

ORDINANCE NO. 2285

AN ORDINANCE implementing 1974 amendments to the State Environmental Policy Act and amending certain sections of Ordinance 1700 and KCC Chapter 20.44.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 13; Ordinance 1700, and KCC 20.44.

130 is amended to read as follows:

NOTICE OF ACTION TAKEN. (a) Notice of any final decision made by the county in respect to ((any project or activity of a private person which is a major action significantly affecting the quality of the environment shall)) the actions described in Section 4 of this ordinance (KCC 20.44.040), including actions qualified for categorical exemption, may be ((published, at)) publicized by the private or non-county agency applicant's expense in a form approved or, in the case of county sponsored projects and activities, by the county. In no event shall the county be responsible for publicizing notice for decisions made by the county in respect to private or non-county agency projects and activities. Such notice, whenever given, shall be in substantially the form set forth in subsection (c) of this section and shall be made in the following manner:

(1) By publishing the notice ((Such publication shall be made)) on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the ((county)) area where the property which is the subject of the action is located; in the case of actions which are not related to a particular identifiable location, the notice shall be published in a legal newspaper of general circulation in the county; and

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1           (2) By filing notice of such action with the department  
2 of ecology at its main office in Olympia; and

3           (3) Where no detailed statement is filed and where the  
4 property which is the subject matter of the action is under ten  
5 (10) acres, such action shall also be publicized by sending a  
6 notice of such action through the United States mail, first class,  
7 postage prepaid, to all owners of property abutting the property  
8 which is the subject matter of such action, as such property  
9 owners appear on the property tax rolls of the county treasurer.

10           (b) In the case of notices publicized by a private  
11 or non-county agency applicant, such sponsor of the project or  
12 activity shall provide the applicable county department with  
13 evidence that notice has been given in accordance with this  
14 section. Where notice is given in accordance with subsection  
15 (a) (3) of this section, an affidavit of mailing of such notice  
16 shall be filed with the department of ecology and the applicable  
17 county department.

18           (c) The forms for such notices as may be given pursuant  
19 to this section shall be made available to private and non-county  
20 agency applicants at the offices of the clerk of the county  
21 council or the applicable county department and such notices  
22 shall read substantially as follows (subject to whatever further  
23 changes are required by amendment of applicable state law or  
24 state regulation):

25                   NOTICE OF ACTION BY KING COUNTY

26                   DEPARTMENT OF [insert applicable county department] or

27                   KING COUNTY COUNCIL [if applicable]

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Pursuant to the provisions of chapter 43.21C RCW, and King County Ordinances or rules implementing Chapter 43.21C RCW, notice is hereby given that:

King County Department of \_\_\_\_\_ [or King County Council] did on \_\_\_\_\_ [date] take action which was [or, was not] determined to be a "major action significantly affecting the quality of the environment."

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) or any King County ordinance or rules implementing chapter 43.21C shall be commenced within \_\_\_\_\_ [60 days for private projects; 90 days for public agency projects or activities] or be barred.

The action taken by King County, notice of which is hereby given, was as follows:

(1) \_\_\_\_\_ [Here insert description of action taken such as: adoption of ordinance; issuance of building permit; approval of preliminary or final plat, etc.];

(2) \_\_\_\_\_ [Here insert description of the project or activity];

(3) Said action pertained to property commonly known as: \_\_\_\_\_

[Sufficient description to locate property, but complete legal description not required; where action does not relate to particular location, this paragraph is not applicable];

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1                   (4) Pertinent documents may be examined during  
 2 regular business hours at the office of \_\_\_\_\_  
 3 located at \_\_\_\_\_  
 4 [Location, including room number].

5 \_\_\_\_\_  
 6 [Name of government agency, proponent, or applicant  
 7 giving notice]

8 Filed by \_\_\_\_\_

9 [Signature of individual and capacity in which such  
 10 individual is signing]

11 SECTION 2. Section 14, Ordinance 1700, and KCC  
 12 20.44.140 is amended to read as follows:

13 JUDICIAL AND OTHER REVIEW.

14           (a) Any action to set aside, enjoin, review or other-  
 15 wise challenge any action by the county, for which notice is  
 16 given as provided in Section 1 of this ordinance, KCC 20.44.130,  
 17 ((with respect to projects or activities of private persons which  
 18 are determined to be major actions significantly affecting the  
 19 quality of the environment,)) on grounds of noncompliance with  
 20 the State Environmental Policy Act or ((this)) any county  
 21 ordinance or rules implementing said Act shall be commenced  
 22 within sixty (60) days from the ((final date of publication of  
 23 the notice of action provided in Section 13 of this ordinance,))  
 24 giving of notice in the case of privately sponsored projects or  
 25 within (90) days from the giving of notice for projects or  
 26 activities sponsored by a government agency, or be barred.  
 27 The time of giving of notice as provided in section 1 of this  
 28 ordinance shall be considered the date of filing notice with  
 29 the department of ecology, the date of final newspaper publica-  
 30 tion, or, when applicable, the date of mailing notices to  
 31 abutting property owners, whichever occurs later.  
 32

1 (b) Any action to set aside, enjoin, review or other-  
2 wise challenge any ((other)) action by the county for which a  
3 shorter time period than sixty (60) or ninety (90) days for  
4 challenge is provided by state law or county ordinance,  
5 ((taken pursuant to this ordinance,)) on the grounds of noncompli-  
6 ance with the State Environmental Policy Act or ((this)) any  
7 county ordinance or rules implementing said Act, shall be  
8 commenced within the applicable time limits provided by such  
9 state law or county ordinance for appeals from decisions by the  
10 county or the county board of appeals.

11 (c) In the case of any subsequent actions by the county  
12 on a project or activity for which notice was properly given in  
13 for which an environmental impact statement was previously  
14 prepared, the county may utilize the same environmental impact  
15 statement for the subsequent action as long as there has been no  
16 substantial change in the project or activity between the time  
17 of the original action and any subsequent actions. In such a  
18 case, the subsequent action or actions shall not be set aside,  
19 enjoined, reviewed, or thereafter challenged on grounds of  
20 noncompliance with RCW 43.21C.030(2)(c) or any county ordinance  
21 or rules implementing said Act.

22 (d) ((t)) In any action involving an attack on a  
23 determination made by the county or a responsible official of  
24 the county relating to the environmental significance of an  
25 action or category of actions or relating to the adequacy of an  
26 environmental impact statement, the determination by the county  
27 or a responsible official of the county shall be accorded  
28 substantial weight.

1 SECTION 3. Section 15, Ordinance 1700, and KCC 20.44.  
2 150 is amended to read as follows:

3 FURTHER DEPARTMENTAL PROCEDURES; REGULATIONS BY COUNTY  
4 EXECUTIVE.

5 (a) Each county department shall develop and present  
6 to the county executive for approval, within ninety (90) days of  
7 the effective date of this section, or within ninety (90) days  
8 of the effective date of any subsequent amendment of this  
9 ordinance, its own formal procedures to implement this ordinance.

10 The procedures shall, among other things, provide the following:

- 11 (1) identify the specific categories of depart-  
12 mental actions which may potentially have a  
13 significant effect on the quality of the  
14 environment so as to require an action by  
action determination of environmental  
significance and possibly the preparation  
of an environmental impact statement;
- 15 (2) identify the specific categories of depart-  
16 mental actions which do not potentially  
17 have a significant effect on the quality of  
18 the environment and which the responsible  
official believes qualify for categorical  
exemption pursuant to Section 9 of this  
ordinance;
- 19 (3) set forth checklists for each category of  
20 departmental actions identified in (1) above  
21 listing the full range of potential impacts  
involved in the typical action within such  
category;
- 22 (4) describe the existing departmental or  
23 county-wide review and decision process for  
24 each category of departmental actions iden-  
25 tified in (1) above and indicate precisely  
26 when in such review process a determination  
of environmental significance will be made,  
an environmental impact statement drafted, if  
one is required, other agencies and persons  
consulted, and a final environmental impact  
statement filed, if one is required;
- 27 (5) identify the county departments and other  
28 local, state or federal agencies appropriate  
29 to consult in respect to the typical action  
30 within the categories of departmental  
actions identified in (1) and (2) above;

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- 1 (6) indicate the manner in which the public  
2 will participate in and be given timely  
3 information regarding actions with poten-  
4 tially significant environmental impact;
- 5 (7) indicate changes or modifications in  
6 application forms and procedures and  
7 changes in the review process necessary  
8 to implement this ordinance;
- 9 (8) indicate those categories of county-  
10 sponsored projects or activities for  
11 which notice will be given in accordance  
12 with section 1 of this ordinance, KCC  
13 20.44.130; indicate the stage of  
14 decision-making at which such notice will  
15 be given in the case of county projects  
16 or activities or the stage of decision-  
17 making at which such notice will be  
18 appropriate in the case of private or  
19 non-county agency sponsored projects or  
20 activities.

21 (b) The county executive shall have authority to  
22 approve, disapprove, or modify the procedures of county depart-  
23 ments developed pursuant to this section to insure their consis-  
24 tency with this ordinance and to make orders and regulations  
25 relating to the implementation by county departments of the  
26 State Environmental Policy Act and this ordinance. The orders  
27 and regulations of the county executive to establish procedures  
28 for the county executive's review functions pursuant to Section  
29 3(a), Section 7(f), Section 10(b) and Section 11 of this  
30 ordinance shall become effective only upon the county council's  
31 approval by motion.

32 (c) Every county department shall maintain and  
33 periodically update a public master list indicating:

- 34 (1) actions for which a final environmental  
35 impact statement has been published;
- 36 (2) actions for which an environmental impact  
37 statement is in progress;
- 38 (3) actions for which a declaration of no  
39 significant impact has been prepared; and
- 40 (4) actions for which a categorical exemption  
41 has been approved.

(d) Every county department should periodically review its own procedures and revise them as necessary to improve implementation of the State Environmental Policy Act. In addition, each department should monitor the cost of preparing environmental impact statements and the time required for decisions on actions for which environmental impact statements are required, measured from the time of original application or initiation to final decision on the action.


SECTION 4. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstances is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED AND READ for the first time this 28<sup>th</sup> day of October, 1974.

PASSED this 20<sup>th</sup> day of January, 1975.

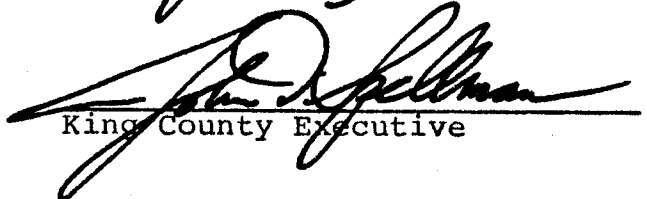
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
CHAIRMAN

ATTEST:

  
Clerk of the Council

APPROVED this 23<sup>rd</sup> day of January, 1975.

  
King County Executive

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