



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 28, 2001

Ordinance 14187

Proposed No. 2001-0246.2

Sponsors Sullivan and Irons

1 AN ORDINANCE relating to determination of sensitive area
2 designations, describing a process for determining the
3 designation of sensitive areas; amending Ordinance 10870,
4 Section 464, and K.C.C. 21A.24.170, Ordinance 13332,
5 Section 28, and K.C.C. 27.10.130 and adding new sections to
6 K.C.C. chapter 21A.24.

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9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.24
11 a new section to read as follows:

12 **Sensitive area designation.** A.1. A property owner or the property owner's
13 agent may request a sensitive area designation for part or all of a site, without seeking a
14 permit for a development proposal, by filing with the department a written application for
15 a sensitive area designation on a form provided by the department. If the request is for
16 review of a portion of a site, the application shall include a map identifying the portion of
17 the site for which the designation is sought.

- 18 2. The designation shall be limited to the following determinations:
- 19 a. The existence, location, and boundaries of any stream, wetland, coal mine
- 20 hazard area, landslide hazard area or steep slope on the site; and
- 21 b. The classification of any stream or wetland.
- 22 3. The designation shall not include any evaluation or interpretation of the
- 23 applicability of sensitive area buffers or other sensitive area standards to a future
- 24 development proposal.
- 25 B. In preparing the sensitive area designation, the department shall perform a
- 26 sensitive area review to:
- 27 1. Determine whether any sensitive area that is subject to this designation
- 28 process exists on the site and confirm its type, location, boundaries and classification;
- 29 2. Determine whether a special study is required to identify and characterize the
- 30 location, boundaries and classification of the sensitive area;
- 31 3. Evaluate the special study, if required; and
- 32 4. Document the existence, location and classification of any sensitive area that
- 33 is subject to this designation process.
- 34 C. If required by the department, the applicant for a sensitive area designation
- 35 shall prepare and submit to the department the special study required by subsection B.2.
- 36 of this section.
- 37 D. The department's determination of a sensitive area designation shall be made
- 38 in writing within one hundred twenty days after the application for a sensitive area
- 39 designation is complete, as provided in K.C.C. 20.20.050. The periods set forth in
- 40 K.C.C. 20.20.100A.1 through A.5 shall be excluded from the one-hundred-twenty-day

41 period. The written determination made pursuant to this section as to the existence,
42 location, and classification of a sensitive area shall be effective for two years from the
43 date the determination is issued. The department shall rely on the determination in its
44 review of a complete application for a permit or approval filed within two years after the
45 determination is issued. If the determination applies to less than an entire site, the
46 determination shall clearly identify the portion of the site to which the determination
47 applies.

48 E. The applicant for a sensitive area designation shall be responsible for fees as
49 provided in K.C.C. Title 27.

50 F. If the department designates sensitive areas on a site pursuant to this section,
51 the applicant for a development proposal on that site shall submit proof that a sensitive
52 area notice on title has been filed as required by K.C.C. 21A.24.170.

53 G. The department by rule may provide for the designation of other sensitive
54 areas identified by this chapter as established by council ordinance in addition to those
55 provided for in this section.

56 H.1. Except as provided in 2. of this subsection, the department's determination
57 under this section is final.

58 2. If the department relies on a sensitive area designation made pursuant to this
59 section during its review of an application for a permit or other approval of a
60 development proposal and the permit or other approval is subject to an administrative
61 appeal, any appeal of the designation shall be consolidated with and is subject to the same
62 appeal process as the underlying development proposal. If the King County hearing
63 examiner makes the county's final decision with regard to the permit or other approval

64 type for the underlying development proposal, the hearing examiner's decision
65 constitutes the county's final decision on the designation. If the King County council,
66 acting as a quasi-judicial body, makes the county's final decision with regard to the
67 permit or other approval type for the underlying development proposal, the King County
68 council's decision constitutes the county's final decision on the designation.

69 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.24
70 a new section to read as follows:

71 **Effect of septic system design approval.** If the department of Seattle-King
72 County public health approves a septic system design based on a sensitive area
73 designation made pursuant to section 1 of this ordinance and the applicant submits a
74 complete application to the department of development and environmental services
75 within two years after the date the department of development and environmental service
76 issues the sensitive area designation under section 1 of this ordinance, the standards of
77 this chapter in effect at the time of the department of Seattle-King County public health's
78 approval of the septic system design shall apply to the department of development and
79 environmental services' determination of whether the septic system design complies with
80 the provisions of this chapter for those sensitive areas for which a sensitive area
81 designation has been issued.

82 SECTION 3. Ordinance 10870, Section 464, and K.C.C. 21A.24.170 are each
83 hereby amended to read as follows:

84 **Notice on title.** A. The owner of any property containing sensitive areas or buffers
85 on which a development proposal is submitted, except a public right-of-way or the site of a
86 permanent public facility, shall file a notice approved by King County with the records and

87 elections division. The required contents and form of the notice shall be set forth in
88 administrative rules. The notice shall inform the public of the presence of sensitive areas or
89 buffers on the property, of the application of this chapter to the property and that limitations
90 on actions in or affecting such sensitive areas or buffers may exist. The notice shall run
91 with the land.

92 B. The applicant for a development proposal shall submit proof that the notice
93 required by this section has been filed for public record before King County shall approve
94 any development proposal for the property or, in the case of subdivisions, short
95 subdivisions and binding site plans, at or before recording.

96 SECTION 4. Ordinance 13332, Section 28, and K.C.C. 27.10.130 are each
97 hereby amended to read as follows:

98 **Sensitive area review.** Sensitive area review fees shall be charged a base fee and
99 hourly charge as follows:

- | | | | |
|----|-------------------|----------|---|
| A. | Basic review: | \$275.00 | |
| B. | Complex review: | | |
| | 1. Residential | 620.00 | plus hourly after
four and one-half
hours |
| | 2. Nonresidential | 825.00 | plus hourly after
six hours |
| C. | Miscellaneous: | | |

1. Sensitive area 275.00 plus hourly after
designations and two hours
sensitive area inquiries
2. Inspection monitoring Hourly.

100 SECTION 5 Not later than twelve months after the date of enactment of this
101 ordinance, the department of development and environmental services shall report to the
102 metropolitan King County council on the implementation of this ordinance, including an
103 analysis of any issues and concerns the department has identified during its
104 implementation.

105 SECTION 6. In accordance with K.C.C. 20.44.080, the metropolitan King
106 County council finds that the requirements for environmental analysis, protections and
107 mitigations in those chapters of K.C.C. Title 21A amended by this ordinance provide
108 adequate analysis of and mitigation for the specific adverse environmental impacts to
109 which the requirements apply.

110 SECTION 7. This ordinance takes effect sixty-three days after the date of
111 enactment of this ordinance.

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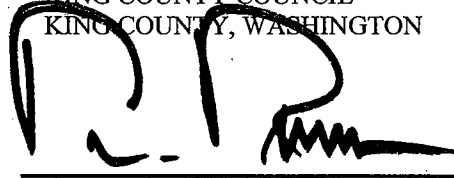
Ordinance 14187 was introduced on 4/30/01 and passed by the Metropolitan King
County Council on 8/27/01, by the following vote:

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

No: 0

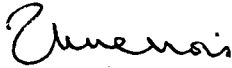
Excused: 2 - Ms. Fimia and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



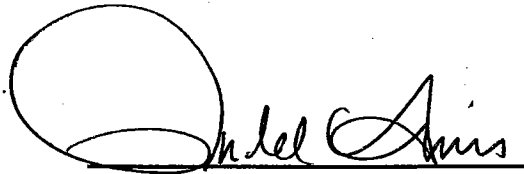
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7 day of September, 2001.



Ron Sims, County Executive

Attachments None