ORDINANCE NO. 00263

An ordinance relating to County Planning, prescribing the means of carrying out the provisions of the King County Charter with particular reference to Article 920.20.70.

BE IT ORDAINED BY THE KING COUNTY COUNCIL:

PREAMBLE

The experience gained by King County in Planning and Zoning now spans a period in excess of thirty years. During this time many aspects of urban living have been completely changed by technological advances. King County now faces the challenge of providing the best living environment that can be achieved in a highly mechanized and complex society. To meet this challenge, the processes and procedures of planning and zoning must be adopted to fit the need.

As heretofore conceived and applied, planning and zoning has been regarded and treated as a legislative process made up of a series of political or policy type decisions ultimately regulating the public and private use of property. This approach has resulted, in some cases, in subjecting the use of property to political pressures which have not always achieved the best result.

The objective sought to be achieved in this ordinance is a proper balance between the needs of the public in guiding development of land in such a manner as will best promote and carry out the objectives of the comprehensive plan, and thus further promote the general welfare, while at the same time recognizing the rights of the private property owner to achieve the highest and best use of his property which is consistent with the needs of the public in promoting the general welfare.

To achieve these ends, the County recognizes that the development of those long-range goals, policies, objectives and criteria which make up the comprehensive plan, and which create new law, are purely legislative in nature.

The County also recognizes that application of these goals,

policies, objectives and criteria to the land on an area zoning basis is also largely legislative in nature and should, therefore, be applied to the land after a legislative hearing.

However, individual applications for zone change - herein defined as reclassification of property - do not alter the zoning text or goals, policies, objectives or criteria which make up the comprehensive plan. After the comprehensive plan and the text portion of the zoning ordinance have been adopted and the area zoning enacted pursuant thereto such reclassifications are concerned only with application of the established policies and are therefore not considered as legislative in nature but rather as administrative or quasi-judicial.

Therefore, in order to maximize and achieve the fair application of the comprehensive plan to the ground in the "reclassification" of properties, or in order to insure that the goals, policies, objectives and criteria of the comprehensive plan are carried out and applied in a fair and equitable manner, isolated as nearly as possible from political pressures, it is necessary that the "reclassification" of property be removed, as much as practicable, from the legislative arena.

To achieve this objective, King County shall hereafter separate, in a procedural way only, the development, creation and enactment of the comprehensive plan, the zoning text, and the "area zoning" from the reclassification of properties.

Accordingly, the enactment of the comprehensive plan and zoning ordiance text and the "area zoning" of properties shall be by the County Council after development and recommendation by the Department of Planning as herein set forth. The enactment of "reclassification" of properties shall be by the County Council after a quasi-judicial public hearing conducted by the Zoning and Subdivision Examiner as hereinafter set forth.

ARTICLE 1. DEFINITIONS.

SECTION 1. "Adjustor" means the Zoning Adjustor as established by Article 6 herein.

SECTION 2. "Approval by motion" is a means by which the Council, through other than by ordinance, approves an action of the Examiner.

SECTION 3. "Area Zoning" as used in this ordinance is synonymous with the terms of "rezoning or original zoning" as used in the King County Charter and means:

> The procedures initiated by King County which result in the adoption or amendment of zoning maps on an area-wide basis. This type of zoning is characterized by being comprehensive in nature, deals with natural homogeneous communities, distinctive geographic areas and other types of district having unified interests within the County. Area zoning, unlike a reclassification, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the County's current land use policy in zoning map form.

SECTION 4. "Council" means the King County Council.

SECTION 5. "Certification" means the affixing on any map or any portion of a comprehensive plan or official control, a record of the date of action thereon, together with the signatures of the officer or officers authorized by ordinance to so sign.

SECTION 6. "Commission" means the eighteen member Environmental Development Commission of King County as created herein.

SECTION 7. "Comprehensive Plan" means the principles, goals, objectives, policies and criteria approved by the Council,

(a) as a beginning step in planning for the development of the County; (b) as the means for coordinating County programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the elements set forth in Article 2, section 2 and may also include the optional elements set forth in Article 2, section 4 hereof which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

SECTION 8. "Conditional Use" means a use listed among those classified in any given zone but permitted to locate only after review by the Zoning Adjustor and the granting of a conditional use permit imposing such design and performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities.

SECTION 9. "Department" means the Department of Planning as organized and functioning as provided in the King County Charter.

SECTION 10. "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan.

SECTION 11. "Examiner" means the Zoning and Subdivision Examiner as established by Article 5 herein.

SECTION 12. "Ex officio member" means a non-voting member of the Commission who serves by virtue of his official position specified in the ordinance creating the Commission.

SECTION 13. "Official Controls" means legislatively-defined and enacted policies, standards, detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into

regulations and ordinances all or any part of the general objectives of the comprehensive plan. Official controls may include:

1) Maps showing boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

2) Maps for existing or proposed streets showing the alignment, gradients, dimensions and other pertinent features, and including controls with reference to protecting such defined future rights of way against encroachment by buildings, other physical structures or facilities.

3) Maps for other public facilities, such as parks, civic centers, public buildings, waste disposal sites, etc., showing location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

4) Regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements.

SECTION 14. "Ordinance" means a legislative enactment by the Council.

SECTION 15. "Reclassification" means a change in the zoning classification by procedures initiated by an individual or a group of individuals who, during the intervals between Area Zoning map adoptions, wish to petition for a change in the zoning classification which currently applies to their individual properties.

SECTION 16. "Short Subdivision" is the division of land into four or less lots, tracts, parcels, sites or divisions for the purpose

of sale, lease or transfer.

SECTION 17. "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer and shall include all resubdivision of land.

SECTION 18. "Variance". A variance is the means by which an adjustment is made in the application of the regulations of a zoning ordinance to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived, as a result of the imposition of the zoning regulations, of privileges commonly enjoyed by other properties in the same vicinity and zone. The adjustment in the application of the regulations shall remedy the disparity in privilege. It shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone.

ARTICLE 2. COMPREHENSIVE PLAN

SECTION 1. Existing Comprehensive Plan Readopted: Under the provisions of Article 990, King County Charter, the Comprehensive Plan as adopted and certified October 12, 1964, by the King County Board of Commissioners is hereby readopted and declared to be the Comprehensive Plan for King County until amended, repealed or superseded. In no case shall the Comprehensive Plan, whether in its entirety, or area by area, or subject by subject, be considered to be a regulatory ordinance. It shall serve only as a guide and statement of policy.

SECTION 2. Elements of the Comprehensive Plan: The Comprehensive Plan shall consist of a map and descriptive text covering goals, principles, objectives, policies and criteria, including each of the following elements:

1) A land use element which designates the proposed general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and land, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the Comprehensive Plan.

2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use elements of the Comprehensive Plan.

3) Supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

SECTION 3. Amplification of Elements: The Comprehensive Plan may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the elements set forth herein and by adding provisions and proposals for the optional elements set forth in section 4 of this Article. The Comprehensive Plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the County.

SECTION 4. Optional Elements: A Comprehensive Plan may include:

a) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, watersheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources.

b) a recreation element showing a comprehensive system of

areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development.

c) a transportation element showing a comprehensive system of transportation, including general locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation and related facilities.

d) a transit element as a special phase of transportation, showing proposed systems of transit lines, including rapid transit in any form, and related facilities.

e) a public services and facilities element showing general plans for sewerage, solid waste disposal, drainage and local utilities, and rights-of-way, easements and facilities for such services.

f) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings.

g) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning traffic, and other related matters.

h) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law.

i) a plan for financing a capital improvement program.

ARTICLE 3. DEPARTMENT OF PLANNING

The Department of Planning is created under 920 of the King County Charter as an Executive Department of the Executive Branch.

SECTION 1. Comprehensive Plan: The Department shall, with the assistance of the Commission, prepare and present to the County Council comprehensive plans and/or amendments thereto as the needs of the County require for adoption by ordinance.

a) Public Hearing Required. Before adopting any amendment, extension or addition to the comprehensive plan, the Council shall hold at least one public hearing thereon.

b) Notice of Public Hearing: Notice of the time, place and purpose of any such public hearing shall be given by one publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County, at least twenty days before the hearing.

c) Filing of Copies. After adoption the Department may file copies of the comprehensive plan, or any addition or amendment thereto, with any adjoining jurisdiction for purposes of information to such adjoining jurisdiction.

d) Annual Report. The Department of Planning shall render an annual report on the status of the plan and accomplishments thereunder.

e) Promotion of Public Interest in Plan. The Department shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related thereto.

SECTION 2. The Department shall advise all agencies of the County on planning and shall coordinate planning of the County with other governmental agencies.

a) Cooperation with Agencies. The Department shall, to the extent it deems necessary, cooperate with officials and agencies, public

utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan.

b) Referral Procedure - Reports. Whenever the Council has approved all or a part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be vacated, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the Department of Planning. The report by the Department shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the Council, such officer or governmental body shall report the project to the Department of Planning and the Department shall render its report to such officer or governmental body. In both cases the report of the Department shall be advisory only. Failure of the Department to report on such matter so referred to within forty days or such longer time as the Council or other governmental officer or body may indicate, shall be deemed to be approval.

c) Relating Projects to Comprehensive Plan. After the Council has approved all or parts of the comprehensive plan, the Department shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the Department of Planning on any such project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the Department

finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the Council on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated.

d) Departmental Assistance in Capital Programs. The Department shall assist the office of budgets and accounts in developing capital improvement programs and capital budgets.

SECTION 3. Official Controls. From time to time, the Department, with the assistance of the Commission, may cause to be prepared official controls which when adopted by ordiance by the Council will further the objectives and goals of the comprehensive plan. The Department may also draft such plans, regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the Department of Planning may recommend such plans, regulations, programs and legislation to the Council for adoption.

SECTION 4. Public Hearing. Before the Council adopts an official control, or any amendment thereto, the Council, or its Examiner as hereinafter provided, shall conduct a public hearing after which the Council may adopt or reject said official control or amendment.

SECTION 5. Area Zoning. The Department with the assistance of the Commission shall consider and make recommendations to the County Council concerning proposed area zoning.

SECTION 6. Reclassifications. The Department shall receive, consider and make recommendations to the Examiner acting in behalf of the Council, concerning reclassifications. Adoption of reclassifications shall be as proved in Article 5 herein.

SECTION 7. Subdividing and Platting. The Department shall review all proposed land plats and subdivisions and make recommend-

ations thereon with reference to approving or denying same, or it may recommend such modifications thereto as are necessary to assure conformance to the general purposes of the comprehensive plan and other specifications established by State Law or local controls.

ARTICLE 4. ENVIRONMENTAL DEVELOPMENT COMMISSION

SECTION 1. Creation. An Environmental Development Commission is hereby created involving citizens of King County in an advisory capacity to assist in environmental planning for: land use; transportation systems, utilities, public facilities, recreation, housing, community development, conservation, and capital improvements.

SECTION 2. Authority. The Commission may make recommendations to the Executive, Council and Department based on conclusions of its own and of the named committees. It may also:

a) Advise regarding the adoption or modification of the Comprehensive Plan of the County.

b) Advise regarding comprehensive land use policy, concerns of local or special areas, and provide guide lines or framework for consideration of area zoning matters.

c) Advise regarding official controls for the proper implementation of the Comprehensive Plan.

d) Make recommendations regarding programs to provide improved or integrated transportation, solid waste disposal, utilities, parks and school, operating and capital programs.

e) Establish special ad hoc subcommittees for no longer than six months duration for a single purpose of interest to the Commission.

SECTION 3. Composition.

a) The Commission shall be made up of eighteen members as follows:

1) The Director of the Department of Planning who will serve as Vice-Chairman of the Commission.

2) The Chairman of each of the nine citizen committees herein created.

3) Eight citizens for the County-at-large, who shall have backgrounds which include, but are not limited to, urban planning, or economics, or environmental conservation, or architecture, or education, or small city government, or engineering for public improvements, or pollution control, or housing, or storm water and flood control, or sewage, sanitation, water services, airport facilities or other utilities, or transportation systems. The County Executive shall designate one of the above members as Chairman of the Commission.

b) The following named officers of government or their designated representatives shall be ex-officio members of the Commission and shall be available to the Commission as required for advice and consultation:

1) The County Executive

2) The Director of the Department of Public Works, Utilities and Transportation.

3) The Director of the Parks and Recreation Department.

4) The Zoning and Subdivision Examiner.

5) The Executive Director of the King County Housing Authority.

6) The Director of the Department of Assessments.

7) The Chief Clerk of the Boundary Review Board.

Members of the County Council and the chairman of other County Boards and Commissions shall also be ex-officio members.

SECTION 4. Citizen Committees. Nine citizen committees are hereby created for advisory study of the matters herein defined and assigned to them.

Committees herein established shall receive staff services from

the appropriate agencies of County Government. Minutes of each committee meeting shall be kept and distributed to the committee and Commission members.

The committees and their designated areas of assignment are as follows:

a) Land Use: A committee consisting of a chairman plus sixteen members, shall be responsible for creating and submitting proposals to the Commission regarding proposed general distribution, general location and extent of the uses of land for agriculture, housing, commerce, industry and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the County and estimates of future population growth in the area covered by the Comprehensive Plan.

b) Conservation: A committee consisting of a chairman plus fourteen members, responsible for proposals to the Commission regarding the conservation, development and utilization of natural resources, including water and its hydraulic forces, flood and storm water control, forests, watersheds, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The committee shall be responsible for advice on matters relating to air, water, noise and land pollution as well.

c) Transportation: A committee consisting of a chairman plus eight members, shall be responsible for proposals to the Commission regarding the general location, alignment and extent of major transportation routes, thoroughfares, transit facilities, terminal facilities and all other aspects of a balanced transportation plan.

d) Recreation & Parks: A committee consisting of a chairman plus eight members, shall be responsible for proposals to the Commission regarding a comprehensive system of areas and public sites for

recreation, natural reservations, parks, beaches, playgrounds, and other recreational areas, including their locations, proposed development and operating programs.

e) Housing: A committee consisting of a chairman plus eight members shall be responsible for proposals to the Commission resulting from surveys and reports upon housing conditions and needs as a guide in dealings with official controls related to land subdivision, zoning, traffic and other related matters.

f) Community Development: A committee consisting of a chairman plus eight members shall be responsible for proposals to the Commission regarding community development or redevelopment of areas of the County including proposals for the elimination of substandard or blighted areas and for community renewal or redevelopment.

g) Public Facilities: A committee consisting of a chairman plus eight members, shall be responsible for proposals to the Commission regarding public building, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations, and all other public buildings.

h) Public Utilities: A committee consisting of a chairman plus eight members shall be responsible for proposals to the Commission regarding public services showing general plans for sewage, refuse disposal, drainage, local utilities, rights-of-way, easements, and facilities for such services.

i) Capital Financing: A committee consisting of a chairman plus eight members shall be responsible for proposals to the Commission for the development of plans for the financing of capital improvements.

SECTION 5. Commission - Appointment and Terms: Members of the Commission termed citizens-at-large will be appointed

by the County Executive and confirmed by a majority of the County Council. Citizens-at-large members will serve for two-year terms or until their successor is named and confirmed, and shall be eligible for reappointment. All other members of the Commission shall serve for the period of their appointive or elective office. The Chairman of the Commission shall be designated at time of appointment by the County Executive.

SECTION 6. Committees - Appointment and Terms: Committee members shall be appointed by the County Executive, one-half being selected independently by the Executive and subject to Council confirmation and one-half being selected from nominees of the County Council as provided herein. Terms of all committee members shall be four years in length, with initial appointments of half the members of each committee being for two years and half the members for four years.

Committee Chairmen shall be appointed by the County Executive from Council nominees for each Chairmanship, except that should the Executive choose to appoint a committee chairman other than a nominee of the Council he may do so, providing that one of the Council nominees for that chairmanship shall be appointed as a citizen-at-large member of the Commission. Nominations for committee chairmen and members shall be filed with the County Executive within thirty days from the effective date of this ordinance. The Council shall nominate at least three persons for every available position. In the event there are less than three nominees for any position, the Executive may appoint the member for that position independently. If no appointment for a position has been made within seventy-five (75) days of the effective date of this ordinance, that position may be filled by the majority vote of the County Council. Committee Chairmen shall serve for two-year terms or until their successor is named and confirmed, and shall be eligible for reappointment.

Consideration should be given to selecting members from as broad a geographic and demographic representation as possible and who should demonstrate interest in or knowledge of the field(s) to be considered. Attention shall be given to the inclusion of persons from disadvantaged low income and minority groups.

SECTION 7. Vacancies Vacancies in the Commission or committees shall be filled by appointment in the same manner in which the members are initially appointed as provided in Sections 5 and 6. Nominations to fill vacancies caused by the expiration of terms shall be filed at least thirty days preceding the expiration of the terms, and nominations to fill other vacancies shall be filed within thirty days of the creation of the vacancy. Appointment to a vacated position shall be for the unexpired portion of the term. If no appointment for a position has been made within seventy-five (75) days of the effective date of the vacancy, that position may be filled by majority vote of the County Council.

SECTION 8. Removal. After public hearing any appointed member of the Commission or any committee thereof may be removed by a two-thirds vote of the County Council for inefficiency, neglect of duty, or malfeasance in office. Removal proceedings may be initiated by the County Council or County Executive.

SECTION 9. Rules. The Commission and committees shall adopt rules for the transaction of their business and each shall keep a public record of their transactions, findings and determinations; provided that official recommendations to the Executive, Council and Department shall be by the affirmative vote of not less than a majority of the total members of the Commission. Such recommendation shall be by a recorded motion which shall incorporate the findings of the Commission and the reasons for its action.

SECTION 10. Nothing herein shall be construed to

mean that the Commission and committees created herein are delegated any Executive or Legislative power, authority or responsibility.

ARTICLE 5. ZONING & SUBDIVISION EXAMINER

SECTION 1. Purpose. Recognizing three basic needs,

1) the need to separate the application of regulatory controls to the land from planning; and

2) the need to better protect and promote the interests of the public and private elements of the community; and

3) the need to expand the principles of fairness and due process in public hearings.

The purpose of this Article is to provide a system of considering and applying regulatory devices which will best satisfy these needs.

SECTION 2. Zoning and Subdivision Examiner -- Creation and Purpose. The office of Zoning and Subdivision Examiner is hereby created. The Examiner shall act in behalf of the Council in considering and applying regulatory enactments to the land as provided herein.

SECTION 3. --Appointment and Terms. The Council shall appoint the Examiner and his deputy to serve in said office for a term which shall expire on June 1, 1971 and on June 1 of every fourth year thereafter.

SECTION 4. --Removal. The Examiner or his deputy may be removed from office at any time by the affirmative vote of not less than six (6) members of the Council for just cause.

SECTION 5. --Qualifications. The Examiner and his deputy shall be appointed solely with regard to their qualifications for the duties of their office and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred

upon them, and shall hold no other appointive or elective public office or position in the County Government except as provided herein.

SECTION 6. --Deputy Examiner-Duties. The deputy shall assist the Examiner in the performance of the duties conferred upon him by ordinance and shall, in the event of the absence or the inability of the Examiner to act, have all the duties and powers of the Examiner. The Deputy may also serve in other capacities as an employee of the Council.

SECTION 7. --Powers. The Examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter findings and conclusions which contain a recommendation to the Council for the adoption or rejection of:

1) applications for reclassification of property,

2) applications for unclassified use permits,

3) applications for planned unit developments,

4) applications for preliminary plat approval, and

5) appeals from the decision of the administrator for "short plats", provided that decisions of the Examiner regarding "short plats" shall be final.

The Examiner's recommendation may be to grant or deny the application, or the Examiner may recommend that the Council adopt the application with such conditions, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the zoning code, the subdivision code and other official policies and objectives of King County.

Examples of, but not limited to, the kinds of conditions, modifications and restrictions which may be imposed are additional setbacks, screenings in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-way and perfor-

mance bonds may be required to insure compliance with the conditions, modifications and restrictions.

SECTION 8. --Quasi-Judicial Powers. The Examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by County ordinance.

SECTION 9. Freedom from Improper Influence. Individual Councilmen, County officials or any other person, shall not interfere with or attempt to interfere with the Examiner or deputy examiner in the performance of his designated duties.

SECTION 10. Public Hearing. Application for a reclassification, unclassified use permit, planned unit development or subdivision of land shall be presented to the Department. When it is found that an application meets the filing requirements of the Department and the rules of the Examiner, it shall be accepted and a date assigned for public hearing. Before rendering a decision on any such application the Examiner shall hold at least one public hearing thereon.

SECTION 11. Report by Department. When such application has been set for public hearing, the Department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in subject application and shall prepare a report summarizing the factors involved and the Department findings and recommendation. At least seven (7) days prior to the scheduled hearing the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party.

SECTION 12. Notice. Notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application.

SECTION 13. Rules and Regulations. The Examiner shall have the power to prescribe rules and regulations for the conduct of

hearings before him subject to confirmation of the Council; and also to issue summons for, and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Examiner.

SECTION 14. Examiner's Findings. When the Examiner renders a decision of recommendation, he shall make and enter findings from the record and conclusions thereof which support his decision and the findings and conclusions shall set forth and demonstrate the manner in which the decision recommended carries out and helps to implement the goals and objectives of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official policies and objectives for the growth of King County and that the granting of the requested reclassification will not be unreasonably incompatible with or detrimental to affected properties and the general public; provided that in any case where a reclassification is recommended at least one of the following circumstances shall be found to apply:

1) That substantial evidence was presented demonstrating the subject reclassification appears not to have been specifically considered at the time of the last previous area zoning of the subject property; or

2) That the property is potentially zoned for the reclassification being requested and conditions have been met which would indicate the change is appropriate; or

3) That since the last previous area zoning of the subject property, authorized public improvements, permitted private development or other circumstances affecting the subject property have undergone significant and material change.

SECTION 15. Reconsideration. Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or fact may make a written request for review by the Examiner within

fourteen (14) days of the conclusion of the hearing. This request shall set forth the alleged errors and the Examiner may, after a review of the record, take such further action as he deems proper and may render a revised decision.

SECTION 16. Written Decision. Within five (5) days of the conclusion of a hearing, the Examiner shall render a written decision and shall transmit a copy of his decision by registered mail to the applicant and other parties of record in the case requesting same. At the expiration of the fourteen (14) day period provided for a rehearing or within five (5) days of the conclusion of a rehearing, if one is conducted, the Examiner shall file his decision, together with the recommended implementary ordinance if required, with the Clerk of the Council. Thereupon the Clerk shall place the proposed ordinance on the agenda of the next Council meeting on second reading. The concurrence in any other decisions of the Examiner shall be accomplished by motion of the Council.

SECTION 17. Council Hearing. The hearing by the Examiner as provided for by Section 10 of this Article, shall constitute the hearing by the Council; however, an aggrieved party may submit an appeal in writing to the Council requesting additional consideration.

If, after examination of the written appeal and the record, the Council determines that, (1) an error in fact may exist in the record, it shall remand the proceeding to the Examiner for reconsideration as provided in Section 15 of this Article; or if the Council determines that, (2) the decision of the Examiner is based on an error in judgment or conclusion, it may modify or reverse the decision of the Examiner.

The Council's consideration shall be based upon the record only; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion.

SECTION 18. Council's Action. The Council shall take final

action on any decision of the Examiner by motion of concurrence or by adoption of an ordinance, and when so doing, it shall make and enter findings of fact from the record and conclusions therefrom which support its action. Said findings and conclusions shall set forth and demonstrate the manner in which the action carries out and helps to implement the goals and objectives of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official policies and objectives for the development of King County. The Council may adopt all or portions of the Examiner's findings and conclusions.

SECTION 19. Action of the Council Final. The action of the Council approving or rejecting a decision of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person obtains a writ of certiarari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

ARTICLE 6. VARIANCES AND CONDITIONAL USES

The Department shall make the initial decision concerning all applications for zoning variances and conditional use permits and its decisions shall be final unless appealed to the Board of Appeals.

SECTION 1. Zoning Adjustor Established. The Director of Planning with the approval of the County Executive may appoint a Zoning Adjustor to hear and decide variances and conditional use permits. The Examiner may be appointed as Zoning Adjustor.

SECTION 2. Qualifications. The Zoning Adjustor shall be appointed solely with regard to ability and training as will qualify him to conduct quasi-judicial hearings on zoning matters.

SECTION 3. Meetings. The Zoning Adjustor or deputy shall hold such public hearings as are necessary to keep the case load of

variances and conditional use permits reasonably current.

SECTION 4. Authority. The Zoning Adjustor, subject to the provisions of this ordinance and the provisions of the Zoning Code of King County shall hear and decide:

1) applications for conditional use or other permits when the Zoning Code sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed.

2) Applications for variances from the terms of the Zoning Code, provided that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated and that the following circumstances are found to apply:

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code is found to deprive property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

SECTION 5. Rules. The Zoning Adjustor shall adopt rules for the transaction of business and shall keep a public record of his actions, findings, and determinations.

SECTION 6. Inclusion of Finding of Fact. The Zoning Adjustor in making his written decision shall incorporate findings of fact; an analysis of wherein the proposal meets or fails to meet the criteria set forth in the Zoning Code or the Comprehensive Plan if applicable.

ARTICLE 7. BOARD OF APPEALS

SECTION 1. Creation and Purpose. The Board of Appeals is created under Article 7 of the King County Charter as an appellant body to consider appeals from decisions of the Zoning Adjustor. In deciding appeals from the Zoning Adjustor, the Board of Appeals shall be limited to the same considerations and required findings as the Adjustor as provided by this ordinance.

ARTICLE 8. GENERAL PROVISIONS

SECTION 1. Section Captions not part of Law. Section captions as used in this ordinance do not constitute any part of the law.

SECTION 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

SECTION 3. Procedural Conflicts. In case of conflict provisions of this ordinance takes precedence over procedures presently contained in the two Zoning Codes (Resolution 25789 and Resolution 18801) and the Subdivision Regulations (Resolution 11048).

INTRODUCED and read for the first time this 1st day of December, 1969.

PASSED this 8th day of December, 1969.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

John T. O'Brien
Chairman

ATTEST:
Ralph R. Stender
Clerk of the Council

APPROVED this 17th day of December, 1969.

King County Executive

ORDINANCE READINGS
1st 12-1-69
2nd 12-8-69
3rd 12-8-69
Effective Date

Ord. 263

ORDINANCE
File No. 263

Before the
King County Council
of King County, Washington

SUBJECT:

Ordinance relat to:

County Planning, escribing means of carryin out the provisions of Kin County Charter with partiular reference to Article 20.20.70.

Zoning

ACTION:

Adopted

See also # 525 + 627.

See Ord 1621 #731307 and 2481

article 2 Section 3 see ord 2401
article 2 " 3 see 2429
Chapter E
see art. 2 " 3 " 2707
Chapter E - Sect. 3 see 2991
article 2

Dec. 8, 1969

Cnt. Council Record, Vol. 2 Page 601

amendments to ord. 263

article 2, Sect. 3 - see 1683
article 2 Sec. 3 see ord # 1838
article 2 Sec 3 ord # 1839
article Sec 2 ord # 1840
article 1 Sec 6 ord 2208
Repealing art 4 " 2208
amending art 2 " 3384
amended by Ord # 3649 + adding a new section on energy conservation
amended: art 1, 2, + 3 by ord. # 3669

This ordinance was passed to the Prosecuting Atty's 9/13/85
Again to Ann Wilson 7/21/86
and 7/28/98.