

July 3, 1990
0812F/EHK/rr/cm/hlm

KENT PULLEN
BRUCE LAING
RON SIMS
AUDREY GRUGER
CYNTHIA SULLIVAN
INTRODUCED BY: Greg Nickels

PROPOSED NO.: 90-285

ORDINANCE NO. **9540**

AN ORDINANCE amending public notice requirement; amending Ordinance 4460, Section 3, and K.C.C. 19.26.070; amending Ordinance 4460, Section 1 and K.C.C. 19.36.050; amending Ordinance 6949, Section 8 and K.C.C. 20.44.060; amending Ordinance 5549, Section 3 and K.C.C. 21.58.050; amending Ordinance 4460, Section 2 and K.C.C. 21.62.060; and amending Ordinance 3688, Section 803 and K.C.C. 25.32.030.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4460, Section 3 and K.C.C. 19.26.070 are each hereby amended to read as follows:

Notice of application. Upon receipt of short subdivision applications authorized by Section 19.26.020, (~~B-or-G-which-will result-in-the-creation-of-five-or-more-lots-on-adjacent properties-under-common-ownership~~) the division shall cause notice of such applications to be given within twenty days of the filing of such applications as provided in this section. (~~In addition, where the division receives a short subdivision application which is adjacent to property for which a short subdivision application has been submitted within the preceding twenty-four months and the proposed and previously submitted short subdivisions in combination would create five or more lots on such adjacent properties, the division may in its discretion cause notice of such application to be given as provided in this section.~~). If notice is given pursuant to this section, the review period contained in Section 19.26.110 B. shall commence ten days after notice of the application has been mailed.

Notice required pursuant to this section shall be as follows:

1 A. By posting a notice board, Attachment A, attached hereto
 2 and incorporated by reference herein, on or adjacent to the
 3 subject property at a place conspicuous and likely to be seen by
 4 persons passing the property. The division may require
 5 additional notice boards when a site does not abut a public road,
 6 when a large site abuts more than one public road or in any other
 7 instance when the division deems additional boards to be
 8 necessary. Posting shall occur for at least thirty days. Notice
 9 shall include but not be limited to:

10 1. The file number of the short plat, the total area of
 11 the plat, the number of lots, the typical lot size, the proposed
 12 use, and the name of the applicant;

13 2. A vicinity map or general location description in
 14 non-legal language;

15 3. A statement indicating that written materials may be
 16 submitted to the division within thirty days after notice is
 17 posted;

18 4. A form to request the preliminary and final short
 19 subdivisions as approved by the division;

20 5. Identification of the responsible county official; and

21 6. A description of the appeal procedure.

22 Posting of the required notice, including the expenses thereof,
 23 shall be the responsibility of the application and an affidavit
 24 of posting shall be submitted to the division prior to the final
 25 comment date by the applicant in a form approved by the division.

26 ~~((A.))~~ B. By first class mail to owners of property within
 27 five hundred feet of any boundary of the subject property. ~~((;~~
 28 provided; -that-t)) The area within which mailed notice is
 29 required ~~((may))~~ shall be expanded to include at least twenty
 30 different property owners in rural or lightly inhabited areas or
 31 in other appropriate cases to the extent the division determines
 32 is necessary ~~((to-include-affected-property-owners))~~. Notice
 33 shall contain:

1 1. The identifying number of the short plats, the total
2 area of the plats, the number and typical lot size, the proposed
3 use, and the name of the applicant;

4 2. A vicinity map or general location description in
5 nonlegal language;

6 3. A statement that written materials may be submitted to
7 the division within ten days after notice is sent;

8 4. A form to request the preliminary and final short
9 subdivisions as approved by the division; and

10 5. A statement of county appeal procedures.

11 ((B-)) C. By first class mail sent to:

12 1. Any city located within ((one)) three miles of any
13 boundary of the subject property;

14 2. Any city which has a utility which is proposed to serve
15 the short subdivision; and

16 3. The State Department of Transportation where the plat
17 or part thereof adjoins a state right-of-way.

18 The content of notice shall be as approved in subsection A.
19 of this section.

20 ((G-)) D. By any other method if the division deems it
21 appropriate for the purpose of giving notice to interested
22 parties, including but not limited to providing notification of
23 the proposed action and hearing to local or community newspapers.

24 SECTION 2. Ordinance 4460, Section 1, and K.C.C. 19.36.050
25 are each hereby amended to read as follows:

26 Notice of public hearing. The building and land development
27 division shall cause notice to be given of the time and place of
28 the public hearing on a proposed preliminary plat as follows:

29 A. By first class mail sent thirty days prior to the date of
30 hearing, to owners, including applicant, of property located
31 within five hundred feet of any boundary of the subject
32 property. ~~((; provided, that-))~~ The area within which mailed

1 notice is required ((may)) shall be expanded to include at least
 2 twenty different property owners in rural or lightly inhabited
 3 areas or in other appropriate cases to the extent the division
 4 determines is necessary ((to-include-affected-property-owners)).

5 Notice shall contain:

6
 7 1. The name and total area of the proposed plat, the
 8 number of proposed lots and typical lot sizes, the proposed use
 9 and the name of the plat applicant;

10 2. A legal description of the subject location description
 11 in nonlegal language;

12 3. The time and place of hearing at which interested
 13 parties may be heard;

14 4. A form to request a copy of the division report; and

15 5. Identification of the responsible county official.

16 Mailed notice as provided in this subsection is supplementary to
 17 official hearing notification by publication and posting and the
 18 failure of one or more owners to receive mailed notice shall not
 19 affect the scheduling or validity of the hearing if notice was
 20 given pursuant to subsections C and D of this section.

21 B. By first class mail sent thirty days prior to the date of
 22 the hearing to:

23 1. Any city located within ((one)) three miles of any
 24 boundary of the subject property;

25 2. Any city which has a utility which is proposed to serve
 26 the plat; and

27 3. The state department of transportation where the plat
 28 or part thereof adjoins a state right-of-way. The content of the
 29 notice shall be as provided in subsection A of this section.

30 C. By publication at least twenty days prior to the date of
 31 hearing in the official county newspaper and another newspaper of
 32 general circulation in the affected community.

33 D. By posting ((thirty-days-prior-to-the-date-of-hearing-at

1 ~~least-three-signs-or-posters))~~ a notice board, Attachment A,
2 attached hereto and incorporated by reference herein, on or
3 adjacent to the subject property at a place((s)) conspicuous and
4 likely to be seen by persons passing the property. The division
5 may require additional notice boards when a site does not abut a
6 public road, when a large site abuts more than one public road or
7 in any other instance when the division deems additional boards
8 to be necessary. Posting shall occur for at least thirty days
9 prior to the date of hearing. Notice shall include but not be
10 limited to:

11 1. The name and total area of the proposed plat, the
12 number of proposed lots and typical lot sizes, the proposed use,
13 the name of the plat applicant and the file number;

14 2. A legal description of the subject location in
15 non-legal language;

16 3. The time and place of the hearing at which interested
17 parties may testify;

18 4. A form to request a copy of the division report;

19 5. Identification of the responsible county official; and

20 6. A description of the appeal procedure.

21 The form and content of the notice shall be approved by
22 the division. Posting, including the expenses, thereof, shall be
23 the responsibility of the applicant and an affidavit of posting
24 shall be submitted prior to the hearing by the applicant to the
25 division in a form approved by the division.

26 E. By any other method, if the division determines it
27 appropriate for the purpose of proposed preliminary plat,
28 including but not limited to providing notification of the
29 proposed action and hearing to local or community newspapers.

30 SECTION 3. Ordinance 6949, Section 8 and K.C.C. 20.44.060
31 are each hereby amended to read as follows:

32 Comments and public notice. A. The procedures and standards
33 of WAC 197-11-500 through 197-11-570 are adopted regarding public
notice and comments.

1 B. For purposes of WAC 197-11-510, public notice shall
 2 consist of:
 3 property For project-specific proposals, posting of a ~~((the-----
 4 in-a-minimum-of-three-locations-readily-observable-from-adjacent
 5 property-and-adjoining-streets-))~~ notice board, Attachment A,
 6 attached hereto and incorporated by reference herein, on or
 7 adjacent to the subject property at a place conspicuous and
 8 likely to be seen by persons passing the property. The division
 9 may require additional notice boards when a site does not abut a
 10 public road, when a large site abuts more than one public road or
 11 in any other instance when the division deems additional boards
 12 to be necessary. The notice board shall be posted for fifteen
 13 days. Notice shall contain:

14 1. The name of the applicant, the description of the
 15 proposed action, the proposed use of the property, and the file
 16 number;

17 2. A plot plan and general location description in
 18 non-legal language;

19 3. The procedures and deadline for submitting comments;

20 4. A form to request subsequent department reports or
 21 decisions;

22 5. Identification of the responsible county official; and

23 6. A description of the appeal procedure.

24 A notarized affidavit of posting which certifies the
 25 location of ~~((posters))~~ a notice board on a vicinity map shall be
 26 submitted to the department within fifteen days of publication
 27 pursuant to this section.

28 Publication of notice in a newspaper of general
 29 circulation in the area where the proposal is located.

30 C. Additional notice.

31 1. For project-specific proposals, the department shall
 32 mail to property owners within five-hundred feet of the

1 proposal's property boundaries: the threshold determination, or
 2 the decision to condition the permit pursuant to RCW 43.21C.060
 3 if notice has not been previously mailed. Failure of any
 4 specific property owner to receive notice shall not invalidate
 5 the determination or decision to condition.

6 2. The responsible official may require further notice if
 7 deemed necessary to provide adequate public notice of a pending
 8 action. Failure to require further or alternative notice shall
 9 not be a violation of any notice procedure.

10 SECTION 4. Ordinance 5570, Section 3, and K.C.C. 21.58.050
 11 are each hereby amended to read as follows:

12 Notice. Upon the filing of an application for a variance, an
 13 administrative conditional use permit, or a conditional use
 14 permit by a property owner which sets forth fully the grounds
 15 for, and the facts deemed to justify the granting of the
 16 requested action, notice shall be given as follows:

17 A. For conditional use permits, the adjustor shall give
 18 notice of a public hearing or, in the case of an application for
 19 an administrative conditional use permit, notice of the filing of
 20 the application as provided for notice of public hearings in
 21 Chapter 21.62 to consider the matter.

22 B. Written comments and materials relating to proposals for
 23 administrative conditional use permits must be submitted to the
 24 division within twenty-five days of notice or posting to be
 25 considered by the adjustor.

26 C. For variance applications, notice shall be made:

27 1. By first class mail sent to owners of property within
 28 three hundred feet of any boundary of the subject property. ~~((~~
 29 ~~provided,--that--t))~~ The area within which mailed notice is
 30 required ((may)) shall be expanded to include at least twenty
 31 different property owners in rural or lightly inhabited areas or
 32

1 in other appropriate cases to the extent the division determines
2 necessary (~~to include affected property owners~~). Notice shall
3 contain: a. The name of the applicant, the description of the
4 requested action and the proposed use of the property; b. A
5 plot plan and general location description in nonlegal language;
6 c. The procedures and deadline for filing comments; d. A form
7 to request subsequent division reports or decisions; and e.
8 Identification of the responsible county official.

9 Mailed notice as herein provided is supplementary to official
10 notification by posting and the failure of one or more owners to
11 receive mailed notice shall not affect the validity of the final
12 decision if the property was posted pursuant to K.C.C.
13 21.58.050.C.2;

14 2. By posting (~~three or more signs or posters~~) a notice
15 board, Attachment A, attached hereto and incorporated by
16 reference herein, on or adjacent to the subject property at
17 places conspicuous and likely to be seen by persons passing the
18 property. The division may require additional notice boards when
19 a site does not abut a public road, when a large site abuts more
20 than one public road or in any other instance when the division
21 deems additional boards to be necessary. Posting shall occur for
22 at least fifteen days, at the end of which time the comment
23 period shall close. Notice shall include but not be limited to:

24 a. The name of the applicant, the description of the
25 requested action, the proposed use of the property, and the file
26 number;

27 b. A plot plan and general location description in
28 nonlegal language;

29 c. The procedures and deadline for submitting comments;

30 d. A form to request subsequent division reports or
31 decisions;

1 e. Identification of the responsible county official; and

2 f. A description of the appeal procedure.

3 The form and content of the notice shall be approved by
4 the division. Posting, including the expenses thereof, shall be
5 the responsibility of the applicant and an affidavit of posting
6 shall be submitted prior to the final comment date by the
7 applicant to the division in a form approved by the division; and

8 3. By any other method if the building and land
9 development division determines it appropriate for the purpose of
10 giving notice to interested parties, including but not limited to
11 providing notification of the proposed action to local or
12 community newspapers.

13 D. Separate notice of variance hearings determined to be
14 necessary pursuant to K.C.C. 21.58.052 shall be made as set forth
15 in K.C.C. 21.58.050.C.1. to all parties who have submitted
16 written comments during the comment period. Hearing notices
17 shall include a description of the time and place of the public
18 hearing with the items specified in K.C.C. 21.58.050.C.1.

19 SECTION 5. Ordinance 4460, Section 2 and K.C.C. 21.62.070
20 are each hereby amended to read as follows:

21 Notice of public hearing. The building and land development
22 division shall cause notice to be given of the time and place of
23 the public hearing for a proposed zoning reclassification,
24 shoreline environment redesignation, planned unit development,
25 unclassified use and conditional use as follows:

26 A. By first class mail sent thirty days prior to the date of
27 hearing to owners of property within five hundred feet of any
28 boundary of the subject property. ~~((; provided; that-))~~ The area
29 within which mailed notice is required ~~((may))~~ shall be expanded
30 to include at least twenty different property owners in rural or
31 lightly inhabited areas or in other appropriate cases to the
32

1 extent the division determines is necessary(~~(-to-include-affected~~
 2 ~~property-owners))~~ ^{((contain))}). Notice shall include but not be limited to:

3 1. The name of the applicant, the description of the
 4 requested action and the proposed use of the property;

5 2. A vicinity map or general location description in
 6 nonlegal language;

7 3. The time and place of public hearing at which
 8 interested parties may be heard;

9 4. A form to request the division report; and

10 5. Identification of the responsible county official.

11 Mailed notice as herein provided is supplementary to
 12 official hearing notification by publication and posting and the
 13 failure of one or more owners to receive mailed notice shall not
 14 affect the scheduling or validity of the hearing if notice was
 15 given pursuant to Subsections B. and C. of this section.

16 B. By publication twenty days prior to the date of hearing
 17 in the official county newspaper and another newspaper of general
 18 circulation in the affected community.

19 C. By posting at least thirty days prior to the date of
 20 hearing at least ~~((three-signs-or-posters))~~ a notice board,
 21 Attachment A, attached hereto and incorporated by reference
 22 herein, on or adjacent to the subject property at a place((s))
 23 conspicuous and likely to be seen by persons passing the
 24 property. The division may require additional notice board when
 25 a site does not abut a public road, when a large site abuts more
 26 than one public road or in any other instance when the division
 27 deems additional boards to be necessary. Notice shall include
 28 but not be limited to:

29 1. The name of the applicant, the description of the
 30 requested action, the proposed use of the property, and the file
 31 number;

1 2. A vicinity map or general location description in
2 nonlegal language;

3 3. The time and place of public hearing at which
4 interested parties may be heard;

5 4. A form to request division reports or decisions;

6 5. Identification of the responsible county official; and

7 6. A description of the appeal procedure.

8 The form (~~and content~~) of the notice shall be approved
9 by the division. Posting, including the expenses thereof, shall
10 be the responsibility of the applicant and an affidavit of
11 posting shall be submitted prior to the hearing by the applicant
12 to the division in a form approved by the division.

13 D. By any other method if the building and land development
14 division determines it appropriate for the purpose of giving
15 notice to interested parties, including but not limited to
16 providing notification of the proposed action and hearing to
17 local or community newspapers.

18 SECTION 6. Ordinance 3688, Section 803 and K.C.C. 25.32.030
19 are each hereby amended to read as follows:

20 Application - Fee - Notice - Burden of proof of compliance.

21 A. Applications for substantial development permits, on
22 forms prescribed by the director, shall be made with the director
23 by the property owner, or by an authorized agent of the owner.
24 Incomplete applications will be held for a period of ninety days
25 to allow the applicant to supply the required additional
26 information. Incomplete applications shall be void after ninety
27 days, unless the applicant requests in writing an extension for
28 the purposes of supplying the required additional information.

1 B. The fee which shall accompany an application for a
2 substantial development permit or a request for extension of a
3 permit shall be as adopted by ordinance.

4 C. Upon receipt of proper application, the director shall
5 instruct the applicant to publish notices of the application at
6 least one a week on the same day of the week for two consecutive
7 weeks in a newspaper of general circulation within the county.
8 The director may also require publication through other
9 appropriate newspapers and information media. The director shall
10 set a thirty day comment period. Within thirty days of the
11 comment period (~~(last-publication-of-such-notice-(as-used~~
12 ~~hereinafter;-this-term-shall-mean-the-last-publication-of-such~~
13 ~~notice-in-the-newspaper-of-general-circulation-within-the~~
14 ~~county))~~), any interested persons may submit their views on the
15 application in writing or may notify the director of their desire
16 to be notified of the action taken by the director. All
17 published notices of applications shall be in a form satisfactory
18 to the director. Notices of application shall not be published
19 prior to the actual submission of the application to the
20 director. Affidavits of publication shall be transmitted to the
21 director within seven days of their final publication. In
22 addition, notice of the application for a shoreline development
23 management substantial development permit shall be given as
24 follows:

25 1. The department will notify by mail the owners of
26 property within three hundred feet of the project site. The area
27 within which mailed notice is required shall be expanded to
28 include at least twenty different property owners in rural or
29 lightly inhabited areas or in other appropriate cases to the
30 extent the division determines is necessary.

1 2. The department will post a notice board, Attachment A,
2 attached hereto and incorporated by reference herein, on or
3 adjacent to the subject property at a place conspicuous and
4 likely to be seen by persons passing the property. The division
5 may require additional notice boards when a site does not abut a
6 public road, when a large site abuts more than one public road or
7 in any other instance when the division deems additional boards
8 to be necessary. Notice shall include but not be limited to:

9 a. The name of the applicant, the description of the
10 requested action, the proposed use of the property, and the file
11 number;

12 b. A vicinity map or general location description in
13 non-legal language;

14 c. The procedures and deadline for submitting comments;

15 d. A form to request division reports or decisions;

16 e. identification of the responsible county official; and

17 f. a statement of appeal procedure.

18 The posting shall occur for at least thirty days. The form and
19 content of the notice shall be approved by the division.

20 Posting, including the expenses thereof, shall be the
21 responsibility of the the applicant and an affidavit of posting
22 shall be submitted prior to the final comment date by the
23 applicant to the division in a form approved by the division.

24 3. For utility lines, linear recreation facilities such as
25 trails and other developments of unusual size or configuration,
26 the department may substitute other appropriate notification for
27 the method set forth above.

1 D. The burden of proving that the proposed development is
2 consistent with the criteria set forth in K.C.C. 25.04.030 and
3 K.C.C. 25.32.010 shall be on the applicant.

4 INTRODUCED AND READ for the first time this 26th day
5 of March, 1990.

6 PASSED this 23rd day of July, 1990.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9
10 Lois North
Chair

11 ATTEST:

12 Gerald A. Peterson
13 Clerk of the Council

14 APPROVED this 6th day of August, 1990.

15
16 Jim Hill
17 King County Executive

A. Notice Board Size and Text Specifications

The notice board shall be four feet by four feet in size and constructed to the specifications described in Figure 1 below. The notice board shall display the information shown in the figure and King County Code.

1. Lettering style: Helvetica or similar standard typeface.
2. Lettering size: 3-inch capital letters for the title (NOTICE OF PROPOSED LAND USE ACTION).
2-inch capital letters for all other letters except on the 8.5" x 14" laminated paper providing the details of the proposal, as described in Paragraph 6.
3. Lettering: Black (permanent ink or silk-screen).
4. Background Color: White.
5. Legal size waterproof vinyl jackets with a fold flap, and wrap string (e.g., Stock number PSE-Legal Size/Color Clear from 20th Century Plastics).
6. Laminated legal size sheet which describes detail information on proposed land use action.

The notice board shall be constructed with 4' x 4' plywood.

Professionally prepared plastic notice board overlays, permanently affixed to the board are permissible.

Notice boards may be reused but they must be clean and shown no evidence of former wording.

The specific text to be put on the notice board and detail land use information on legal size sheet shall be determined by BALD staff and will be provided to the applicant during the application appointment.

B. Type of Information on the Notice Board

The notice board shall contain information on the type of proposed land use, file number, and telephone number of the responsible BALD staff. Other information such as the end of comment period, appeal deadline, hearing date, and other pertinent information should be included as appropriate.

Detailed information regarding the proposed land use prescribed in the King County Code shall be contained on the laminated legal size paper.

C. Standards for Locating and Installing Notice Boards.

Notice boards shall be located:

- midpoint on the street frontage or as otherwise directed by BALD staff to maximize visibility.
- at a location 5 feet inside from the property line; notice boards structurally attached to an existing building shall be exempt from the setback provisions, provided that no notice board is located not more than 5 feet from the property line without approval from BALD staff.
- so that the top of the notice board is between 7-9 feet above grade.
- so that it is easily accessible and totally visible to passersby and BALD staff.

The applicant shall erect the notice board by solidly setting the posts 12 to 18 inches into the ground.

Two 4" x 4" -- 8 feet long posts and four washers, bolts and nuts (3/8 inch diameter and bolts are 5 inches long) shall be used to install the notice board.

D. Installation Certification

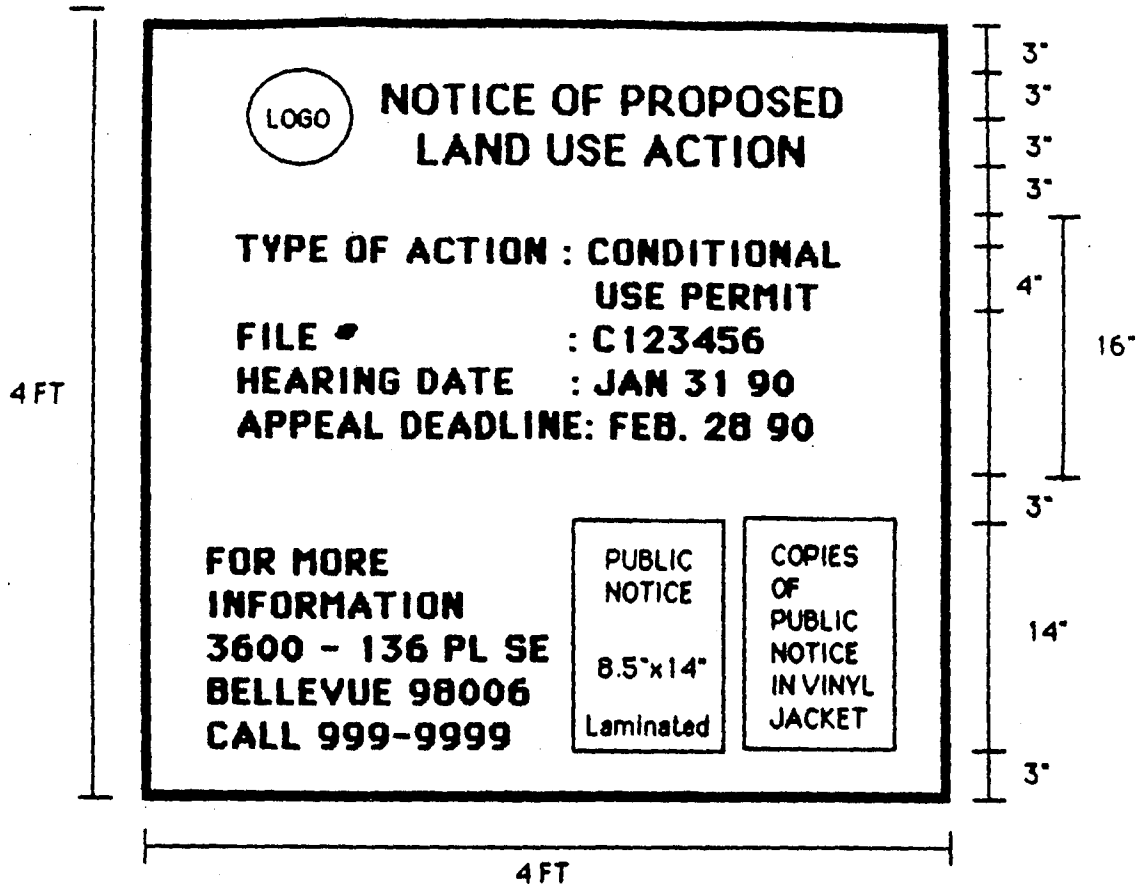
To notify BALD that the notice board has been posted, the applicant shall complete an affidavit card and return it to BALD.

e. Maintenance and Removal of the Notice Board

The applicant shall maintain the notice board in good condition during notice period.

The notice board may not be removed until it fulfills the intention of notification. If the notice board is removed before the end of the designated period, BALD review of the land use action may be discontinued until the notice board is replaced and has remained in place for a reasonable period of time.

The notice board shall be removed within 15 days after the end of the designated period.



- Lettering Style:** Helvetica or similar standard type face.
- Lettering Size:** 3-inch capital letters for the title (NOTICE OF APPLICATION FOR LAND USE DEVELOPMENT).
2-inch capital letters for all other letters except 8.5 by 14 inch laminated paper.
- Lettering:** Black (PERMANENT INK or OVERLAY).
- Background Color:** White

FIGURE 1