KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 28, 2004

Ordinance 15028

Proposed No. 2004-0114.3 **Sponsors** Constantine, Edmonds and Phillips

AN ORDINANCE relating to comprehensive planning and zoning; adopting the King County Comprehensive Plan 2004 amendments to the Comprehensive Plan 2000 and area zoning, in accordance with the Washington State Growth Management Act; and amending Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 21.12.010, Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 and Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings.** For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

A. King County has adopted the 2000 King County Comprehensive Plan to meet the requirements of the Washington State Growth Management Act ("GMA");

17 B. The King County Code authorizes a review of the Comprehensive Plan and
18 allows substantive amendments to the Comprehensive Plan once every four years and the
19 King County Comprehensive Plan 2004 amendments represent the second major review
20 of the Comprehensive Plan since 1994;

21 C. The GMA requires that the Comprehensive Plan and development regulations
22 be subject to continuing review and evaluation by the county;

23 D. The GMA requires each county that designates urban growth areas to review
24 the urban growth area at least every ten years and the GMA requires that King County
25 complete the review and evaluation of its urban growth area on or before December 1,
26 2004;

27 E. The GMA requires that King County adopt development regulations to be
28 consistent with and implement the Comprehensive Plan; and

29 F. The changes to zoning contained in this ordinance are needed to maintain
30 conformity with the King County Comprehensive Plan, as required by the GMA. As
31 such, they bear a substantial relationship to, and are necessary for, the public health,
32 safety and general welfare of King County and its residents.

33 SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
34 20.12.10 are each hereby amended to read as follows:

35 **Comprehensive Plan adopted.**

36 A. Under the King County Charter, the state Constitution and the Washington State
37 Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive
38 Plan is adopted and declared to be the Comprehensive Plan for King County until
39 amended, repealed or superseded. King County ((~~has~~)) performed its first comprehensive

40 four-cycle review of the Comprehensive Plan. As a result of the review, King County
41 amended the 1994 Comprehensive Plan through passage of the King County
42 Comprehensive Plan 2000. King County performed its second comprehensive four-cycle
43 review of the Comprehensive Plan in 2004. As a result of the review, King County
44 amended the 2000 Comprehensive Plan through passage of the King County
45 Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning
46 document for the orderly physical development of the county and shall be used to guide
47 subarea plans, functional plans, provision of public facilities and services, review of
48 proposed incorporations and annexations, development regulations and land development
49 decisions.

50 B. The amendments to the 1994 King County Comprehensive Plan contained in
51 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments)
52 are hereby adopted.

53 C. The amendments to the 1994 King County Comprehensive Plan contained in
54 Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget
55 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury Island,
56 et. al. v. King County, Case No. 95-3-0008.

57 D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is
58 adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes
59 official county policy for the geographic area of unincorporated King County defined in the
60 plan and amends the 1994 King County Comprehensive Plan Land Use Map.

61 E. The amendments to the 1994 King County Comprehensive Plan contained in
62 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the

63 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et
64 al, v. King County, Case No. 96-3-0013 as amendments to the King County
65 Comprehensive Plan.

66 F. The amendments to the 1994 King County Comprehensive Plan contained in
67 Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments)
68 are hereby adopted as amendments to the King County Comprehensive Plan.

69 G. The Black Diamond Urban Growth Area contained in Appendix A to Ordinance
70 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

71 H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land
72 Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as
73 Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall
74 be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on the
75 area affected by Ordinance 12535.

76 I. The amendments to the 1994 King County Comprehensive Plan contained in
77 Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted as
78 amendments to the King County Comprehensive Plan.

79 J. The amendments to the 1994 King County Comprehensive Plan contained in
80 Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments)
81 are hereby adopted as amendments to the King County Comprehensive Plan.

82 K. The amendments to the 1994 King County Comprehensive Plan contained in
83 the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance
84 12931 and in the supporting text, are hereby adopted as amendments to the King County
85 Comprehensive Plan.

L. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

M. The 1999 Transportation Needs Report contained in Attachment A to Ordinance 13339 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby adopted as amendments to the King County Comprehensive Plan.

N. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

O. The 2000 Transportation Needs Report contained in Attachment A to this Ordinance 13674 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C.

P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. The Fall City Subarea Plan amends the 1994 King County Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

Q. The amendments to the King County Comprehensive Plan contained in Attachment A to Ordinance 13875 are hereby adopted as amendments to the King County Comprehensive Plan.

108 R. The Fall City area zoning amendments contained in Attachment A to Ordinance
109 13875 are adopted as the zoning control for those portions of unincorporated King County
110 defined in the attachment. Existing property-specific development standards (p-suffix
111 conditions) on parcels affected by Attachment A to Ordinance 13875 do not change except
112 as specifically provided in Attachment A to Ordinance 13875.

113 S. The amendments to the 1994 King County Comprehensive Plan Land Use Map
114 contained in Attachment A to Ordinance 13987 are hereby adopted to comply with the
115 Central Puget Sound Growth Management Hearings Board Decision and Order on
116 Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-
117 0008 (Bear Creek Portion).

118 T. The 2001 transportation needs report contained in Attachment A to Ordinance
119 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,
120 technical appendix C.

121 U. The amendments to the 1994 King County Comprehensive Plan contained in
122 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000) are
123 hereby adopted as amendments to the King County Comprehensive Plan. Attachment A
124 amends the policies, text and maps of the Comprehensive Plan. Amendments to the
125 policies are shown with deleted language struck out and new language underlined. The text
126 and maps in Attachment A replace the previous text and maps in the Comprehensive Plan.
127 Attachment B to Ordinance 14044 contains technical appendix A (capital facilities), which
128 replaces technical appendix A to the King County Comprehensive Plan, technical appendix
129 C (transportation), which replaces technical appendix C to the King County
130 Comprehensive Plan, and technical appendix M (public participation), which is a new

technical appendix that describes the public participation process for the King County Comprehensive Plan 2000. Attachment C includes amendments to the King County Comprehensive Plan Land Use Map. The land use amendments contained in Attachment C are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment C to Ordinance 14044.

V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. Attachment B to Ordinance 14117 amends the King County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the Comprehensive Plan.

W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments in Attachment D to Ordinance 14117 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment D to Ordinance 14117 do not change

X. The amendments to the King County Comprehensive Plan 2000 contained in Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County Comprehensive Plan.

Y. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to Ordinance 14185 are hereby adopted as amendments to the King County Comprehensive Plan in order to comply with the order of the Central Puget Sound Growth

154 Management Hearings Board in *Green Valley et al, v. King County*, CPSGMHB Case No.
155 98-3-0008c, Final Decision and Order (1998) and the order of the Washington Supreme
156 Court in *King County v. Central Puget Sound Growth Management Hearings Board*, 142
157 Wn.2d 543, 14 P.3d 133 (2000).

158 Z. The amendments to the King County Comprehensive Plan 2000 contained in
159 Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001 Amendments)
160 are hereby adopted as amendments to the King County Comprehensive Plan.

161 AA. The amendment to the King County Comprehensive Plan 2000 contained in
162 Attachment A to Ordinance 14286 is hereby adopted as an amendment to the King County
163 Comprehensive Plan in order to comply with the Central Puget Sound Growth
164 Management Hearings Board's Final Decision and Order in *Forster Woods Homeowners'*
165 *Association and Friends and Neighbors of Forster Woods, et al. v. King County,* Case No.
166 01-3-0008c (Forster Woods), dated November 6, 2001.

167 BB. The amendments to the King County Comprehensive Plan 2000 contained in
168 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002 Amendments)
169 are hereby adopted as amendments to the King County Comprehensive Plan.

170 CC. The amendments to the King County Comprehensive Plan 2000 contained in
171 Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003 Amendments)
172 are hereby adopted as amendments to the King County Comprehensive Plan.

173 DD. The amendments to the King County Comprehensive Plan 2000 contained in
174 Attachments A, B, C, D and E to this ordinance (King County Comprehensive Plan 2004)
175 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment
176 A, Part I, to this ordinance amends the policies, text and maps of the Comprehensive Plan.

177 Attachment A, Part II, to this ordinance includes amendments to the King County
178 Comprehensive Plan Land Use Map. The land use amendments contained in Attachment
179 A, Part II, to this ordinance are adopted as the official land use designations for those
180 portions of unincorporated King County defined in Attachment A, Part II, to this
181 ordinance. Attachment B to this ordinance contains Technical Appendix A (Capital
182 Facilities), which replaces technical appendix A to the King County Comprehensive Plan.
183 Attachment C to this ordinance contains Technical Appendix B (Housing), which replaces
184 Technical Appendix B to the King County Comprehensive Plan. Attachment D to this
185 ordinance contains Technical Appendix C (Transportation), which replaces Technical
186 Appendix C to the King County Comprehensive Plan 2000. Attachment E to this
187 ordinance contains Technical Appendix D (Growth Targets and the Urban Growth Area
188 2004).

189 SECTION 3. The Comprehensive Plan 2004 zoning amendments contained in
190 Attachment A, Part II, to this ordinance are adopted as the official zoning control for
191 those portions of unincorporated King County defined in Attachment A, Part II, to this
192 ordinance in accordance with K.C.C. 20.12.050. Existing property-specific development
193 conditions (p-suffix conditions) and special district overlays on parcels affected by the
194 Comprehensive Plan 2004 area zoning amendments, whether adopted through
195 reclassifications or area zoning, are retained by this ordinance except as specifically
196 amended by this ordinance. Property-specific development standards adopted, repealed
197 or amended by this ordinance shall amend Appendix A of Ordinance 12824 in
198 accordance with K.C.C. 20.12.050. Special district overlays adopted, repealed or
199 amended by this ordinance shall amend Appendix B of Ordinance 12824 in accordance

200 with K.C.C. 20.12.050.

201 SECTION 4. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are
202 each hereby amended to read as follows:

203 **Zoning, potential zoning, property-specific development standards, special**
204 **district overlays, regional use designations and interim zoning.** Zoning adopted
205 pursuant to this section shall constitute official zoning for all of unincorporated King
206 County.

207 A. Official zoning, including but not limited to p-suffix, so-suffix and potential
208 zoning, is contained in the SITUS file and is depicted on the official zoning maps, as
209 maintained by the department of development and environmental services.

210 B. Appendix A of Ordinance 12824, as amended by this ordinance, is hereby
211 adopted to constitute and contain all property-specific development standards (p-suffix
212 conditions) applicable in unincorporated King County. The property specific development
213 standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the
214 department of development and environmental services in the Property Specific
215 Development Conditions notebook. Any adoption, amendment or repeal of property-
216 specific development standards shall amend, pursuant to this section, Appendix A of
217 Ordinance 12824 as currently in effect or hereafter amended.

218 C. Appendix B of Ordinance 12824, as amended by this ordinance, is hereby
219 adopted to constitute and contain special district overlays applied through Ordinance
220 12824. The special district overlays in effect or hereinafter amended shall be maintained
221 by the department of development and environmental services in the Special District
222 Overlay Application Maps notebook. Any adoption, amendment or repeal of special

223 district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as
224 currently in effect or hereafter amended.

225 SECTION 5. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
226 each hereby amended to read as follows:

227 **Criteria for approval - public benefit rating system for open space land -**
228 **rating system - bonus system - super bonus system.**

229 A. To be eligible for open space classification under the public benefit rating
230 system, property must contain one or more priority open space resources. These
231 resources are ranked as high priority, medium priority and low priority resources and are
232 based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380.
233 High priority resources receive five points each, medium priority resources receive three
234 points each and low priority resources receive one point each. Property can receive a
235 maximum of thirty points from no more than six open space priority resources. In
236 addition, bonus points and super bonus points may be awarded pursuant to K.C.C.
237 20.36.100B and C and a property can achieve a maximum of fifty-two points through the
238 rating system and the bonus system. Portions of property may also qualify for open space
239 designation. Complete definitions of each resource, sources and eligibility standards are
240 fully described in the summary report adopted by reference by K.C.C. 20.36.150. The
241 department of natural resources and parks shall have administrative authority to interpret
242 issues relating to the priority resource definitions and eligibility standards outlined in the
243 summary report.

244 1. High priority resources - five points each.

245 a. Active or passive recreation area.

b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.

c. Aquifer protection area.

d. Shoreline: "Conservancy" environment.

e. Scenic resource, viewpoint or view corridor.

f. Surface water quality buffer area.

g. Open space close to urban or growth area.

h. Significant plant, wildlife or salmonid habitat area.

i. Significant aquatic ecosystem.

j. Historic landmark/archaeological site: designated site.

k. Trail linkage.

l. Urban or growth area open space.

m. Farm and agricultural conservation land.

n. Forest stewardship land.

o. Equestrian-pedestrian trail linkage.

p. Rural stewardship land.

q. Watershed protection.

2. Medium priority resources - three points each.

a. Public land or right-of-way buffer.

b. Special native plant site.

c. Natural shoreline environment.

d. Geological feature.

e. Eligible historic landmark or archaeological site.

f. Buffer to designated historic landmark/archaeological site.

g. Special animal site.

3. Low priority resource - one point.

a. Buffer to eligible historic/archaeological site.

B. Property qualifying in the specific high, medium or low priority categories may receive up to twenty-two bonus points if the following additional qualifications are met:

1. Resource restoration - five points.

2. Bonus surface water quality buffer - three or five points.

3. Contiguous parcels under separate ownership - two points.

4. Conservation or Historic Preservation Easement in perpetuity - five points.

5. Bonus public access points.

a. Unlimited public access - five points.

b. Limited public access - sensitive area - five points.

c. Limited public access - three points.

C. Property with at least one high priority resource and which allows unlimited public access, or limited public access if due to resource sensitivity, and which conveys a conservation, historic preservation, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ten percent of market value.

SECTION 6. **Work program.** The council hereby adopts the following work program items as part of the King County Comprehensive Plan 2004:

291 A. The executive shall transmit to the council by December 31, 2004, stand-alone
292 legislation concerning the Green Building Initiative, including the Leadership in Energy
293 and Environmental Design (LEEDs(TM)) certification program. The legislation must be
294 filed in the form of fifteen copies with the clerk of the council, who shall retain the
295 original and shall forward copies to each councilmember and to the lead staff for the
296 budget and fiscal management committee or its successor. The transmittal package shall
297 include a fiscal note to enable the council to conduct an analysis of the financial impacts
298 of the proposal; and
299 B. The executive shall complete the studies required by policies R-106 and R-
300 107, and shall transmit them to the council by December 31, 2005. The studies must be
301 filed in the form of fifteen copies with the clerk of the council, who shall retain the
302 original and shall forward copies to each councilmember and to the lead staff for the
303 growth management and unincorporated areas committee or its successor; and
304 C. By December 31, 2005, the executive shall develop through an administrative
305 rule making process a set of criteria for making decisions on a case-by-case basis as to
306 whether existing water systems can meet their duty to supply water throughout their
307 assigned water service areas in a timely and reasonable manner, and whether those
308 systems can otherwise serve water to proposed new development with reasonable
309 economy and efficiency;
310 D. By December 31, 2005, the executive shall transmit to the council a work plan
311 for gathering data concerning the existing and potential impact of exempt wells on
312 groundwater levels, stream flows and the general health of the aquifer in areas where
313 exempt wells are used for water supply, and developing strategies to address the

314 identified impacts. The work plan shall include the participation of relevant state
315 agencies, and shall reflect ongoing work related to groundwater management areas and
316 plans and salmon recovery plans. The work plan must be filed in the form of fifteen
317 copies with the clerk of the council, who shall retain the original and shall forward copies
318 to each councilmember and to the lead staff for the natural resources and utilities
319 committee or its successor;

320 E. The executive shall complete a subarea planning process to study rural-zoned
321 properties in the Sammamish valley agricultural production district, and shall transmit
322 any required Comprehensive Plan amendments to the council as part of a future
323 amendment to the Comprehensive Plan. The subarea plan must be filed in the form of
324 fifteen copies with the clerk of the council, who shall retain the original and shall forward
325 copies to each councilmember and to the lead staff for the growth management and
326 unincorporated areas committee or its successor;

327 F. The executive shall complete a study of existing property-specific (p-suffix)
328 development conditions for properties on Vashon and Maury Islands for the purpose of
329 determining whether any p-suffix conditions are no longer applicable and should be
330 removed from the zoning of individual parcels. The executive shall transmit any required
331 legislation to the council by March 1, 2005. The legislation must be filed in the form of
332 fifteen copies with the clerk of the council, who shall retain the original and shall forward
333 copies to each councilmember and to the lead staff for the growth management and
334 unincorporated areas committee or its successor;

335 G. The executive shall, contingent upon council appropriation of funds through
336 the 2005 budget, complete a subarea planning process to study non-conforming industrial

337 uses along the Maple Valley highway for properties adjacent to and near the old King
338 County shop site for possible redesignation to a commercial center, and shall transmit any
339 required Comprehensive Plan amendments to the council as part of the 2005 amendment
340 to the Comprehensive Plan. The subarea plan must be filed in the form of fifteen copies
341 with the clerk of the council, who shall retain the original and shall forward copies to
342 each councilmember and to the lead staff for the growth management and unincorporated
343 areas committee or its successor;

344 H. The executive shall, contingent upon council appropriation of funds through
345 the 2005 budget, complete a subarea planning process to study expansion of the east
346 Redmond rural neighborhood, and shall transmit any required Comprehensive Plan
347 amendments to the council as part of the 2005 amendment to the Comprehensive Plan.
348 The subarea plan must be filed in the form of fifteen copies with the clerk of the council,
349 who shall retain the original and shall forward copies to each councilmember and to the
350 lead staff for the growth management and unincorporated areas committee or its
351 successor;

352 I. The executive shall complete a study of the county's development regulations
353 governing accessory dwelling units in the urban and rural areas for the purpose of
354 determining if such regulations provide adequate flexibility and fairness while meeting
355 the goals of the Growth Management Act. As part of the study, the executive shall
356 examine development regulations governing accessory dwelling units in other
357 jurisdictions in King County, and in surrounding counties. The executive shall transmit
358 any required legislation to the council by December 31, 2005. The legislation must be
359 filed in the form of fifteen copies with the clerk of the council, who shall retain the

360 original and shall forward copies to each councilmember and to the lead staff for the
361 growth management and unincorporated areas committee or its successor; and
362 J. The executive shall complete a study of cottage housing models in the Puget
363 Sound region and, upon completion of the study, shall propose amendments to the
364 county's policies and development regulations if warranted. The executive shall transmit
365 any required legislation to the council by December 31, 2005. The legislation must be
366 filed in the form of fifteen copies with the clerk of the council, who shall retain the
367 original and shall forward copies to each councilmember and to the lead staff for the
368 growth management and unincorporated areas committee or its successor.
369 SECTION 7. **Severability.** If any provision of this ordinance or its application to

370 any person or circumstance is held invalid, the remainder of the ordinance or the

371 application of the provision to other persons or circumstances is not affected.

372

Ordinance 15028 was introduced on 3/8/2004 and passed as amended by the Metropolitan King County Council on 9/27/2004, by the following vote:

Yes: 7 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Ms. Patterson and Mr. Constantine
No: 4 - Ms. Lambert, Mr. McKenna, Mr. Hammond and Mr. Irons
Excused: 2 - Mr. von Reichbauer and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 29 day of September, 2004.

Ron Sims, County Executive

RECEIVED
2004 SEP 29 PM 3:12
CLERK
KING COUNTY COUNCIL

Attachments A. 2004 King County Comprehensive Plan, Metropolitan King County Council, Adopted September 27, 2004, B. King County Comprehensive Plan 2004, Technical Appendix A Capital Facilities, Adopted September 27, 2004, C. King County Comprehensive Plan, Technical Appendix B Housing, Adopted September 27, 2004, D. King County Comprehensive Plan 2004 Technical Appendix C Transportation, Adopted September 27, 2004, E. King County Comprehensive Plan 2004, Technical Appendix D Growth Targets and the Urban Growth Area, Adopted September 27, 2004, F. Map Amendments, Adopted September 27, 2004