Comprehensive ~~((p))~~Plan policies;
- 70 7. Changes to the technical appendices and any amendments required thereby;
- 71 8. Comprehensive updates of subarea plans initiated by motion;
- 72 9. Changes required by amendments to the countywide planning policies or
73 state law;
- 74 10. Redesignation proposals under the ~~((4))~~ four to ~~((1))~~ one program ~~((pursuant~~
75 ~~to K.C.C. 20.12.458))~~ as provided for in this chapter; ((and))
- 76 11. Amendments necessary for the conservation of threatened and endangered
77 species; and
- 78 12. ~~((The following s))~~ Site-specific comprehensive land use map
79 amendments((:
- 80 ~~a. amendments to correct a technical error; and~~
- 81 ~~b. land use amendments which))~~ that do not require substantive change to
82 comprehensive plan policy language ((not)) and that do not alter the urban growth area
83 boundary, except to correct mapping errors.
- 84 C. Every fourth year beginning in 2000, the county shall complete a
85 comprehensive review ~~((to))~~ of the Comprehensive Plan in order to update it as
86 appropriate and to ensure continued compliance with the GMA. This review may

87 provide for a cumulative analysis of the twenty-year plan based upon official population
88 growth forecasts, benchmarks and other relevant data in order to consider substantive
89 changes to policy language and changes to the urban growth area (UGA). This
90 comprehensive review ~~((will))~~ shall begin one year in advance of the transmittal and may
91 be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed
92 in the context of the four-year cycle and in accordance with countywide planning policy
93 FW-1 and RCW 36.70A.130. If the county determines that the purposes of the
94 ~~((e))~~Comprehensive ~~((p))~~Plan are not being achieved as evidenced by official population
95 growth forecasts, benchmarks, trends and other relevant data, substantive changes to the
96 ~~((e))~~Comprehensive ~~((p))~~Plan may also be considered on even calendar years. This
97 determination shall be authorized by motion. The motion shall specify the scope of the
98 even-year amendment, and identify that the resources necessary to accomplish the work
99 are available. An analysis of the motion's fiscal impact shall be provided to the council
100 ~~((prior to))~~ before adoption. The executive ~~((will))~~ shall determine if additional funds are
101 necessary to complete the even-year amendment, and may transmit an ordinance
102 requesting the appropriation of supplemental funds.

103 D. The executive ~~((will))~~ shall seek public comment on the ~~((e))~~Comprehensive
104 ~~((p))~~Plan and any proposed ~~((e))~~Comprehensive ~~((p))~~Plan amendments in accordance
105 with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to
106 conducting the public review and comment procedures required by ~~((the state~~
107 ~~Environmental Policy Act))~~ ~~((e))~~SEPA~~((t))~~. The public, including unincorporated area
108 councils, shall be afforded at least one official opportunity to record public comment
109 ~~((prior to))~~ before the transmittal of a recommendation by the executive to the council.

110 County-sponsored councils and commissions may submit written position statements
111 ~~((which will))~~ that shall be considered by the executive ~~((prior to))~~ before transmittal and
112 by the council ~~((prior to))~~ before adoption, ~~((provided))~~ if they are received in a timely
113 manner. The executive's recommendations for changes to policies, text, and maps shall
114 include the elements listed in ~~((e))~~Comprehensive ~~((p))~~Plan policy ~~((I-202))~~ RP-307 and
115 analysis of their financial costs and public benefits, any of which may be included in
116 environmental review documents. Proposed amendments to the ~~((e))~~Comprehensive
117 ~~((p))~~Plan shall be accompanied by any development regulations or amendments
118 ~~((thereto))~~ to development regulations, including area zoning, necessary to implement the
119 proposed amendments.

120 SECTION 2. Ordinance 13147, Section 20, and K.C.C. 20.18.040 are each
121 hereby amended to read as follows:

122 **Site-specific land use map amendment ~~((initiation and))~~ classification.** A.
123 Site-specific land use map amendments may be considered annually or during the four
124 year review cycle, depending on the degree of change proposed.

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

128 1. Amendments ~~((to correct a technical error; and~~
129 ~~2. Amendments which))~~ that do not require substantive change to
130 comprehensive plan policy language ~~((nor))~~ and that do not alter the urban growth area
131 boundary, except to correct mapping errors; and

132 2. Four-to-one-proposals.

133 C. The following categories of site-specific land use map amendments may be
134 initiated by either the county or a property owner for consideration in the four-year
135 review cycle:

136 1. amendments that could be considered in the annual review cycle;

137 2. ((Site-specific land use map)) amendments ((which)) that require substantive
138 change to ((e))Comprehensive ((p))Plan policy language ((or)); and

139 3. amendments to the urban growth area boundary ((may only be initiated by the
140 county and considered in the four-year cycle, except for 4 to 1 proposals which may be
141 considered annually pursuant to the application process set out in K.C.C. 20.12.458)).

142 ~~((Property owners may complete an application and docket the recommended~~
143 ~~changes to policy and/or the urban boundary pursuant to K.C.C. 20.18.140. The~~
144 ~~application will be included in the docket and considered by the county in the four-year~~
145 ~~cycle and pursuant to K.C.C. 20.18.060.))~~

146 ~~((D. No amendment to a land use designation for a property may be initiated~~
147 ~~unless at least three years have elapsed since council adoption or review of the current~~
148 ~~designation for the property. This time limit may be waived by the executive or the~~
149 ~~council if the proponent establishes that there exists either an obvious technical error or a~~
150 ~~change in circumstances justifying the need for the amendment.))~~

151 ~~((1. A waiver by the executive shall be considered after the applicant has~~
152 ~~submitted information to the department in the requested format. The executive shall~~
153 ~~render a waiver decision within forty five days of receiving a complete submittal and~~
154 ~~shall mail a copy of this decision to the applicant.))~~

155 ~~((2. A waiver by the council shall be considered by motion.))~~

156 SECTION 3. Ordinance 13147, Section 21, and K.C.C. 20.18.050 are each
157 hereby amended to read as follows:

158 **Site-specific land use map amendments initiation.** A. Site-specific land use
159 map amendments are legislative actions (~~((which))~~) that may only be initiated (~~((at any~~
160 ~~time))~~) by property owner application, (~~((or))~~) by council motion, or by executive proposal.
161 All site-specific land use map amendments must be evaluated by the hearing examiner
162 prior to adoption by the council pursuant to the provisions of this chapter.

163 1. If initiated by council motion, the motion shall refer the proposed site-
164 specific land use amendment to the department of development and environmental
165 services for preparation of a recommendation to the hearing examiner. The motion shall
166 also identify the resources and the work program required to provide the same level of
167 review accorded to applicant-generated amendments. An analysis of the motion's fiscal
168 impact shall be provided to the council prior to adoption. If the executive determines that
169 additional funds are necessary to complete the work program, the executive may transmit
170 an ordinance requesting the appropriation of supplemental funds.

171 2. If initiated by executive proposal, the proposal shall refer the proposed site-
172 specific land use amendment to the department of development and environmental
173 services for preparation of a recommendation to the hearing examiner.

174 3. If initiated by property owner application, the property owner shall submit a
175 docketed request for a site-specific land use amendment. Upon receipt of a docketed
176 request for a site-specific land use amendment, the request shall be referred to the
177 department of development and environmental services for preparation of a
178 recommendation to the hearing examiner.

179 ~~((Site-specific land use map amendments for which a completed recommendation~~
180 ~~by the hearing examiner has been submitted to the council by January 15 will be~~
181 ~~considered concurrently with the annual amendment to the comprehensive plan.~~
182 ~~Applications for the annual review for which a recommendation has not been issued by~~
183 ~~January 15 will be included in the next appropriate review cycle following issuance of the~~
184 ~~examiner's recommendation.))~~

185 ~~((3. Applications which require a substantive change to policy text or to the~~
186 ~~urban growth area boundary may be docketed by the applicant for consideration during~~
187 ~~the four year cycle pursuant to K.C.C. 20.18.030.))~~

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

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

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

194 ~~((C. Applications for))~~ B. All proposed site-specific land use map amendments,
195 whether initiated by property owner application, by council motion, or by executive
196 proposal ~~((shall be submitted to the department and))~~ shall include the following:

197 1. Name and address of ~~((Application form signed by))~~ the owner(s) of record;

198 2. Description of the proposed amendment;

199 3. Property description, including parcel number, property street address and
200 nearest cross street;

201 4. County assessor's map outlining the subject property; and

- 202 5. Related or previous permit activity(;
- 203 6. ~~Applicant information, including signature, telephone number and address;~~
- 204 7. ~~Applicant's interest in property (owner, buyer, consultant); and~~
- 205 8. ~~Property owner concurrence, including signature, telephone number and~~
- 206 ~~address.))~~

207 ~~((D - A preapplication conference))~~ C. Upon initiation of a site specific land use

208 map amendment, an initial review conference will be scheduled by the department of

209 development and environmental services ~~((with the applicant upon receipt of a completed~~

210 ~~application form)).~~ The owner(s) of record of the property shall be notified of and invited

211 to attend the initial review conference. At the ~~((preapplication))~~ initial review

212 conference, the department will review ~~((with the applicant))~~ the proposed amendment's

213 consistency with applicable county policies or regulatory enactments including specific

214 reference to comprehensive plan policies, countywide planning policies and state Growth

215 Management Act requirements. The ~~((application))~~ proposed amendment will be

216 classified pursuant to K.C.C. 20.18.040 and this information either will be provided at the

217 ~~((preapplication))~~ initial review conference or in writing to the ~~((applicant))~~ owner(s) of

218 record within thirty days. ~~((Applications requiring either a substantive change to policy~~

219 ~~language and/or a change to the urban growth area boundary are only appropriate for~~

220 ~~review in the four year cycle, but may be docketed by the applicant pursuant to K.C.C.~~

221 ~~20.18.140. Docketed amendments will be considered with the four year cycle and~~

222 ~~pursuant to K.C.C. 20.18.060. The council may override the amendment classification~~

223 ~~determined by the department by motion.))~~

224 E. If a proposed site-specific land use map amendment is initiated by property

225 owner application ~~((After the preapplication conference)), the property owner shall,~~
226 following the initial review conference, ~~((applicants shall))~~ submit the completed
227 application including an application fee and an environmental checklist to the department
228 of development and environmental services to proceed with review of ((an)) the proposed
229 amendment. ~~((Following the submittal of the complete application, the department of~~
230 ~~development and environmental services shall submit a report including an executive~~
231 ~~recommendation on the proposed amendment to the hearing examiner within one~~
232 ~~hundred twenty days. The department of development and environmental services shall~~
233 ~~provide notice of a public hearing and notice of threshold determination pursuant to~~
234 ~~K.C.C. 20.20.060 F, G and H. The hearing will be conducted by the hearing examiner~~
235 ~~pursuant to K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall~~
236 ~~prepare a report and recommendation on the proposed amendment pursuant to K.C.C.~~
237 ~~20.24.400. A compilation of all completed reports will be considered by the council~~
238 ~~pursuant to K.C.C. 20.18.070.))~~

239 F. If a proposed site-specific land use map amendment is initiated by council
240 motion, following the initial review conference, the council shall submit an
241 environmental checklist to the department of development and environmental services to
242 proceed with review of the proposed amendment.

243 G. If a proposed site-specific land use map amendment is initiated by executive
244 proposal, following the initial review conference, the office of regional policy and
245 planning shall submit an environmental checklist to the department of development and
246 environmental services to proceed with review of the proposed amendment.

247 H. Following the submittal of the information required by subsections E, F or G,

248 the department of development and environmental services shall submit a report
249 including an executive recommendation on the proposed amendment to the hearing
250 examiner within one hundred twenty days. The department of development and
251 environmental services shall provide notice of a public hearing and notice of threshold
252 determination pursuant to K.C.C. 20.20.060 F, G and H. The hearing will be conducted
253 by the hearing examiner pursuant to K.C.C. 20.24.400. Following the public hearing, the
254 hearing examiner shall prepare a report and recommendation on the proposed amendment
255 pursuant to K.C.C. 20.24.400. A compilation of all completed reports will be considered
256 by the council pursuant to K.C.C. 20.18.070.

257 ((F)) I. A((H)) property-owner-initiated application for a site-specific land use
258 map amendment may be accompanied by an application for a zone reclassification to
259 implement the proposed amendment, in which case administrative review of the two
260 applications shall be consolidated to the extent practical consistent with this ordinance
261 and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map
262 amendment is a legislative decision which will be determined prior to and separate from
263 their consideration of a zone reclassification which is a quasi-judicial decision. If a zone
264 reclassification is not proposed in conjunction with an application for a site-specific land
265 use map amendment and the amendment is adopted, the property shall be given potential
266 zoning. A zone reclassification pursuant to K.C.C. 20.20.020 will be required in order to
267 implement the potential zoning.

268 J. Site-specific land use map amendments for which a completed
269 recommendation by the hearing examiner has been submitted to the council by January
270 15 will be considered concurrently with the annual amendment to the comprehensive

271 plan. Site specific land use map amendments for which a recommendation has not been
272 issued by the hearing examiner by January 15 will be included in the next appropriate
273 review cycle following issuance of the examiner's recommendation.

274 K. No amendment to a land use designation for a property may be initiated unless
275 at least three years have elapsed since council adoption or review of the current
276 designation for the property. This time limit may be waived by the executive or the
277 council if the proponent establishes that there exists either an obvious technical error or a
278 change in circumstances justifying the need for the amendment.

279 1. A waiver by the executive shall be considered after the proponent has
280 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
281 render a waiver decision within forty-five days of receiving a docket request and shall
282 mail a copy of this decision to the proponent.

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

284 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.18 a
285 new section to read as follows:

286 **Site-specific land use map amendment review standards and transmittal**
287 **procedures.** A. All site specific land use map amendments, whether initiated by
288 property owner application, by council motion, or by executive proposal, shall be
289 reviewed based upon the requirements of Comprehensive Plan policy RP-307, and must
290 meet the following additional review standards:

291 1. Consistency with the policies, objectives and goals of the Comprehensive Plan,
292 (including any applicable subarea plans), the countywide planning policies and the state
293 Growth Management Act;

294 2. Compatibility with adjacent and nearby existing and permitted land uses; and

295 3. Compatibility with the surrounding development pattern.

296 B. Site-specific land use map amendments for which recommendations have been
297 issued by the hearing examiner by January 15 shall be submitted to the executive and the
298 council by the hearing examiner by January 15. The department will provide for a
299 cumulative analysis of these recommendations and such analysis will be included in the
300 annual March transmittal. All such amendments will be considered concurrently by the
301 council committee charged with the review of the comprehensive plan. Following this
302 review, site-specific land use map amendments which are recommended by this
303 committee will be incorporated as an attachment to the adopting ordinance transmitted by
304 the executive for consideration by the full council. Final action by the council on these
305 amendments will occur concurrently with the annual amendment to the comprehensive
306 plan.

307 SECTION 5. Ordinance 13147, Section 22, and K.C.C. 20.18.060 are each
308 hereby amended to read as follows:

309 **Four-year cycle process.** A. Beginning in 1999, and every fourth year
310 thereafter((:))

311 ((1. The department will accept proposed amendments to the comprehensive
312 plan no later than the first business day of January for consideration in the following
313 year;))

314 ((2. The department shall complete a review of all proposed amendments which
315 incorporates analysis of official population growth forecasts and benchmarks;))

316 ((3. No later than the first business day of March)), the executive shall transmit

317 to the council by the first business day of March a proposed motion specifying the scope
318 of work for proposed amendments to the ~~((e))~~Comprehensive ~~((p))~~Plan that will occur in
319 the following year, which motion shall ~~((tø))~~ include the following:

320 ~~((a))~~1. topical areas relating to amendments to policies, the land use map
321 and/or implementing development regulations ~~((which))~~ that the executive intends to
322 consider for recommendation to the council; and

323 ~~((b. an inventory and executive recommendation for all docketed items relating
324 to the four year review; and))~~

325 ~~((e))~~2. an attachment to the motion advising the council of the work program
326 the executive intends to follow to accomplish SEPA review and public participation.

327 B. The council shall have until April 30 to approve the motion. In the absence of
328 council approval, the executive shall proceed to implement the work program as
329 proposed. If the motion is approved, the work program shall proceed as established by
330 the approved motion.

331 C. Beginning in 2000 and every fourth year thereafter, the executive shall
332 transmit to the council by the first business day of March a proposed ordinance amending
333 the ~~((e))~~Comprehensive ~~((p))~~Plan, except that the capital improvement program and the
334 ordinances adopting updates to the transportation needs report and the school capital
335 facility plans shall be transmitted no later than the annual budget transmittal and shall be
336 adopted in conjunction with the budget. All transmittals shall be accompanied by a
337 public participation note, identifying the methods used by the executive to ensure early
338 and continuous public participation in the preparation of amendments. The note shall
339 specify how the unincorporated area councils were involved in the comment process.

340 SECTION 6. Ordinance 13147, Section 23, and K.C.C. 20.18.070 are each
341 hereby amended to read as follows:

342 **Annual cycle process.** A. ~~((The deadline for submitting docketed comments is~~
343 ~~September 30 for consideration in the amendment cycle process for the following year.~~
344 ~~The department shall forward to the council a complete listing of all docketed~~
345 ~~amendments and comments with an initial executive response by the first business day of~~
346 ~~December each year.))~~

347 ~~((B.))~~ The executive shall transmit to the council any proposed amendments for
348 the annual cycle by the first business day of March, except that the capital improvement
349 program and the ordinances adopting updates to the transportation needs report and the
350 school capital facility plans shall be transmitted no later than the annual budget
351 transmittal and shall be adopted in conjunction with the budget.

352 B. All transmittals shall be accompanied by a public participation note,
353 identifying the methods used by the executive to assure early and continuous public
354 participation in the preparation of amendments. The note shall specify how the
355 unincorporated area councils were involved in the comment process.

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

360 ~~((D. Site specific land use map amendments for which recommendations have~~
361 ~~been issued by the hearing examiner by January 15 shall be submitted to the council by~~
362 ~~the hearing examiner by January 15. The department will provide for a cumulative~~

363 analysis of these recommendations and the determination will be included in the annual
364 March transmittal. All such amendments will be considered concurrently by the council
365 committee charged with the review of the comprehensive plan. Following this review,
366 site-specific land use map amendments which are recommended by this committee will
367 be incorporated as an attachment to the adopting ordinance transmitted by the executive
368 for consideration by the full council. Final action by the council on these amendments
369 will occur concurrently with the annual amendment to the comprehensive plan.))

370 ((E. All amendments proposed in conjunction with the four-year cycle and those
371 determined pursuant to K. C. C. 20.18.030 for inclusion in an even-year review shall be
372 coordinated with the amendments proposed for the annual cycle to ensure transmittal to
373 the council of all proposed amendments by the first business day of March, except that
374 the capital improvement program and the ordinances adopting updates to the
375 transportation needs report and the school capital facility plans shall be transmitted no
376 later than the annual budget transmittal and shall be adopted in conjunction with the
377 budget.))

378 SECTION 7. Ordinance 13147, Section 28, and K.C.C. 20.18.120 are each
379 hereby amended to read as follows:

380 **Notice of public hearing for area zoning.** A. Notice of the time, place and
381 purpose of a public hearing before the council to consider changes to area zoning shall, at
382 a minimum, include publication in the official county newspaper and another newspaper
383 of general circulation in the area for which the area zoning is proposed at least thirty days
384 before the hearing. The county shall endeavor to provide such notice in nontechnical
385 language. The notice shall indicate how the detailed description of the ordinance

386 required by K.C.C. 20.18.100 can be obtained by a member of the public.

387 B. Notice of the hearing shall also be given by mail to affected property owners,
388 appropriate to the scope of the proposal, whose names appear on the rolls of the King
389 County assessor and shall at a minimum include owners of properties within five hundred
390 feet of affected property, at least twenty property owners in the vicinity of the property,
391 and to any individuals or organizations that have formally requested to the department or
392 department of development environmental services to be kept informed of applications in
393 an identified area. Notice shall specifically be given to any unincorporated area council
394 that includes the subject property in its territory. The county shall endeavor to provide
395 such notice in nontechnical language. The mailed notice required herein shall be
396 postmarked at least thirty days before the hearing. If the county sends the mailed notice
397 by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify any
398 specific property owner shall not invalidate an area zoning proceeding or any resulting
399 reclassification of land.

400 SECTION 8. Ordinance 13147, Section 30, and K.C.C. 20.18.140 are each
401 hereby amended to read as follows:

402 **Provision for receipt, review of and response to the docket.** A. ~~((Pursuant to))~~
403 In accordance with RCW 36.70A.470, a docket containing written comments on
404 suggested plan or development regulation amendments shall be coordinated by the
405 department. The docket is the means either to suggest a change ~~((and/))~~ or to identify a
406 deficiency, or both, in the ~~((e))~~Comprehensive ~~((p))~~Plan or development regulation.
407 ~~((A))~~ For the purposes of this section, “deficiency” refers to the absence of required or
408 potentially desirable contents of the ~~((e))~~Comprehensive ~~((p))~~Plan or development

409 regulation and does not refer to whether a development regulation addressed a project's
410 probable specific adverse environmental impacts ((which)) that could be mitigated in the
411 project review process. Any interested party, including applicants, citizens and
412 government agencies, may submit items to the docket.

413 B. All agencies of county government having responsibility for elements of the
414 ((e))Comprehensive ((p))Plan or implementing development regulations shall provide a
415 means by which citizens may docket written comments on the plan or on development
416 regulations. The department shall use public participation methods identified in K.C.C.
417 20.18.160 to solicit public use of the docket ((prior to the annual September 30 submittal
418 deadline)). The department shall provide a mechanism for docketing amendments
419 through the ((i))Internet.

420 1. All docketed comments relating to the ((e))Comprehensive ((p))Plan ((will))
421 shall be reviewed by the department and considered for an amendment to the
422 ((e))Comprehensive ((p))Plan.

423 2. The deadline for submitting docketed comments is September 30 for
424 consideration in the amendment cycle process for the following year.

425 3. By the first business day of December, the department shall issue an executive
426 response to all docketed comments. Responses shall include a classification of the
427 recommended changes as appropriate for either the annual or four-year cycle, and an
428 executive recommendation indicating whether or not the docketed item(s) are to be
429 included in the next year's executive recommended comprehensive plan update. If the
430 docketed changes will not be included in the next executive transmittal, the department
431 shall indicate the reason(s) why, and shall inform the proponent that they may petition the

432 council during the legislative review process.

433 4. By the first business day of December, the department shall forward to the
434 council a report including all docketed amendments and comments with an executive
435 response. The report shall include a statement indicating that the department has
436 complied with the notification requirements contained in this section.

437 5. Upon receipt of the docket report, the council shall mail written notice to all
438 proponents of docketed requests containing the council review process for the current
439 year, and informing proponents that they may petition the council to consider docketed
440 changes that were not recommended by the executive. This notice shall include the
441 schedule of dates for public hearings, committee meetings, and any other opportunities
442 for public testimony on the current year's Comprehensive Plan update.

443 6. Docketed comments relating to development regulations ((will)) shall be
444 reviewed by the appropriate county agency. Those requiring a ((e))Comprehensive
445 ((p))Plan amendment ((will)) shall be forwarded to the department and considered for an
446 amendment to the ((e))Comprehensive ((p))Plan. Those not requiring a
447 ((e))Comprehensive ((p))Plan amendment ((will)) shall be considered by the responsible
448 county agency for amendments to the development regulations.

449 7. ((3. Each agency shall submit all docketed comments relating to the
450 comprehensive plan in the requested format to the department by September 30 for
451 amendment consideration. The department shall forward to the council a complete listing
452 of all docketed items with an initial executive response by the first business day of
453 December each year)). The((is listing)) docket report shall be made available through the
454 ((i))Internet. The department shall endeavor to make the docket report available within

455 one week of transmittal to the council. ~~((Internet posting of the listing is supplemental to~~
456 ~~other required notice, and the county's failure in any particular case to provide notice via~~
457 ~~the internet shall not constitute a procedural violation. The department shall include in~~
458 ~~the annual transmittal of the comprehensive plan amendment a final listing of all the~~
459 ~~docketed items relating to the comprehensive plan and development regulations with a~~
460 ~~recommendation on each item. This listing shall be made publicly available, including~~
461 ~~posting on the internet. Internet posting of the information is supplemental to other~~
462 ~~required notice, and the county's failure in any particular case to provide notice via the~~
463 ~~internet shall not constitute a procedural violation.))~~

464 C. ~~((The docketing process is the official procedure for the public to initiate~~
465 ~~review and receive official response on an identified deficiency of, or a suggested~~
466 ~~improvement to, the comprehensive plan or development regulations.))~~ In addition to the
467 docket, the department shall provide opportunities for general public comments both
468 ~~((prior to))~~ before the docketing deadline each year, and during the executive's review
469 periods ~~((prior to))~~ before transmittal to the council. ~~((Such methods))~~ The opportunities
470 may include, but are not limited to, the use of the following: comment cards, electronic or
471 posted mail, ~~((i))~~ Internet, public meetings with opportunities for discussion and feedback,
472 printed summaries of comments received and ~~((24))~~ twenty-four-hour telephone hotlines.
473 The executive shall assure that the opportunities for public comment are provided as
474 early as possible for each stage of the process, ~~((in order))~~ to assure timely opportunity
475 for public input.

476 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 20.18 a
477 new section to read as follows:

478 **The four to one program – process for amending the urban growth area to**
479 **achieve open space.** A. Proposals for open space dedication and redesignation to the
480 urban growth area must be received before December 31, 2006.

481 B. The total area added to the urban growth area as a result of this program shall
482 not exceed four thousand acres. The department shall keep a cumulative total for all
483 parcels added under this section. The total shall be updated annually through the plan
484 amendment process.

485 C. Proposals shall be processed as land use amendments to the Comprehensive
486 Plan and may be considered in either the annual or four-year cycle. Site suitability and
487 development conditions for both the urban and rural portions of the proposal shall be
488 established through the preliminary formal plat approval process.

489 D. A term conservation easement shall be placed on the open space at the time
490 the four to one proposal is approved by the council. Upon final plat approval, the open
491 space shall be permanently dedicated in fee simple to King County.

492 E. Proposals adjacent to incorporated area or potential annexation areas shall be
493 referred to the affected city and special purpose districts for recommendations.

494 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 20.18
495 a new section to read as follows:

496 **The four to one program – criteria for amending the urban growth area to**
497 **achieve open space.** Rural area land may be added to the urban growth area in
498 accordance with the following criteria:

499 A. A proposal to add land to the urban growth area under this program shall meet
500 the following criteria:

501 1. A permanent dedication to the King County open space system of four acres
502 of open space is required for every one acre of land added to the urban growth area;

503 2. The land shall not be zoned agriculture (A);

504 3. The land added to the urban growth area shall be physically contiguous to
505 urban growth area as adopted in 1994 and not in an area where a contiguous band of
506 public open space, parks or watersheds already exists along the urban growth area
507 boundary;

508 4. The land added to the urban growth area shall be able to be served by sewers
509 and other urban services;

510 5. A road serving the land added to the urban area shall not be counted as part of
511 the required open space;

512 6. All urban facilities shall be located in the urban area except as permitted in
513 subsection E of this section;

514 7. Open space areas shall retain a rural designation;

515 8. The minimum depth of the open space buffer shall be one half of the property
516 width, shall generally parallel the urban growth area boundary and shall be configured in
517 such a way as to connect with open space on adjacent properties;

518 9. The minimum size of the property to be considered is twenty acres. Smaller
519 parcels may be combined to meet the twenty-acre minimum; and

520 10. Urban development under this section shall be limited to residential
521 development and shall be at a minimum density of four dwelling units per acre;

522 B. A proposal that adds two hundred acres or more to the urban growth area shall
523 also meet the following criteria:

524 1. The proposal shall include a mix of housing types including thirty percent
525 below-market-rate units affordable to low, moderate and median income households;

526 2. In a proposal in which the thirty-percent requirement in subsection B.1 of this
527 section is exceeded, the required open space dedication shall be reduced to three and one-
528 half acres of open space for every one acre added to the urban growth area;

529 C. A proposal that adds less than two hundred acres to the urban growth area and
530 that meets the affordable housing criteria in subsection B.1 of this section shall be subject
531 to a reduced open space dedication requirement of three and one-half acres of open space
532 for every one acre added to the urban growth area;

533 D. Requests for redesignation shall be evaluated to determine those that are the
534 highest quality, including, but not limited to, consideration of the following:

535 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,
536 and habitat for endangered and threatened species;

537 2. Provision of regional open space connections;

538 3. Protection of wetlands, stream corridors, ground water and water bodies;

539 4. Preservation of unique natural, biological, cultural, historical or archeological
540 resources;

541 5. The size of open space dedication and connection to other open space
542 dedications along the urban growth area boundary; and

543 6. The ability to provide extensions of urban services to the redesignated urban
544 areas; and

545 E. The open space acquired through this program shall be preserved primarily as
546 natural areas, passive recreation sites or resource lands for farming and forestry. The

547 following additional uses may be allowed only if located on a small portion of the open
548 space and provided that these uses are found to be compatible with the site's natural open
549 space values and functions:

- 550 1. Trails;
- 551 2. Natural appearing stormwater facilities;
- 552 3. Compensatory mitigation of wetland losses on the urban designated portion
553 of the project, consistent with the King County Comprehensive Plan and the sensitive
554 areas ordinance; and

555 4. Active recreation uses not to exceed five percent of the total open space area.
556 The support services and facilities for the active recreation uses may locate within the
557 active recreation area only, and shall not exceed five percent of the total acreage of the
558 active recreation area. The entire open space area, including any active recreation site, is
559 a regional resource. It shall not be used to satisfy the on-site active recreation space
560 requirements in K.C.C. Title 21A.14.180 for the urban portion of the four to one
561 property.

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

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

570 1. Type 1 decisions are made by the director, or his or her designee, ("director")
571 of the department of development and environmental services ("department"). Type 1
572 decisions are nonappealable administrative decisions (~~(which)~~) that require the exercise
573 of little or no administrative discretion, except for Type 1 decisions for which the
574 department has issued a (~~(state Environmental Policy Act)~~) (~~((")SEPA(("))~~) threshold
575 determination. Type 1 decisions for which the department has issued a SEPA threshold
576 determination are appealable at the time of issuance of the SEPA threshold determination
577 to the hearing examiner as a Type 2 decision, (~~(provided that)~~), but the appeal is limited
578 to the SEPA threshold determination and issues relating to zoning code (K.C.C. Title
579 21A) compliance excluding compliance with permitted use provisions. However, the
580 decision on the Type 1 permit, exclusive of SEPA threshold determinations issued by the
581 department and issues relating to zoning code (K.C.C. Title 21A) compliance excluding
582 compliance with permitted use provisions, is not appealable to the hearing examiner;
583 rather, it is appealable to superior court. For the purposes of appealing a Type 1 decision
584 to superior court, the Type 1 decision shall not be considered final until any permitted
585 appeal to the hearing examiner is decided. Public notice is not required for Type 1
586 decisions, except for Type 1 decisions for which the department has issued a SEPA
587 threshold determination, which are treated like Type 2 decisions for the purposes of
588 public notice.

589 2. Type 2 decisions are made by the director(~~(, or his or her designee)~~). Type 2
590 decisions are discretionary decisions (~~(which)~~) that are subject to administrative appeal
591 (~~(in accordance with applicable provisions of law or ordinance)~~).

592 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner

593 following an open record hearing. Type 3 decisions may be appealed to the county
594 council, based on the record established by the hearing examiner.

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

597 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or unless otherwise
598 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
599 applications that would require more than one type of land use decision process may be
600 processed and decided together, including any administrative appeals, using the highest-
601 numbered land use decision type applicable to the project application.

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

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

609

Exhibit A

610

LAND USE DECISION TYPES

TYPE 1	(Decision by director, no administrative appeal)	Building; clearing and grading; boundary line adjustment; right of way; road variance except those rendered in conjunction with a short plat decision**; variance from ((the requirements of)) K.C.C. chapter 9.04; shoreline exemption; approval of a conversion harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit for the entire site.
TYPE 2	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; temporary use; shoreline substantial development permit; Type 1 decision for which the department has issued a SEPA threshold determination****; procedural and substantive SEPA decision; site development permit; approval of residential density incentives or 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)) under 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.
TYPE 3	(Recommendation by director, hearing and decision by hearing examiner, appealable to	Preliminary plat, plat alterations; preliminary plat revisions.

	county council on the record)	
TYPE 4***	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; <u>deletion of special district overlay.</u>

611

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

616 ** The road variance process is administered by the county road engineer of the King County
 617 department of transportation ~~((pursuant to))~~ under the King County road standards.

618 *** Approvals that are consistent with the Comprehensive Plan may be considered by the council at any
 619 time. Zone reclassifications ~~((which))~~ that are not consistent with the ~~((e))~~Comprehensive ~~((p))~~Plan
 620 require a site-specific land use map amendment and the council's hearing and consideration ~~((will))~~
 621 shall be scheduled with the amendment to the ~~((e))~~Comprehensive ~~((p))~~Plan ~~((pursuant to))~~ under
 622 K.C.C. 20.18.040 and 20.18.060.

623 **** Only the SEPA threshold determination and issues relating to zoning code compliance, excluding
 624 compliance with permitted use provisions, may be appealed, upon issuance of the threshold
 625 determination; other issues, including those relating to building code compliance, are not
 626 appealable.

627 SECTION 12. Ordinance 4461, Section 10, and K.C.C. 20.24.190 are each hereby
 628 amended to read as follows:

629 **Additional examiner findings - reclassifications and shoreline redesignations.**

630 When the examiner issues a recommendation regarding an application for a
631 reclassification of property or for a shoreline environment redesignation, the
632 recommendation shall include additional findings ~~((which))~~ that support the conclusion
633 that at least one of the following circumstances applies:

634 A. The property is potentially zoned for the reclassification being requested and
635 conditions have been met ~~((which))~~ that indicate the reclassification is appropriate; ~~((or))~~

636 B. An adopted ~~((community))~~ subarea plan or area zoning specifies that the
637 property shall be subsequently considered through an individual reclassification
638 application; ~~((or))~~

639 C. Where a ~~((community))~~ subarea plan has been adopted but subsequent area
640 zoning has not been adopted, that the proposed reclassification or shoreline redesignation
641 is consistent with the adopted ~~((community))~~ subarea plan; or

642 D. The applicant has demonstrated with substantial evidence that:

643 1. Since the last previous area zoning or shoreline environment designation of
644 the subject property, authorized public improvements, permitted private development or
645 other conditions or circumstances affecting the subject property have undergone
646 substantial and material change not anticipated or contemplated in ~~((the community))~~ a
647 subarea plan or area zoning;

648 2. The impacts from the changed conditions or circumstances affect the subject
649 property in a manner and to a degree different than other properties in the vicinity such
650 that area rezoning or redesignation is not appropriate. For the purposes of this
651 subsection, "changed conditions or circumstances" does not include actions taken by the
652 current or former property owners to facilitate a more intense development of the

653 property including but not limited to changing tax limitations, adjusting property lines,
654 extending services, or changing property ownership; ((and))

655 3. For proposals to increase rural residential density, that the proposal meets the
656 criteria in Comprehensive Plan policies R-205 through R-209;

657 4. For proposals to increase urban residential density, that the proposal meets
658 the criteria in Comprehensive Plan policies U-118 through U-123; and

659 5. The requested reclassification or redesignation is ~~((required))~~ in the public
660 interest.

661 SECTION 13. Ordinance 9785, Section 16, as amended, and K.C.C. 20.24.197
662 are each hereby amended to read as follows:

663 **Additional examiner findings and recommendations - school capacities.**

664 Whenever the examiner in the course of conducting hearings or reviewing preliminary
665 plat applications ~~((or actualization of potential multi-family zoning,))~~ receives
666 documentation that the public schools in the district where the development is proposed
667 would not meet the standards set out in K.C.C. 21A.28.160 if the development were
668 approved, the examiner shall remand to the department of development and
669 environmental services to require or recommend phasing or provision of the needed
670 facilities and sites as appropriate to address the deficiency, or deny the proposal if
671 required by ~~((the provisions of))~~ this chapter. The examiner shall prepare findings to
672 document the facts ~~((which))~~ that support the action taken. The examiner shall
673 recommend such phasing as may be necessary to coordinate the development of the
674 housing with the provision of sufficient school facilities, or ~~((in the alternative))~~ shall
675 require the provision of the needed facilities. An offer of payment of a school impact fee

676 as required by ordinance shall not be a substitute for ((such)) the phasing, but the fee is
677 still assessable. The examiner shall recommend a payment schedule for the fee to
678 coordinate the payment with the phasing of an impact mitigation fee if ((such)) the
679 provision or payment is satisfactory to the district. The examiner must determine
680 independently that the conditions of approval and assessable fees will provide for
681 adequate schools.

682 SECTION 14. Ordinance 11620, Section 2, as amended, and K.C.C. 20.12.458
683 are each hereby repealed.

684 SECTION 15. Severability. If any provision of this ordinance or its application
685 to any person or circumstance is held invalid, the remainder of the ordinance or the

Ordinance 14047

686 application of the provision to other persons or circumstances is not affected.

687 NOTE: This ordinance was passed on the 2/12/01 agenda although the final vote was not

688 taken until 2/20/01.

689

Ordinance 14047 was introduced on 3/6/00 and passed as amended by the Metropolitan King County Council on 2/12/01, by the following vote:

Yes: 11 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Gossett, Mr. Vance and Mr. Irons

No: 1 - Mr. Pullen

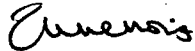
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of March, 2001.



Ron Sims, County Executive

Attachments None