

4/7/98

CW:98241sub  
clerk 5/5/98

Introduced By: Rob McKenna  
Jane Hague

Proposed No.: 98-241

**13131**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to administration of the State Environmental Policy Act (SEPA); revising the county environmental procedures, permit processes and administrative appeals to be consistent with the recently adopted SEPA Rule Amendments; amending Ordinance 12196, Section 9 and K.C.C. 20.20.020, Ordinance 12196, Section 13 and K.C.C. 20.20.060, Ordinance 12196, Section 16 and 20.20.090, Ordinance 12196, section 47 and K.C.C. 20.44.042, Ordinance 6949, Section 10 and K.C.C. 20.44.080, Ordinance 6949, Section 14 and K.C.C. 20.44.120; and adding a new section to K.C.C. 20.44.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are hereby amended as follows:

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

1. Type 1 decisions are made by the director, or his or her designee, ("~~(D)~~director") of the department of development and environmental services ("department"). Type 1

1 decisions are non((-))appealable administrative decisions which require the exercise of little  
2 or no administrative discretion, except for Type 1 decisions for which the department has  
3 issued a state Environmental Policy Act ("SEPA") threshold determination. (~~Public notice~~  
4 ~~is not required for Type 1 decisions.~~ For) Type 1 decisions (~~(involving a SEPA~~  
5 ~~determination))~~ for which the department has issued a SEPA threshold determination (~~(the~~  
6 ~~SEPA determination is)~~) are appealable at the time of issuance of the SEPA threshold  
7 determination to the hearing examiner as a Type 2 decision, provided that the appeal is  
8 limited to the SEPA threshold determination and issues relating to zoning code (K.C.C.  
9 Title 21A) compliance excluding compliance with permitted use provisions. However, the  
10 decision on the Type 1 permit, exclusive of SEPA threshold determinations issued by the  
11 department and issues relating to zoning code (K.C.C. Title 21A) compliance excluding  
12 compliance with permitted use provisions, is not appealable to the hearing examiner; rather  
13 it is appealable to superior court. For the purposes of appealing a Type 1 decision to  
14 superior court, the Type 1 decision shall not be considered final until any (~~associated~~  
15 ~~SEPA))~~ permitted appeal (~~(is decided by))~~ to the hearing examiner is decided. Public  
16 notice is not required for Type 1 decisions, except for Type 1 decisions for which the  
17 department has issued a SEPA threshold determination, which are treated like Type 2  
18 decisions for the purposes of public notice.

19 2. Type 2 decisions are made by the director, or his or her designee. Type 2  
20 decisions are discretionary decisions which are subject to administrative appeal in  
21 accordance with applicable provisions of law or ordinance.

1 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
2 following an open record hearing. Type 3 decisions may be appealed to the county  
3 council, based on the record established by the hearing examiner.

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

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

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

13 D. Land use permits that are categorically exempt from review under the ((S))state  
14 Environmental Policy Act ("SEPA") will not require a threshold determination  
15 (determination of non((-))significance ("DNS") or determination of significance ("DS")).  
16 For all other projects, the SEPA review procedures codified in K.C.C. chapter 20.44  
17 ((K.C.C.)) are supplemental to the procedures set forth in this chapter.

18 Exhibit A

19 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 <u>K.C.C.</u> chapter 9.04 ((K.C.C.)); shoreline exemption; approval of a
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conversion harvest plan.

<p>TYPE 2</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; temporary use; shoreline substantial development permit; <u>Type I decision for which the department has issued a SEPA threshold determination****</u>; 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 <del>((Section 10B))</del> 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 <u>K.C.C. chapter 21A.24 ((K.C.C.))</u>, extractive operations pursuant to 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.</p>
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<p>TYPE 3</p>	<p>(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)</p>	<p>Preliminary plat, plat alterations; preliminary plat revisions</p>
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<p>TYPE</p>	<p>(Recommendation</p>	<p>Zone reclassifications; shoreline environment</p>
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4\*\*\* by director, hearing redesignation; urban planned development; special use;  
 and amendment or deletion of P suffix conditions; plat  
 recommendation by vacations  
 hearing examiner  
 decision by county  
 council on the  
 record)

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

6 \*\* The road variance process is administered by the county road engineer of the King  
 7 County department of transportation pursuant to the King County road standards.

8 \*\*\* Only approvals that are consistent with the Comprehensive Plan are included.

9 \*\*\*\* Only the SEPA threshold determination and issues relating to zoning code  
 10 compliance, excluding compliance with permitted use provisions, may be appealed,  
 11 upon issuance of the threshold determination; other issues, including those relating  
 12 to building code compliance, are not appealable.

13 SECTION 2. Ordinance 12196, as amended, and K.C.C. 20.20.060 are hereby  
 14 amended as follows:

15 Notice of application. A. A notice of application shall be provided to the public for all  
 16 land use permit applications requiring Type 2, 3((;)) or 4 decisions or Type 1 decisions  
 17 subject to SEPA pursuant to this section.

18 B. Notice of the application shall be provided by the department within fourteen days  
 19 following the department's determination that the application is complete. A public  
 20 comment period of twenty-one days shall be provided, except as otherwise provided in

1 chapter ((RCW)) 90.58 RCW. The public comment period shall commence on the fifteenth  
2 day following the department's determination that the application is complete.

3 C. If the ((C))county has made a determination of significance ("DS") under chapter  
4 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be  
5 combined with the notice of application and the scoping notice.

6 D. All required notices of application shall contain the following information:

- 7 1. The file number;
- 8 2. The name of the applicant;
- 9 3. The date of application, the date of the notice of completeness((;)) and the date of  
10 the notice of application;
- 11 4. A description of the project, the location, a list of the permits included in the  
12 application and the location where the application and any environmental documents or  
13 studies can be reviewed;
- 14 5. A site plan on 8 1/2 x 14 inch paper, if applicable;
- 15 6. The procedures and deadline for filing comments, requesting notice of any  
16 required hearings((;)) and any appeal procedure.
- 17 7. The date, time, place and type of hearing, if applicable and scheduled at the time  
18 of notice.
- 19 8. The identification of other permits not included in the application to the extent  
20 known.
- 21 9. The identification of existing environmental documents that evaluate the proposed  
22 project.

1           10. A statement of the preliminary determination, if one has been made, of those  
2 development regulations that will be used for project mitigation and of consistency with  
3 applicable county plans and regulations.

4           E. Notice shall be provided in the following manner:

- 5           1. Posted at the project site as provided in subsection F hereof;
- 6           2. Mailed by first class mail as provided in subsection G hereof; and
- 7           3. Published as provided in subsection H hereof.

8           F. (~~Posted notice.~~) Posted notice for a proposal shall consist of one or more notice  
9 boards posted by the applicant within fourteen days following the department's  
10 determination of completeness as follows:

11           1. A single notice board shall be posted for a project. This notice board may also be  
12 used for the posting of the Notice of Decision and Notice of Hearing(~~(;)~~) and shall be  
13 placed by the applicant:

14           a. (~~(A)~~)at the midpoint of the site street frontage or as otherwise directed by the  
15 department for maximum visibility;

16           b. (~~(F)~~)five feet inside the street property line except when the board is structurally  
17 attached to an existing building, provided that no notice board shall be placed more than  
18 five feet from the street property without approval of the department;

19           c. (~~(S)~~)so that the top of the notice board is between seven to nine feet above  
20 grade; and

21           d. (~~(W)~~)where it is completely visible to pedestrians.

22           2. Additional notice boards may be required when:

- 1 a. ~~((F))~~the site does not abut a public road;
- 2 b. ~~((A))~~a large site abuts more than one public road; or
- 3 c. ~~((T))~~the department determines that additional notice boards are necessary to
- 4 provide adequate public notice.

5 3. Notice boards shall be:

6 a. maintained in good condition by the applicant during the notice period, which

7 shall extend through the time of the final county decision on the proposal and the expiration

8 of any applicable appeal periods.

9 b. in place at least twenty-eight days prior to the date of any required hearing for a

10 Type 3 or 4 decision, or at least fourteen days following the department's determination of

11 completeness for any Type 2 decision; and

12 c. removed within fourteen days after the end of the notice period.

13 4. Removal of the notice board prior to the end of the notice period may be cause for

14 discontinuance of county review until the notice board is replaced and remains in place for

15 the specified time period.

16 5. An affidavit of posting shall be submitted to the department by the applicant

17 within fourteen days following the department's determination of completeness to allow

18 continued processing of the application by the department.

19 6. Notice boards shall be constructed and installed in accordance with subsection F,

20 above, and any additional specifications promulgated by the department pursuant to K.C.C.

21 chapter 2.98 (~~(K.C.C.)~~), Rules of County Agencies.

22 G. ~~((Mailed notice.))~~ Mailed notice for a proposal shall be sent by the department

23 within fourteen days after the department's determination of completeness:



1 1. By first class mail to owners of record of property in an area within five hundred  
2 feet of the site, provided such area shall be expanded as necessary to send mailed notices to  
3 at least twenty different property owners;

4 2. To any city with a utility which is intended to serve the site;

5 3. To the ((S))state Department of Transportation, if the site adjoins a state highway;

6 4. To the affected tribes;

7 5. To any agency or community group which the department may identify as having  
8 an interest in the proposal;

9 6. Be considered supplementary to posted notice and be deemed satisfactory despite  
10 the failure of one or more owners to receive mailed notice; and

11 7. For preliminary plats only, to all cities within one mile of the proposed preliminary  
12 plat, and to all airports within two miles of the proposed preliminary plat.

13 8. In those parts of the urban growth area designated by the King County  
14 Comprehensive Plan where King County and a city have adopted a memorandum of  
15 understanding and/or a potential annexation boundary agreement, the director shall ensure  
16 that the city receives notice of all applications for development subject to this chapter, and  
17 shall respond specifically in writing to any comments on proposed developments subject to  
18 this title.

19 H. ((Published notice.)) Notice of a proposed action shall be published by the  
20 department within fourteen days after the department's determination of completeness in the  
21 official county newspaper and another newspaper of general circulation in the affected area.

22 SECTION 3. Ordinance 12196, Section 16, and K.C.C. 20.20.090 are hereby  
23 amended as follows:

1 Notice of decision or recommendation - appeals. A. The department shall provide  
2 notice in a timely manner of its final decision or recommendation on permits requiring Type  
3 2, 3 and 4 land use decisions and Type 1 decisions subject to SEPA, including the threshold  
4 determination, if any, the dates for any public hearings and the procedures for administrative  
5 appeals, if any. Notice shall be provided to the applicant, to the Department of Ecology and  
6 to agencies with jurisdiction if required by K.C.C. chapter 20.44 ((K.C.C.)), to the  
7 Department of Ecology and Attorney General as provided in chapter ((RCW)) 90.58 RCW,  
8 and to any person who, prior to the decision or recommendation, had requested notice of  
9 the decision or recommendation or submitted comments. The notice shall also be provided  
10 to the public as provided in K.C.C. 20.20.060.

11 B. Except for shoreline permits which are appealable to the state Shorelines Hearings  
12 Board, all notices of appeal to the hearing examiner of Type 2 land use decisions made by  
13 the ~~((D))~~director shall be filed within fourteen calendar days from the date of issuance of the  
14 notice of decision as provided in K.C.C. 20.24.090; provided that the appeal period shall be  
15 extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

16 SECTION 4. Ordinance 12196, Section 47, and K.C.C. 20.44.042 are hereby  
17 amended to read as follows:

18 Planned actions. ~~((A planned action does not require a threshold determination or the  
19 preparation of an environmental impact statement, but is subject to environmental review  
20 and mitigation under SEPA. The county may designate planned actions in the future  
21 pursuant to RCW ch. 43.21C.031))~~ The procedures and standards of WAC 197-11-164  
22 through WAC 197-11-172 are adopted regarding the designation of planned actions.

1            SECTION 5. Ordinance 6949, Section 10 and K.C.C. 20.44.080 are amended as  
2 follows:

3            Substantive authority. A. The procedures and standards of WAC 197-11-650  
4 through 197-11-660, ~~((are adopted))~~ regarding substantive authority and mitigation, and  
5 WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.

6            B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following  
7 policies, plans, rules and regulations, and all amendments thereto, are designated as  
8 potential bases for the exercise of King County's substantive authority under SEPA, subject  
9 to the provisions of RCW 43.21C.240 and subsection C of this section:

10           1. The policies of the State Environmental Policy Act, RCW ~~((chapter))~~  
11 43.21C.020.

12           2. The King County Comprehensive Plan, its addenda, and revisions and community  
13 and subarea plans and housing report, and surface water management program basin plans,  
14 as specified in ~~((King County Code))~~ K.C.C. chapter 20.12.

15           3. The King County Zoning Code, as adopted in ~~((King County Code))~~ K.C.C. Title  
16 21A.

17           4. The King County Agricultural Lands Policy, as adopted in ~~((King County Code))~~  
18 K.C.C. chapter 20.54 and K.C.C. 11 Title 26.

19           5. The King County Landmarks Preservation Code, as adopted in ~~((King County~~  
20 ~~Code))~~ K.C.C. chapter 20.62.

21           6. The King County Shoreline Management Master Plan, as adopted in ~~((King~~  
22 ~~County Code))~~ K.C.C. Title 25.

1           7. The King County Surface Water Runoff Policy, as adopted in K.C.C. ((S))  
2 chapter 9.04((S)), including the Covington Master Drainage Plan, as adopted in K.C.C.  
3 ((S)) chapter 20.14((S)) (~~as adopted in King County Code~~).

4           8. The King County Road Standards, 1986 Update, as adopted in ~~((King County~~  
5 ~~Code))~~ K.C.C. chapter 14.42.

6           9. The Comprehensive Plan for Transportation adopted by Resolution No. 6617 of  
7 the council of the ~~((M))~~ municipality of ((M)) metropolitan Seattle and readopted and  
8 ratified by the county council ~~((by Ordinance 11032, Section 28, as amended))~~ in K.C.C.  
9 28.01.030.

10           10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23 of  
11 the council of the ~~((M))~~ municipality of ((M)) metropolitan Seattle and readopted and  
12 ratified by the county council ~~((by Ordinance 11032, Section 28, as amended))~~ in K.C.C.  
13 28.01.030.

14           11. The rules and regulations for construction and use of local sewage facilities set  
15 forth in ~~((Ordinance 11034, as amended))~~ K.C.C. chapters 28.81 through 28.84.

16           12. The rules and regulations on the consistency of sewer projects with local land  
17 use plans and policies set forth in Ordinance 11034, as amended.

18           13. The rules and regulations for the disposal of industrial waste into the sewerage  
19 system set forth in Ordinance 11034, as amended.

20           14. The Duwamish Clean Water Plan adopted by the council of the  
21 ~~((M))~~ municipality of ((M)) metropolitan Seattle and readopted and ratified by the county  
22 council by Ordinance 11032, ~~((S))~~ section 28, as amended.

1           15. The Washington ((D))department of ((E))ecology's Best Management Practices  
2 for the Use of Municipal Sludge.

3           C. Within the ((U))urban ((G))growth ((B))boundary, substantive SEPA authority to  
4 condition or deny new development proposals or other actions shall be used only in cases  
5 where specific adverse environmental impacts are not addressed by regulations as set forth  
6 below or unusual circumstances exist. In cases where the county has adopted the  
7 following regulations to systematically avoid or mitigate adverse impacts [K.C.C. chapter  
8 21A.12, ((~~K.C.C.~~)) Development Standards - Density and Dimensions, K.C.C. chapter  
9 21A.14, ((~~K.C.C.~~)) Development Standards - Design Requirements, K.C.C. chapter  
10 21A.16, ((~~K.C.C.~~)) Development Standards - Landscaping and Water Use, K.C.C. chapter  
11 21A.18, ((~~K.C.C.~~)) Development Standards - Parking and Circulation, K.C.C. chapter  
12 21A.20 ((~~K.C.C.~~)) Development Standards - Signs, K.C.C. chapter 21A.22, ((~~K.C.C.~~))  
13 Development Standards - Mineral Extraction, K.C.C. chapter 21A.24, ((~~K.C.C.~~))  
14 ((~~K.C.C.~~)) Development Standards - Environmentally Sensitive Areas, K.C.C. chapter  
15 21A.26, ((~~K.C.C.~~)) Development Standards - Communication Facilities, K.C.C. chapter  
16 21A.28, ((~~K.C.C.~~)) Development Standards - Adequacy of Public Facilities and Services],  
17 those standards and regulations will normally constitute adequate mitigation of the impacts  
18 of new development. Unusual circumstances related to a site or to a proposal, as well as  
19 environmental impacts not mitigated by the foregoing regulations, will be subject to site-  
20 specific or project-specific SEPA mitigation.

21           The provisions of this subsection shall not apply if the county's development  
22 regulations cited in this subsection are amended ((following the effective date of Ordinance  
23 ~~12196~~) after April 22, 1996 unless the amending ordinance contains a finding, supported

1 by documentation, ~~((and))~~ that the requirements for environmental analysis, protections  
2 and mitigation measures in the code chapter, as amended, provide adequate analysis of and  
3 mitigation for the specific adverse environmental impacts to which the requirements apply.

4 D. Outside the ~~((U))~~urban ~~((G))~~growth ~~((B))~~boundary, in the course of project  
5 review, including any required environmental analysis, the responsible official may  
6 determine that requirements for environmental analysis, protection and mitigation measures  
7 in the ~~((C))~~county's development regulations or comprehensive plans adopted under  
8 chapter 36.70A RCW and in other applicable local, state or federal laws and rules provide  
9 adequate analysis and mitigation for specific adverse environmental impacts of the project,  
10 if the following criteria are met:

11 1. In the course of project review, the responsible official shall identify and consider  
12 the specific probable adverse environmental impacts of the proposed action and then make  
13 a determination whether these specific impacts are adequately addressed by the  
14 development regulations. If they are not, the responsible official shall apply mitigation  
15 consistent with the applicable requirements of the comprehensive plan, subarea plan  
16 element of the comprehensive plan or other local, state or federal rules or laws, and

17 2. The responsible official bases or conditions its approval on compliance with these  
18 requirements or mitigation measures.

19 E. Any decision to approve, deny or approve with conditions pursuant to RCW  
20 43.21C.060 shall be contained in the responsible official's decision document. The written  
21 decision shall contain facts and conclusions based on the proposal's specific adverse  
22 environmental impacts (or lack thereof) as identified in an environmental checklist, EIS,  
23 threshold determination, other environmental document including an executive

1 department's staff report and recommendation to a decision maker, or findings made  
2 pursuant to a public hearing authorized or required by law or ((Θ))ordinance. The decision  
3 document shall state the specific plan, policy or regulation which supports the SEPA  
4 decision and, if mitigation beyond existing development regulations is required, the specific  
5 adverse environmental impacts and the reasons why additional mitigation is needed to  
6 comply with SEPA.

7 F. This chapter shall not be construed as a limitation on the authority of King County  
8 to approve, deny or condition a proposal for reasons based upon other statutes, ordinances  
9 or regulations.

10 SECTION 6. Ordinance 6949, Section 14 and K.C.C. 20.44.120 are hereby amended  
11 as follows:

12 Appeals. A. Appeals of threshold determinations or the adequacy of a final EIS are  
13 procedural SEPA appeals which are conducted by the hearing examiner pursuant to the  
14 provisions of K.C.C. 20.24.080, subject to the following:

- 15 1. Only one appeal of each threshold determination shall be allowed on a proposal.
- 16 2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official  
17 shall be entitled to substantial weight.
- 18 3. An appeal of a DS must be filed within fourteen calendar days following issuance  
19 of the DS.
- 20 4. An appeal of a DNS for actions classified as land use permit decisions in K.C.C.  
21 20.20.020 must be filed within fourteen calendar days following notice of the decision as  
22 provided in K.C.C. chapter 20.20.090, provided that the appeal period for a DNS for land  
23 use permit decisions shall be extended for an additional seven calendar days if WAC 197-

1 11-340(2)(a) applies. For actions not classified as land use permit decisions in K.C.C.  
2 20.20.020, no administrative appeal of a DNS is permitted.

3 5. Administrative appeals of the adequacy of a final EIS are permitted ~~((only))~~ for  
4 actions classified as Type 2, 3 or 4 land use permit decisions in K.C.C. 20.20.020, except  
5 Type I decisions for which the department has issued a threshold determination. Such  
6 appeals must be filed within fourteen calendar days following notice of the decision or  
7 recommendation as provided in K.C.C. 20.20.090.

8 6. The hearing examiner shall make a final decision on all procedural SEPA  
9 determinations. The hearing examiner's decision may be appealed to ~~((S))~~superior  
10 ~~((C))~~court as provided in K.C.C. 20.24.240B.

11 B. The hearing examiner's consideration of procedural SEPA appeals shall be  
12 consolidated in all cases with substantive SEPA appeals, if any, involving decisions to  
13 condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing  
14 or appeal, if any, on the proposal, except for appeals of a DS.

15 C. Administrative appeals of decisions to condition or deny applications pursuant to  
16 RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on  
17 the merits of a proposal. If proposals requiring Type 3 or 4 land use decisions are appealed  
18 to the county council as provided in K.C.C. 20.24.210B or D, the recommendation or  
19 decision of the examiner to condition or deny the proposal pursuant to RCW 43.21C.060  
20 also may be appealed to the council, which shall make a final decision.

21 ~~((D. If no administrative appeal is otherwise authorized for a proposal, a decision~~  
22 ~~denying or conditioning an application pursuant to RCW 43.21C.060 may be appealed to~~  
23 ~~the hearing examiner pursuant to K.C.C. 20.24.080 as a Type 2 decision. Such appeals~~



1 ~~shall be limited to issues of whether or not the application was properly conditioned or~~  
2 ~~denied pursuant to RCW 43.21C.060 and the regulations and ordinances implementing that~~  
3 ~~statute.))~~

4 ((C-)) D. Notwithstanding the provisions of subsections A through ((D)) C of this  
5 section, a department may adopt procedures under which an administrative appeal shall not  
6 be provided if the director of that department finds that consideration of an appeal would  
7 be likely to cause the department to violate a compliance, enforcement((;)) or other specific  
8 mandatory order or specific legal obligation. The director's determination shall be included  
9 in the notice of the SEPA determination, and the director shall provide a written summary  
10 upon which the determination is based within five days of receiving a written request.

11 Because there would be no administrative appeal in such situations, review may be sought  
12 before a court of competent jurisdiction under RCW 43.21C.075 and applicable  
13 regulations, in connection with an appeal of the underlying governmental action.

14 NEW SECTION. SECTION 7. There is added to the K.C.C. chapter 20.44 a new  
15 section to read as follows:  
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SEPA/GMA Integration. The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-210 through WAC 197-11-235 are hereby adopted.

INTRODUCED AND READ for the first time this 23<sup>RD</sup> day of MARCH, 1998

PASSED by a vote of 12 to 0 this 4<sup>th</sup> day of MAY, 1998

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Ron Miller  
Chair

ATTEST:  
Zenny  
Clerk of the Council

APPROVED this 13 day of MAY, 1998  
[Signature]  
King County Executive

Attachments: None