

1 ..title

2 AN ORDINANCE relating to comprehensive planning and
3 permitting; and amending Ordinance 263, Article 2,
4 Section 1, as amended, and K.C.C. 20.12.010, Ordinance
5 13147, Section 30, as amended, and K.C.C. 20.18.140,
6 Ordinance 14047, Section 9, and K.C.C. 20.18.170,
7 Ordinance 14047, Section 10, as amended, and K.C.C.
8 20.18.180, Ordinance 12196, Section 9, as amended, and
9 K.C.C. 20.20.020, Ordinance 12196, Section 17, as
10 amended, and K.C.C. 20.20.100, Ordinance 4461, Section
11 10, as amended, and K.C.C. 20.24.190, Ordinance 6949,
12 Section 6, as amended, and K.C.C. 20.44.040 and
13 Ordinance 6949, Section 10, as amended, and K.C.C.
14 20.44.080.

15 ..body

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

18 A. King County has adopted the 2004 King County Comprehensive Plan to meet
19 the requirements of the Washington State Growth Management Act ("GMA");

20 B. The King County Code authorizes a review of the Comprehensive Plan and
21 allows substantive amendments to the Comprehensive Plan once every four years and the
22 King County Comprehensive Plan 2008 amendments represent the third major review of
23 the Comprehensive Plan since 1994;

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

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

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

32 SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
33 20.12.010, are each hereby amended to read as follows:

34 A. Under the King County Charter, the state Constitution and the Washington
35 state Growth Management Act, chapter 36.70A RCW, the 1994 King County
36 Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King
37 County until amended, repealed or superseded. King County performed its first
38 comprehensive four-cycle review of the Comprehensive Plan. As a result of the review,
39 King County amended the 1994 Comprehensive Plan through passage of the King
40 County Comprehensive Plan 2000. King County performed its second comprehensive
41 four-cycle review of the Comprehensive Plan in 2004. As a result of the review, King
42 County amended the 2000 Comprehensive Plan through passage of the King County
43 Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning
44 document for the orderly physical development of the county and shall be used to guide
45 subarea plans, functional plans, provision of public facilities and services, review of

46 proposed incorporations and annexations, development regulations and land development
47 decisions.

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

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

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

60 E. The amendments to the 1994 King County Comprehensive Plan contained in
61 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the
62 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et
63 al, v. King County, Case No. 96-3-0013 as amendments to the King County
64 Comprehensive Plan.

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

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

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

89 M. The 1999 Transportation Needs Report contained in Attachment A to
90 Ordinance 13339 is hereby adopted as an amendment to the 1994 King County

91 Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King
92 County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby
93 adopted as amendments to the King County Comprehensive Plan.

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

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

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

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

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

114 S. The amendments to the 1994 King County Comprehensive Plan Land Use
115 Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with
116 the Central Puget Sound Growth Management Hearings Board Decision and Order on
117 Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-
118 0008 (Bear Creek Portion).

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

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

136 14044 are adopted as the official land use designations for those portions of
137 unincorporated King County defined in Attachment C to Ordinance 14044.

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

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

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

153 Y. The amendments to the King County Comprehensive Plan 2000 contained in
154 Attachment A to Ordinance 14185 are hereby adopted as amendments to the King
155 County Comprehensive Plan in order to comply with the order of the Central Puget
156 Sound Growth Management Hearings Board in *Green Valley et al, v. King County*,
157 CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the

158 Washington Supreme Court in *King County v. Central Puget Sound Growth Management*
159 *Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

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

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

170 BB. The amendments to the King County Comprehensive Plan 2000 contained in
171 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002
172 Amendments) are hereby adopted as amendments to the King County Comprehensive
173 Plan.

174 CC. The amendments to the King County Comprehensive Plan 2000 contained in
175 Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003
176 Amendments) are hereby adopted as amendments to the King County Comprehensive
177 Plan.

178 DD. The amendments to the King County Comprehensive Plan 2000 contained in
179 Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan
180 2004) are hereby adopted as amendments to the King County Comprehensive Plan.

181 Attachment A, Part I, to Ordinance 15028 amends the policies, text and maps of the
182 Comprehensive Plan. Attachment A, Part II, to Ordinance 15028 includes amendments
183 to the King County Comprehensive Plan Land Use Map. The land use amendments
184 contained in Attachment A, Part II, to Ordinance 15028 are adopted as the official land
185 use designations for those portions of unincorporated King County defined in Attachment
186 A, Part II, to Ordinance 15028. Attachment B to Ordinance 15028 contains Technical
187 Appendix A (Capital Facilities), which replaces technical appendix A to the King County
188 Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical Appendix B
189 (Housing), which replaces Technical Appendix B to the King County Comprehensive
190 Plan. Attachment D to Ordinance 15028 contains Technical Appendix C
191 (Transportation), which replaces Technical Appendix C to the King County
192 Comprehensive Plan 2000. Attachment E to Ordinance 15028 contains Technical
193 Appendix D (Growth Targets and the Urban Growth Area 2004).

194 EE. The 2004 transportation needs report contained in Attachment A to
195 Ordinance 15077 is hereby adopted as an amendment to the 2004 King County
196 Comprehensive Plan, technical appendix C.

197 FF. The amendments to the King County Comprehensive Plan 2004 contained in
198 Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005
199 Amendments) are hereby adopted as amendments to the King County Comprehensive
200 Plan.

201 GG. Attachment A to Ordinance 15326, which is the King County
202 Comprehensive Plan Sammamish Agricultural Production District Subarea Plan dated
203 November 7, 2005, is hereby adopted as an amendment to the 2004 King County

204 Comprehensive Plan, as amended, in order to comply with the Central Puget Sound
205 Growth Management Hearings Board's Final Decision and Order in *Maxine Keesling v.*
206 *King County*, Case No. 04-3-0024 (Keesling III), dated May 31, 2005.

207 HH. The amendments to the King County Comprehensive Plan 2004 contained in
208 Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the
209 King County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to
210 the King County Comprehensive Plan 2004) amends the policies and maps of the King
211 County Comprehensive Plan. Attachment B to Ordinance 15607 contains technical
212 appendix O (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends
213 King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing
214 the transportation needs report. Attachment D to Ordinance 15607 amends King County
215 Comprehensive Plan, Technical Appendix C (Transportation), by replacing the arterial
216 functional classification map.

217 II. Attachment A to Ordinance 15772, which is the King County Comprehensive
218 Plan Juanita Firs Subarea Plan, dated February 20, 2007, is hereby adopted as an
219 amendment to the King County Comprehensive Plan as amended.

220 JJ. The amendments to the King County Comprehensive Plan 2004 contained in
221 Attachments A, B, C, D and E to this ordinance (King County Comprehensive Plan 2004)
222 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment
223 A, Part I, to this ordinance amends the policies, text and maps of the Comprehensive
224 Plan. Attachment A, Part II, to this ordinance includes amendments to the King County
225 Comprehensive Plan Land Use Map and Zoning. The land use amendments contained in
226 Attachment A, Part II, to this ordinance are adopted as the official land use designations

227 for those portions of unincorporated King County defined in Attachment A, Part II, to
228 this ordinance. Attachment B to this ordinance contains Technical Appendix A (Capital
229 Facilities), which replaces technical appendix A to the King County Comprehensive Plan.
230 Attachment C to this ordinance contains Technical Appendix B (Housing), which
231 replaces Technical Appendix B to the King County Comprehensive Plan. Attachment D
232 to this ordinance contains Technical Appendix C (Transportation), which replaces
233 Technical Appendix C to the King County Comprehensive Plan 2004. Attachment E to
234 this ordinance contains Technical Appendix D (Growth Targets and the Urban Growth
235 Area 2008).

236 SECTION 3. Ordinance 13147, Section 30, as amended, and K.C.C. 20.18.140,
237 are each hereby amended to read as follows:

238 A. In accordance with RCW 36.70A.470, a docket containing written comments
239 on suggested plan or development regulation amendments shall be coordinated by the
240 department. The docket is the means either to suggest a change or to identify a
241 deficiency, or both, in the comprehensive plan or development regulation. For the
242 purposes of this section, "deficiency" refers to the absence of required or potentially
243 desirable contents of the comprehensive plan or development regulation and does not
244 refer to whether a development regulation addressed a project's probable specific adverse
245 environmental impacts that could be mitigated in the project review process. Any
246 interested party, including applicants, citizens and government agencies, may submit
247 items to the docket.

248 B. All agencies of county government having responsibility for elements of the
249 comprehensive plan or implementing development regulations shall provide a means by

250 which citizens may docket written comments on the plan or on development regulations.
251 The department shall use public participation methods identified in K.C.C. 20.18.160 to
252 solicit public use of the docket. The department shall provide a mechanism for docketing
253 amendments through the Internet.

254 1. All docketed comments relating to the comprehensive plan shall be reviewed
255 by the department and considered for an amendment to the comprehensive plan.

256 2. The deadline for submitting docketed comments is (~~September~~) June 30 for
257 consideration in the amendment cycle process for the following year.

258 3. By the first business day of December, the department shall issue an
259 executive response to all docketed comments. Responses shall include a classification of
260 the recommended changes as appropriate for either the annual or four-year cycle, and an
261 executive recommendation indicating whether or not the docketed (~~item(s)~~) items are to
262 be included in the next year's executive recommended comprehensive plan update. If the
263 docketed changes will not be included in the next executive transmittal, the department
264 shall indicate the (~~reason(s)~~) reasons why, and shall inform the proponent that they may
265 petition the council during the legislative review process.

266 4. By the first business day of December, the department shall forward to the
267 council a report including all docketed amendments and comments with an executive
268 response. The report shall include a statement indicating that the department has
269 complied with the notification requirements contained in this section.

270 5. Upon receipt of the docket report, the council shall include all proponents of
271 docketed requests in the mailing list for agendas to all committee meetings in which the
272 Comprehensive Plan will be reviewed during the next available update. At the beginning

273 of the committee review process, the council shall develop a committee review schedule
274 with dates for committee meetings and any other opportunities for public testimony and
275 for proponents to petition the council to consider docket changes that were not
276 recommended by the executive and shall attach the review schedule to the agenda
277 whenever the Comprehensive Plan is to be reviewed.

278 6 Docketed comments relating to development regulations shall be reviewed by
279 the appropriate county agency. Those requiring a comprehensive plan amendment shall
280 be forwarded to the department and considered for an amendment to the comprehensive
281 plan. Those not requiring a comprehensive plan amendment shall be considered by the
282 responsible county agency for amendments to the development regulations.

283 7. The docket report shall be made available through the internet. The
284 department shall endeavor to make the docket report available within one week of
285 transmittal to the council.

286 C. In addition to the docket, the department shall provide opportunities for
287 general public comments both before the docketing deadline each year, and during the
288 executive's review periods before transmittal to the council. The opportunities may
289 include, but are not limited to, the use of the following: comment cards, electronic or
290 posted mail, Internet, public meetings with opportunities for discussion and feedback,
291 printed summaries of comments received and twenty-four-hour telephone hotlines. The
292 executive shall assure that the opportunities for public comment are provided as early as
293 possible for each stage of the process, to assure timely opportunity for public input.

294 SECTION 4. Ordinance 14047, Section 9, and K.C.C. 20.18.170, are each hereby
295 amended to read as follows:

296 A. Proposals for open space dedication and redesignation to the urban growth
297 area must be received before December 31, ((2006)) 2010.

298 B. The total area added to the urban growth area as a result of this program shall
299 not exceed four thousand acres. The department shall keep a cumulative total for all
300 parcels added under this section. The total shall be updated annually through the plan
301 amendment process.

302 C. Proposals shall be processed as land use amendments to the Comprehensive
303 Plan and may be considered in either the annual or four-year cycle. Site suitability and
304 development conditions for both the urban and rural portions of the proposal shall be
305 established through the preliminary formal plat approval process.

306 D. A term conservation easement shall be placed on the open space at the time
307 the four to one proposal is approved by the council. Upon final plat approval, the open
308 space shall be permanently dedicated in fee simple to King County.

309 E. Proposals adjacent to incorporated area or potential annexation areas shall be
310 referred to the affected city and special purpose districts for recommendations.

311 SECTION 5. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180,
312 are each hereby amended to read as follows:

313 Rural area land may be added to the urban growth area in accordance with the
314 following criteria:

315 A. A proposal to add land to the urban growth area under this program shall meet
316 the following criteria:

317 1. A permanent dedication to the King County open space system of four acres
318 of open space is required for every one acre of land added to the urban growth area;

- 319 2. The land shall not be zoned agriculture (A);
- 320 3. The land added to the urban growth area shall:
- 321 a. be physically contiguous to urban growth area as adopted in 1994, unless the
- 322 director determines that the land directly adjacent to the urban growth area contains
- 323 critical areas that would be substantially harmed by development directly adjacent to the
- 324 urban growth area and that all other criteria can be met; and
- 325 b. not be in an area where a contiguous band of public open space, parks or
- 326 watersheds already exists along the urban growth area boundary;
- 327 4. The land added to the urban growth area shall be able to be served by sewers
- 328 and other urban services;
- 329 5. A road serving the land added to the urban area shall not be counted as part of
- 330 the required open space;
- 331 6. All urban facilities shall be located in the urban area except as permitted in
- 332 subsection E of this section;
- 333 7. Open space areas shall retain a rural designation;
- 334 8. The minimum depth of the open space buffer shall be one half of the property
- 335 width, unless the director determines that a smaller buffer of no less than two hundred
- 336 feet is warranted due to the topography and critical areas on the site, shall generally
- 337 parallel the urban growth area boundary and shall be configured in such a way as to
- 338 connect with open space on adjacent properties;
- 339 9. The minimum size of the property to be considered is twenty acres. Smaller
- 340 parcels may be combined to meet the twenty-acre minimum; ~~((and))~~

341 10. Urban development under this section shall be limited to residential
342 development and shall be at a minimum density of four dwelling units per acre; and

343 11. At least fifty percent of the lots created on the rural land added to the urban
344 growth area shall be created through the transfer of development rights under K.C.C.
345 chapter 21A.37;

346 B. A proposal that adds two hundred acres or more to the urban growth area shall
347 also meet the following criteria:

348 1. The proposal shall include a mix of housing types including thirty percent
349 below-market-rate units affordable to low, moderate and median income households;

350 2. In a proposal in which the thirty-percent requirement in subsection B.1 of this
351 section is exceeded, the required open space dedication shall be reduced to three and one-
352 half acres of open space for every one acre added to the urban growth area;

353 C. A proposal that adds less than two hundred acres to the urban growth area and
354 that meets the affordable housing criteria in subsection B.1. of this section shall be
355 subject to a reduced open space dedication requirement of three and one-half acres of
356 open space for every one acre added to the urban growth area;

357 D. Requests for redesignation shall be evaluated to determine those that are the
358 highest quality, including, but not limited to, consideration of the following:

359 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,
360 and habitat for endangered and threatened species;

361 2. Provision of regional open space connections;

362 3. Protection of wetlands, stream corridors, ground water and water bodies;

363 4. Preservation of unique natural, biological, cultural, historical or archeological
364 resources;

365 5. The size of open space dedication and connection to other open space
366 dedications along the urban growth area boundary; and

367 6. The ability to provide extensions of urban services to the redesignated urban
368 areas; and

369 E. The open space acquired through this program shall be preserved primarily as
370 natural areas, passive recreation sites or resource lands for farming and forestry. The
371 following additional uses may be allowed only if located on a small portion of the open
372 space and provided that these uses are found to be compatible with the site's natural open
373 space values and functions:

374 1. Trails;

375 2. Natural appearing stormwater facilities;

376 3. Compensatory mitigation of wetland losses on the urban designated portion
377 of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter
378 21A.24; and

379 4. Active recreation uses not to exceed five percent of the total open space area.

380 The support services and facilities for the active recreation uses may locate within the
381 active recreation area only, and shall not exceed five percent of the total acreage of the
382 active recreation area. The entire open space area, including any active recreation site, is
383 a regional resource. It shall not be used to satisfy the on-site active recreation space
384 requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property.

385 SECTION 6. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020,
386 are each hereby amended to read as follows:

387 A. Land use permit decisions are classified into four types, based on who makes
388 the decision, whether public notice is required, whether a public hearing is required
389 before a decision is made and whether administrative appeals are provided. The types of
390 land use decisions are listed in subsection E. of this section.

391 1. Type 1 decisions are made by the director, or his or her designee, ("director")
392 of the department of development and environmental services ("department"). Type 1
393 decisions are nonappealable administrative decisions.

394 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
395 decisions that are subject to administrative appeal.

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

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

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

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

409 D. Land use permits that are categorically exempt from review under SEPA do
 410 not require a threshold determination (determination of nonsignificance ["DNS"] or
 411 determination of significance ["DS"]). For all other projects, the SEPA review
 412 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

413 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; <u>decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions</u> ; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a
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		recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.
TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit ⁽²⁾ ³ ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; ((alteration exceptions and)) decisions to ((require studies or to)) approve, condition or deny ((a development proposal based on)) <u>alteration exceptions under K.C.C. chapter 21A.24</u> ; extractive operations under 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.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing)	Preliminary plat; plat alterations; preliminary plat revisions.

	examiner, appealable to county council on the record)	
TYPE 4 ^{1, ((3))} 4	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

414 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

415 appeals and appeals of Type 3 and 4 decisions to the council.

416 ² When an application for a (~~shoreline permit~~) Type 2 decision is combined with other
417 permits requiring Type 3 or 4 land use decisions under this chapter or under K.C.C.

418 25.32.080, the examiner, not the director, makes the decision.

419 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
420 the state Shorelines Hearings Board and not to the hearing examiner.

421 ⁽⁽³⁾⁾ 4 Approvals that are consistent with the Comprehensive Plan may be considered by
422 the council at any time. Zone reclassifications that are not consistent with the
423 comprehensive plan require a site-specific land use map amendment and the council's
424 hearing and consideration shall be scheduled with the amendment to the comprehensive
425 plan under K.C.C. 20.18.040 and 20.18.060.

426 F. The definitions in K.C.C. 21A.45.020 apply to this section.

427 SECTION 7. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100,
428 are each hereby amended to read as follows:

429 A. The department shall issue its recommendation to the hearing examiner on a
430 Type 3 or Type 4 land use decision within one hundred fifty days from the date the
431 applicant is notified by the department pursuant to this chapter that the application is
432 complete. The time periods for action by the hearing examiner on a Type 3 or Type 4
433 land use decision shall be governed by the hearing examiner's rules.

434 B.1. Except as otherwise provided in subsection B.2 of this section, the
435 department shall issue its final decision on a Type 1 or Type 2 land use decision within
436 one hundred twenty days from the date the applicant is notified by the department
437 pursuant to this chapter that the application is complete.

438 2. The following shorter time periods apply to the type of land use permit
439 indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days residential appurtenances that require substantial review.
Clearing and grading	90 days
Health Department review	40 days

(for projects pending a final department

review or permit or review and permit).

Type 1 temporary use permit for a homeless encampment: 30 days

Type 2 temporary use permit for a homeless encampment: 40 days

440 C. The following periods shall be excluded from the times specified in
441 subsections A and B of this section:

442 1. Any period of time during which the applicant has been requested by the
443 department, hearing examiner or council to correct plans, perform required studies or
444 provide additional information, including road variances and variances required under
445 K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the
446 applicant of the need for additional information until the earlier of the date the county
447 advises the applicant that the additional information satisfies the county's request, or
448 fourteen days after the date the information has been provided. If the county determines
449 that the correction, study or other information submitted by the applicant is insufficient, it
450 shall notify the applicant of the deficiencies and the procedures of this section shall apply
451 as if a new request for information had been made.

452 a. The department shall set a reasonable deadline for the submittal of
453 corrections, studies or other information when requested, and shall provide written
454 notification to the applicant. An extension of such deadline may be granted upon
455 submittal by an applicant of a written request providing satisfactory justification of an
456 extension.

457 b. Failure by the applicant to meet such deadline shall be cause for the
458 department to cancel/deny the application.

459 c. When granting a request for a deadline extension, the department shall give
460 consideration to the number of days between receipt by the department of a written
461 request for a deadline extension and the mailing to the applicant of the department's
462 decision regarding that request;

463 2. The period of time, as set forth in K.C.C. 20.44.050, during which an
464 environmental impact statement is being prepared following a determination of
465 significance pursuant to chapter 43.21C RCW;

466 3. A period of no more than ninety days for an open record appeal hearing by
467 the hearing examiner on a Type 2 land use decision, and no more than sixty days for a
468 closed record appeal by the county council on a Type 3 land use decision appealable to
469 the county council, except when the parties to an appeal agree to extend these time
470 periods;

471 4. Any period of time during which an applicant fails to post the property, if
472 required by this chapter, following the date notice is required until an affidavit of posting
473 is provided to the department by the applicant; (~~and~~)

474 5. Any time extension mutually agreed upon by the applicant and the
475 department; and

476 6. Any time during which there is an outstanding fee balance that is sixty days
477 or more past due.

478 D. The time limits established in this section shall not apply if a proposed
479 development:

- 480 1. Requires an amendment to the comprehensive plan or a development
481 regulation, or modification or waiver of a development regulation as part of a
482 demonstration project;
- 483 2. Requires approval of a new fully contained community as provided in RCW
484 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an
485 essential public facility as provided for RCW 36.70A.200; or
- 486 3. Is substantially revised by the applicant, when such revisions will result in a
487 substantial change in a project's review requirements, as determined by the department, in
488 which case the time period shall start from the date at which the revised project
489 application is determined to be complete.

490 E. The time limits established in this section may be exceeded on more complex
491 projects. If the department is unable to issue its final decision on a Type 1 or Type 2 land
492 use decision or its recommendation to the hearing examiner on a Type 3 or Type 4 land
493 use decision within the time limits established by this section, it shall provide written
494 notice of this fact to the project applicant. The notice shall include a statement of reasons
495 why the time limits have not been met and an estimated date for issuance of the notice of
496 final decision on a Type 1 or Type 2 land use decision or notice of recommendation on a
497 Type 3 or Type 4 land use decision.

498 F. The department shall require that all plats, short plats, building permits,
499 clearing and grading permits, conditional use permits, special use permits, site
500 development permits, shoreline substantial development permits, binding site plans,
501 urban planned development permits or fully contained community permits issued for
502 development activities on or within five hundred feet of designated agricultural lands,

503 forest lands or mineral resource lands shall contain a notice that the subject property is
504 within or near designated agricultural lands, forest lands or mineral resource lands on
505 which a variety of commercial activities may occur that are not compatible with
506 residential development for certain periods of limited duration.

507 SECTION 8. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190,
508 are each hereby amended to read as follows:

509 When the examiner issues a recommendation regarding an application for a
510 reclassification of property or for a shoreline environment redesignation, the
511 recommendation shall include additional findings that support the conclusion that at least
512 one of the following circumstances applies:

513 A. The property is potentially zoned for the reclassification being requested and
514 conditions have been met that indicate the reclassification is appropriate;

515 B. An adopted subarea plan or area zoning specifies that the property shall be
516 subsequently considered through an individual reclassification application;

517 C. Where a subarea plan has been adopted but subsequent area zoning has not
518 been adopted, that the proposed reclassification or shoreline redesignation is consistent
519 with the adopted subarea plan; or

520 D. The applicant has demonstrated with substantial evidence that:

521 1. Since the last previous area zoning or shoreline environment designation of
522 the subject property, authorized public improvements, permitted private development or
523 other conditions or circumstances affecting the subject property have undergone
524 substantial and material change not anticipated or contemplated in the subarea plan or
525 area zoning;

526 2. The impacts from the changed conditions or circumstances affect the subject
527 property in a manner and to a degree different than other properties in the vicinity such
528 that area rezoning or redesignation is not appropriate. For the purposes of this
529 subsection, "changed conditions or circumstances" does not include actions taken by the
530 current or former property owners to facilitate a more intense development of the
531 property including but not limited to changing tax limitations, adjusting property lines,
532 extending services or changing property ownership;

533 3. For proposals to increase rural residential density, that the proposal meets the
534 criteria in Comprehensive Plan policies R-205 through R-209;

535 4. For proposals to increase urban residential density, that the proposal meets
536 the criteria in Comprehensive Plan policies U-120 through U-125 and purchases
537 transferable development rights as required by policy U-124 and U-124a; and

538 5. The requested reclassification or redesignation is in the public interest.

539 SECTION 9. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, are
540 each hereby amended to read as follows:

541 A. King County adopts the standards and procedures specified in WAC
542 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining
543 categorical exemptions and making threshold determinations subject to the following:

544 1. The following exempt threshold levels are hereby established in accordance
545 with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

546 a. The construction or location of any residential structures of twenty dwelling
547 units within the boundaries of an urban growth area, or of any residential structures of
548 eight dwelling units outside of the boundaries of an urban growth area;

549 b. The construction of a barn, loafing shed, farm equipment storage building,
550 produce storage or packing structure, or similar agricultural structure, covering thirty
551 thousand square feet on land zoned agricultural, or fifteen thousand square feet in all
552 other zones, and to be used only by the property owner or his or her agent in the conduct
553 of farming the property. This exemption shall not apply to feed lots;

554 c. The construction of an office, school, commercial, recreational, service or
555 storage building with twelve thousand square feet of gross floor area, and with associated
556 parking facilities designed for forty automobiles;

557 d. The construction of a parking lot designed for forty automobiles;

558 e. Any fill or excavation of five hundred cubic yards throughout the total
559 lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III
560 forest practice under RCW 76.09.050 or regulation thereunder: The categorical
561 exemption threshold shall be one hundred cubic yards for any fill or excavation that is in
562 an ~~((sensitive))~~ aquatic area, wetland, steep slope or landslide hazard area. If the
563 proposed action is to remove from or replace fill in an ~~((sensitive))~~ aquatic area, wetland,
564 steep slope or landslide hazard area to correct a violation, the threshold shall be five
565 hundred cubic yards.

566 2. The determination of whether a proposal is categorically exempt shall be
567 made by the county department that serves as lead agency for that proposal.

568 B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as
569 follows:

570 1. If the department issues a mitigated DNS, conditions requiring compliance
571 with the mitigation measures which were specified in the application and environmental

572 checklist shall be deemed conditions of any decision or recommendation of approval of
573 the action.

574 2. If at any time the proposed mitigation measures are withdrawn or
575 substantially changed, the responsible official shall review the threshold determination
576 and, if necessary, may withdraw the mitigated DNS and issue a DS.

577 SECTION 10. Ordinance 6949, Section 10, as amended, and K.C.C. 20.44.080,
578 are each hereby amended to read as follows:

579 A. The procedures and standards of WAC 197-11-650 through 197-11-660
580 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance
581 on existing plans, laws and regulations, are adopted.

582 B. For the purposes of RCW 43.21C.060 and WAC 197-11-660, the following
583 policies, plans, rules and regulations, and all amendments thereto, are designated as
584 potential bases for the exercise of King County's substantive authority under SEPA,
585 subject to RCW 43.21C.240 and subsection C of this section:

586 1. The policies of the state Environmental Policy Act, RCW 43.21C.020.

587 2. As specified in K.C.C. chapter 20.12, the King County Comprehensive Plan,
588 its addenda and revisions and community and subarea plans and housing report, and as
589 specified in K.C.C. chapter 20.14, surface water management program basin plans.

590 3. The King County Zoning Code, as adopted in K.C.C. Title 21A.

591 4. The King County Agricultural Lands Policy, as adopted in K.C.C. chapter
592 20.54 and K.C.C. Title 26.

593 5. The King County Landmarks Preservation Code, as adopted in K.C.C.
594 chapter 20.62.

- 595 6. The King County Shoreline Management Master Plan, as adopted in K.C.C.
596 Title 25.
- 597 7. The King County Surface Water Runoff Policy, as adopted in K.C.C. chapter
598 9.04, including the Covington Master Drainage Plan, as adopted in K.C.C. chapter 20.14.
- 599 8. The King County Road Standards, (~~1993 Update,~~) as adopted in K.C.C.
600 chapter 14.42.
- 601 9. The Comprehensive Plan for Transportation adopted by Resolution No. 6617
602 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by
603 the county council in K.C.C. 28.01.030.
- 604 10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23
605 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by
606 the county council in K.C.C. 28.01.030.
- 607 11. The rules and regulations for construction and use of local sewage facilities
608 set forth in K.C.C. chapters 28.81 through 28.84.
- 609 12. The rules and regulations on the consistency of sewer projects with local
610 land use plans and policies set forth in Ordinance 11034, as amended.
- 611 13. The rules and regulations for the disposal of industrial waste into the
612 sewerage system set forth in Ordinance 11034, as amended.
- 613 14. The Duwamish Clean Water Plan adopted by the council of the Municipality
614 of Metropolitan Seattle and readopted and ratified by the county council by Ordinance
615 11032, Section 28, as amended.
- 616 15. The Washington Department of Ecology's Best Management Practices for
617 the Use of Municipal Sludge.

618 C. Within the urban growth area, substantive SEPA authority to condition or
619 deny new development proposals or other actions shall be used only in cases where
620 specific adverse environmental impacts are not addressed by regulations as set forth
621 below or unusual circumstances exist. In cases where the county has adopted the
622 following regulations to systematically avoid or mitigate adverse impacts, those standards
623 and regulations will normally constitute adequate mitigation of the impacts of new
624 development: K.C.C. chapter 9.04, Surface Water Runoff Policy, K.C.C. chapter 9.08,
625 Surface Water Management Program, K.C.C. chapter 9.12, Water Quality, K.C.C.
626 chapter 14.42, King County Road Standards, K.C.C. chapter 16.82, Clearing and
627 Grading, K.C.C. chapter 21A.12, Development Standards - Density and Dimensions,
628 K.C.C. chapter 21A.14, Development Standards - Design Requirements, K.C.C. chapter
629 21A.16, Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.18,
630 Development Standards - Parking and Circulation, K.C.C. chapter 21A.20, Development
631 Standards - Signs, K.C.C. chapter 21A.22, Development Standards - Mineral Extraction,
632 K.C.C. chapter 21A.24, ((Environmentally Sensitive)) Critical Areas, K.C.C. chapter
633 21A.26, Development Standards - Communication Facilities, K.C.C. chapter 21A.28,
634 Development Standards - Adequacy of Public Facilities and Services((, those standards
635 and regulations will normally constitute adequate mitigation of the impacts of new
636 development)). Unusual circumstances related to a site or to a proposal, as well as
637 environmental impacts not mitigated by the regulations listed in this subsection, will be
638 subject to site-specific or project-specific SEPA mitigation.

639 This subsection shall not apply if the county's development regulations cited in
640 this subsection are amended after April 22, 1996, unless the amending ordinance contains

641 a finding, supported by documentation, that the requirements for environmental analysis,
642 protections and mitigation measures in this chapter, provide adequate analysis of and
643 mitigation for the specific adverse environmental impacts to which the requirements
644 apply.

645 D. Outside the urban growth area, in the course of project review, including any
646 required environmental analysis, the responsible official may determine that requirements
647 for environmental analysis, protection and mitigation measures in the county's
648 development regulations or comprehensive plans adopted under chapter 36.70A RCW
649 and in other applicable local, state or federal laws and rules provide adequate analysis
650 and mitigation for specific adverse environmental impacts of the project, if the following
651 criteria are met:

652 1. In the course of project review, the responsible official shall identify and
653 consider the specific probable adverse environmental impacts of the proposed action and
654 then make a determination whether these specific impacts are adequately addressed by
655 the development regulations. If they are not, the responsible official shall apply
656 mitigation consistent with the applicable requirements of the comprehensive plan,
657 subarea plan element of the comprehensive plan or other local, state or federal rules or
658 laws; and

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

661 E. Any decision to approve, deny or approve with conditions pursuant to RCW
662 43.21C.060 shall be contained in the responsible official's decision document. The
663 written decision shall contain facts and conclusions based on the proposal's specific

664 adverse environmental impacts, or lack thereof, as identified in an environmental
665 checklist, EIS, threshold determination, other environmental document including an
666 executive department's staff report and recommendation to a decision maker, or findings
667 made pursuant to a public hearing authorized or required by law or ordinance. The
668 decision document shall state the specific plan, policy or regulation that supports the
669 SEPA decision and, if mitigation beyond existing development regulations is required,
670 the specific adverse environmental impacts and the reasons why additional mitigation is
671 needed to comply with SEPA.

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

675 SECTION 11. If any provision of this ordinance or its application to any person
676 or circumstance is held invalid, the remainder of the ordinance or the application of the
677 provision to other persons or circumstances is not affected.