Title 20
PLANNING

UPDATED: April 23, 2013

Chapters:

20.04 GENERAL PROVISIONS
20.08 DEFINITIONS
20.10 COUNTYWIDE PLANNING POLICIES
20.12 COMPREHENSIVE PLAN
20.14 BASIN PLANS
20.18 PROCEDURES FOR AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS-PUBLIC PARTICIPATION
20.20 PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS
20.24 HEARING EXAMINER
20.36 OPEN SPACE, AGRICULTURAL, AND TIMBER LANDS CURRENT USE ASSESSMENT
20.44 COUNTY ENVIRONMENTAL PROCEDURES
20.54 AGRICULTURAL LANDS POLICY*
20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

CROSS REFERENCE:
For provisions regarding nondelinquent property tax certification, see K.C.C. chapter 4.68.

20.04 GENERAL PROVISIONS

Sections:

20.04.005 Relationship to Comprehensive Plan and Growth Management Act.
20.04.010 Catchline legality.
20.04.030 Procedural conflicts.

20.04.005 Relationship to Comprehensive Plan and Growth Management Act. The provisions of Ordinance 11653 relating to zoning and development review are hereby enacted as a development regulation to be consistent with and implement the comprehensive plan in accordance with RCW 36.70A.120. (Ord. 11653 § 1, 1995).

20.04.010 Catchline legality. Section captions as used in this title do not constitute any part of the law. (Ord. 263 Art. 8 § 1, 1969).

20.04.030 Procedural conflicts. In case of conflict, provisions of this title take precedence over procedures presently contained in Title 19 and Title 21A. (Ord. 11653 § 2, 1995: Ord. 263 Art. 8 § 3, 1969).

20.08 DEFINITIONS

Sections:

20.08.030 Area zoning.
20.08.035 Benchmarks.
20.08.060 Subarea plan.
20.08.070 Comprehensive plan.
20.08.090 Council.
20.08.100 Department.
20.08.105 Development regulations.
20.08.107 Docket.
20.08.120 Examiner.
20.08.132 Functional plans.
20.08.160 Reclassification.
20.08.170 Site-specific comprehensive plan land use map amendment.

20.08.030 Area zoning. "Area zoning" as used in this title is synonymous with the terms of "rezoning or original zoning" as used in the King County charter and means 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 distinct communities, specific geographic areas and other types of districts 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 comprehensive plan and subarea plan policies in zoning map form. (Ord. 13147 § 3, 1998: Ord. 3669 § 1, 1978: Ord. 263 Art. 1 § 3, 1969).

20.08.035 Benchmarks. "Benchmarks" means quantifiable measures used to monitor the outcomes of public policy. (Ord. 13147 § 11, 1998).

20.08.060 Subarea plan. "Subarea plan" means detailed local land use plan which implements and is an element of the comprehensive plan containing specific policies, guidelines and criteria adopted by the council to guide development and capital improvement decisions within specific subareas of the county. The subareas of the county shall consist of distinct communities, specific geographic areas or other types of districts having unified interests or similar characteristics within the county. Subarea plans may include: community plans, which have been prepared for large unincorporated areas; potential annexation area plans, which have been prepared for urban areas that are designated for future annexation to a city; neighborhood plans, which have been prepared for small unincorporated areas; and plans addressing multiple areas having common interests. The relationship between the 1994 King County Comprehensive Plan and subarea plans is established by K.C.C. 20.12.015.(Ord. 13147 § 5, 1998: Ord. 11653 § 3, 1995: Ord. 3669 § 2, 1978: Ord. 263 Art. 1 (part), 1969).

20.08.070 Comprehensive plan. "Comprehensive plan" means the principles, goals, objectives, policies and criteria approved by the council to meet the requirements of the Washington State Growth Management Act, and,

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 policy direction for official regulations and controls; and
D. As a means for establishing an urban/rural boundary;
E. As a means of promoting the general welfare. (Ord. 11653 § 4, 1995: Ord. 263 Art. 1 § 7, 1969).

20.08.090 Council. "Council" means the metropolitan King County council. (Ord. 13147 § 6, 1998: Ord. 263 Art. 1 § 4, 1969).

20.08.100 Department. "Department" means the department or office responsible for comprehensive planning as provided in K.C.C. 2.16. (Ord. 13147 § 7, 1998: Ord. 3669 § 3, 1978: Ord. 263 Art. 1 § 9, 1969).

20.08.105 Development regulations. "Development regulations" means the controls placed on development or land use activities by the county including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the county. (Ord. 13147 § 13, 1998).

20.08.107 Docket. "Docket" (noun) means the list of suggested changes to the comprehensive plan or development regulations maintained by the department. "Docket" (verb) means to record with the department a suggested change to the comprehensive plan or development regulations. (Ord. 13147 § 14, 1998).

20.08.120 Examiner. "Examiner" means the hearing examiner as established by K.C.C. chapter 20.24. (Ord. 13147 § 9, 1998: Ord. 263 Art. 1 § 11, 1969).

20.08.132 Functional plans. "Functional plans" are detailed plans for facilities and services and action plans for other governmental activities. Functional plans should be consistent with the Comprehensive Plan, define service levels, provide standards, specify financing methods which are adequate, stable and

equitable, be the basis for scheduling facilities and services through capital improvement programs and plan for facility maintenance. Functional plans are not adopted to be part of the capital facilities plan element of the Comprehensive plan. (Ord. 11653 § 5, 1995).

20.08.160 Reclassification. "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, wishes to petition for a change in the zoning classification which currently applies to their individual properties. (Ord. 263 Art. 1 § 15, 1969).

20.08.170 Site-specific comprehensive plan land use map amendment. "Site-specific comprehensive plan land use map amendment" means an amendment to the comprehensive plan land use map which includes one property or a small group of specific properties. (Ord. 13147 § 12, 1998).

20.10 COUNTYWIDE PLANNING POLICIES

Sections:

20.10.015 Procedures after approval or amendment by Growth Management Planning Council - notices - ratification.
20.10.070 Interlocal agreements.

20.10.015 Procedures after approval or amendment by Growth Management Planning Council - notices - ratification.

A. After the Growth Management Planning Council approves or amends the Countywide Planning Policies, the executive, as its chair, shall timely transmit to the King County council an ordinance adopting the Countywide Planning Policies or amendments thereto.

B. The King County council shall refer the proposed ordinance transmitted by the executive under subsection A. of this section to the committee on transportation, economy and environment or its successor for review and consideration. If the King County council recommends substantive revisions to the Countywide Planning Policies or amendments approved by the Growth Management Planning Council, the King County council may refer the proposed revisions to the Growth Management Planning Council for its consideration and response.

C. Within ten days after the ordinance transmitted by the executive under subsection A. of this section, as amended by the council, is effective, the clerk of the King County council shall send the notice of enactment and the Countywide Planning Policies and amendments to each city and town in King County for ratification as provided for in the Countywide Planning Policies. Each city and town must take action to ratify or reject the proposed Countywide Planning Policies or amendments as approved by the King County council within ninety days after the date the ordinance approving the Countywide Planning Policies or amendments was enacted. Failure of a city or town to take action and notify the clerk of the King County council within ninety days shall be deemed to be approval by that city or town. The notice shall include the date by which each city or town must respond with its response to ratify or reject the proposed Countywide Planning Policies or amendments and where the response should be directed.

D. Countywide Planning Policies or amendments are ratified if approved by the county, cities and towns representing at least seventy percent of the county's population and thirty percent of the jurisdictions. For ratification purposes, King County is the jurisdiction representing the population in the unincorporated areas of the county.

E. Within ten days after the date for response established by the clerk of the King County council under subsection C. of this section, the clerk of the King County council shall notify the executive, as chair of the Growth Management Planning Council, of the decision to ratify or not to ratify the Countywide Planning Policies or amendments. (Ord. 17486 § 3, 2012).

20.10.070 Interlocal agreements. The county executive shall develop and propose to the council a process to enter into interlocal agreements relating to each city's potential annexation area. The process shall include consultation with affected special purpose districts. (Ord. 10450 § 7, 1992).

20.12 COMPREHENSIVE PLAN

Sections:

20.12.015 Relationship of Comprehensive Plan to previously adopted plans, policies and land use regulations.
20.12.017 Conversion and consolidation of zoning.
20.12.050 Zoning, potential zoning, property-specific development standards, special district overlays, regional use designations and interim zoning.
20.12.051 The Comprehensive Plan 2000 zoning amendments

20.12.090 Park development policies.
20.12.100 Real property asset management plan.
20.12.150 Affordable housing capital facilities plan.
20.12.200 Shoreline master program.
20.12.205 Land use and development regulations within the shoreline jurisdiction - State Department of Ecology approval required - King County Code section enumerated.
20.12.240 White Center communities action plan.
20.12.325 Vashon Town Plan.
20.12.337 West Hill community plan.
20.12.380 King County open space plan.
20.12.433 King County Nonmotorized Transportation Plan.
20.12.435 King County Arterial HOV Transportation Plan.
20.12.460 Tahoma School District Capital Facilities Plan.
20.12.461 Federal Way Public Schools District Capital Facilities Plan.
20.12.462 Riverview School District Capital Facilities Plan.
20.12.463 Issaquah School District Capital Facilities Plan.
20.12.464 Snoqualmie Valley School District Capital Facilities Plan.
20.12.465 Highline School District Capital Facilities Plan.
20.12.466 Lake Washington School District Capital Facility Plan.
20.12.467 Kent School District Capital Facilities Plan.
20.12.468 Northshore School District Capital Facilities Plan.
20.12.469 Enumclaw School District Capital Facilities Plan.
20.12.470 Fife School District Capital Facilities Plan.
20.12.471 Auburn School District Capital Facilities Plan.
20.12.472 Renton School District Capital Facilities Plan.
20.12.480 King County Flood Hazard Reduction Plan Policies.
20.12.485 Potential Annexation Area Process.
[See K.C.C. chapter 20.14 for Basin Plans]

20.12.015 Relationship of Comprehensive Plan to previously adopted plans, policies, and land use regulations. The 1994 King County Comprehensive Plan shall relate to previously adopted plans, policies and land use regulations as follows:

A. The previously adopted White Center Action Plan and West Hill Community Plan are consistent with the 1994 King County Comprehensive Plan and are adopted as elements of the comprehensive plan.

B. Where conflicts exist between community plans and the comprehensive plan, the comprehensive plan shall prevail;

C. Pending or proposed subarea plans or plan revisions and amendments to adopted land use regulations, that are adopted on or after November 21, 1994, shall conform to all applicable policies and land use designations of the 1994 King County Comprehensive Plan;

D. Unclassified use permits and zone reclassifications, that are pending or proposed on or after November 21, 1994, shall conform to the comprehensive plan and applicable adopted community plans as follows:

1. For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or land use plan map designations that do not conflict, both the comprehensive plan and the community plan shall govern;

2. For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or plan map designations that conflict, the comprehensive plan shall govern; and

3. For aspects of proposals where either the comprehensive plan or a previously adopted community plan, but not both, has applicable policies or plan map designations, the plan with the applicable policies or designations shall govern;

E. Vested applications for subdivisions, short subdivisions and conditional uses for which significant adverse environmental impacts have not been identified may rely on existing zoning to govern proposed uses and densities. Subdivisions, short subdivisions and conditional uses also may rely on specific facility improvement standards adopted by ordinance, including but not limited to street improvement, sewage disposal and water supply standards, that conflict with the comprehensive plan but shall be conditioned to conform to all applicable comprehensive plan policies on environmental protection, open space, design, site planning and adequacy of on-site and off-site public facilities and services, in cases where specific standards have not been adopted;

F. Vested permit applications for proposed buildings and grading and applications for variances, when categorically exempt from the procedural requirements of the state Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance; and

G. Nothing in this section shall limit the county's authority to approve, deny or condition proposals in accordance with the state Environmental Policy Act. (Ord. 13625 § 16, 1999: Ord. 13273 § 3, 1998: Ord. 11575 § 2, 1994)

20.12.017 Conversion and consolidation of zoning. The following provisions complete the zoning conversion from Title 21 to Title 21A pursuant to K.C.C. 21A.01.070:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act RCW 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as attachments* to Ordinance 11653:

Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19, 1994.
Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.
Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.
Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.
Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.
Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.
Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.
Appendix H: Amendments to East Sammamish Community Plan P-Suffix Conditions.
Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix Conditions.
Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.
Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix Conditions.
Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.
Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.
Appendix N: Amendments to Resource Lands Community Plan P-Suffix Conditions.
Appendix O: 1994 Parcel List, as amended December 19, 1994.
Appendix P: Amendments considered by the council January 9, 1995.

B. Area zoning adopted by Ordinance 11653, including potential zoning, is contained in Appendices A and O*. Amendments to area-wide P-suffix conditions adopted as part of community plan area zoning are contained in Appendices B through N*. Existing P-suffix conditions whether adopted through reclassifications or community plan area zoning are retained by Ordinance 11653 except as amended in Appendices B through N*.

C. The department is hereby directed to correct the official zoning map in accordance with Appendices A through P* of Ordinance 11653.

D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A* are adopted as the official zoning control for those portions of unincorporated King County defined therein.

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P*, as contained in Attachment A* to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

F. The Vashon Town Plan Area Zoning, attached to Ordinance 12395 as Attachment 2*, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A* are adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B* is adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

I. The King County Zoning Atlas is amended to include the area shown in Appendix B* as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-DPA, Demonstration Project Area", to the properties identified on Map A* attached to Ordinance 12627.

K. The special district overlays, as designated on the map attached to Ordinance 12809 in Appendix A*, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

L. the White Center Community Plan Area Zoning, as revised in the Attachments* to Ordinance 11568, is the official zoning for those portions of White Center in unincorporated King county defined herein.

M. Ordinance 12824 completes the zoning conversion process begun in Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending previously adopted p-suffix conditions or property-specific development standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A* to Ordinance 12824.

2. All ordinances adopting individual zone reclassifications effective prior to February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A* to Ordinance 12824.

3. All ordinances establishing individual reclassifications effective after February 2, 1995, are hereby amended, as set forth in Appendix C* to Ordinance 12824, to retain, repeal or amend the property specific development standards (p-suffix conditions) contained therein.

4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted by Ordinance 11653 are repealed as set forth in subsections a through n. All p-suffix conditions contained therein are repealed or replaced by adopting the property specific development standards as set forth in Appendix A* to Ordinance 12824, the special district overlays as designated in Appendix B* to Ordinance 12824 or the special requirements as designated in Appendix A* to Ordinance 12822.

a. The Highline Area Zoning attached to Ordinance 3530*, as amended, is hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as Appendix B*, as amended, is hereby repealed.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B*, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B*, as amended, is hereby repealed.

e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as amended, is hereby repealed.

f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance 7837 as Appendix B*, as amended, is hereby repealed.

g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B*, as amended, is hereby repealed.

h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended, is hereby repealed.

i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by Ordinance 9118, is hereby repealed.

j. The Enumclaw Community Plan Area Zoning attached* to Ordinance 9499, as amended, is hereby repealed.

k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance 10197, Appendix B*, as amended, is hereby repealed.

l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B and E*, as amended, is hereby repealed.

m. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B* attached to Ordinance 10847, as amended, is hereby repealed.

n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as amended, is hereby repealed.

5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or comprehensive plan area zoning and all subsequent amendments thereto, are amended as set forth in subsections a through f. All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by the property specific development standards as set forth in Appendix A* to Ordinance 12824, the special district overlays as designated in Appendix B* to Ordinance 12824 or the special requirements as designated in Appendix A* to Ordinance 12822.

a. The White Center Community Plan Area Zoning, contained in the Attachments* to Ordinance 11568, as subsequently amended, is hereby further amended as set forth in Appendix D*.

b. All property specific development standards established in Ordinance 11653, as amended, are hereby amended as set forth in Appendix E*.

c. All property specific development standards established in Attachment A* to Ordinance 11747, as amended, are hereby amended as set forth in Appendix F*.

d. All property specific development standards established in Ordinance 12061, as amended, are hereby amended as set forth in Appendix G*.

e. All property specific development standards established in Ordinance 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

f. All property specific development standards established in Attachment A* to Ordinance 12170, as amended, are hereby amended as set forth in Appendix H*. (Ord. 12824 § 2, 1997: Ord. 12809 § 2, 1997: Ord. 12627 § 6, 1996: Ord. 12535 § 4, 1996: Ord. 12533 § 2, 1996: Ord. 12531 § 2, 1996: Ord. 12395 § 3, 1996: Ord. 12170 § 2, 1995: Ord. 12061 § 2, 1995: Ord. 11653 § 6, 1995).

***Available in the office of the clerk of the council.**

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

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in geographic information system data layers maintained by king County and is depicted on the official zoning maps, as maintained by the department of permitting and environmental review. In case of a discrepancy between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

B. Appendix A of Ordinance 12824*, as amended by Ordinance 15028, is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the department of permitting and environmental review in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A* of Ordinance 12824 as currently in effect or hereafter amended.

C. Appendix B of Ordinance 12824*, as amended by Ordinance 14044 and as amended by Ordinance 15028, is hereby adopted to constitute and contain special district overlays applied through Ordinance 12824. The special district overlays in effect or hereinafter amended shall be maintained by the department of permitting and environmental review in the Special District Overlay Application Maps notebook. Any adoption, amendment or repeal of special district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824* as currently in effect or hereafter amended. (Ord. 17485 § 6, 2012: Ord. 17420 § 81, 2012: Ord. 15028 § 4, 2004: Ord. 14044 § 3, 2001: Ord. 12824 § 3, 1997).

***Available in the office of the clerk of the council.**

20.12.090 Park development policies. "King County Park development policies," attached to Ordinance 3813* are adopted and serve as a general basis for a park and recreation facility development, except that the comprehensive plan shall prevail where conflicts, if any, occur. (Ord. 7178 § 6, 1985: Ord. 3813 § 1, 1978: Ord. 1096 §§ 1, 2, 1972).

***Available in the office of the clerk of the council.**

20.12.100 Real property asset management plan. 2011 real property asset management plan, formerly called the county space plan, dated May 16, 2011, and consisting of real property asset management policies, practices and strategies, including planning policies, locations of county agencies and implementation plans, 2011 work space survey results, short term space planning and moves and reference legal authorities and King County space standards, is adopted as a subelement of the public facilities element of the comprehensive plan and the master plan for county facility development as defined in K.C.C.

4.04.020. The real property asset management plan dated May 16, 2011, shall govern development of all facility master plans, facility program plans and CIP and lease requests for space housing county agency operations.

The executive shall update the current and future space needs and implementation plans of the real property asset management plan and submit them to the council as amendments to the real property asset management plan by March 1 of every other year, beginning on March 1, 2006. (Ord. 17171 § 2, 2011: Ord. 15328 § 2, 2005: Ord. 14515 § 1, 2002: Ord. 10810 § 1, 1993).

***Available in the office of the clerk of the council.**

20.12.150 Affordable housing capital facilities plan.

A. The goals, policies, objectives and strategies and the short range work program and mid-range work program contained in the revised Executive Proposed Affordable Housing Policy Plan dated September, 1987* are adopted as a functional plan of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan they constitute official county policy which affect housing supply, conditions, occupancy, cost, design, mix and location.

B. The forecast of low-income housing needs, inventory of existing housing facilities, proposed locations of new facilities, and six-year financing plan contained in the Housing Capital Funding Plan set forth in Attachment A* to Ordinance 10315 are adopted as the low-income housing capital facilities subelement of the capital facilities element of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, the low-income housing subelement constitutes county policy guidance for selection and funding of low-income housing projects to be included in the annual, adopted capital improvement program. (Ord. 10315 § 1, 1992: Ord. 8279, 1987).

***Available in the office of the clerk of the council.**

20.12.200 Shoreline master program. The King County shoreline master program consists of the following elements:

A. The King county shoreline management goals and policies in chapter 5 of the King County Comprehensive Plan. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline management jurisdiction under RCW chapter 90.58; and

B. The King County Code sections identified in K.C.C. 20.12.205. (Ord. 16985 § 3, 2010: Ord. 3692 § 2, 1978).

20.12.205 Land use and development regulations within the shoreline jurisdiction - King County Code section enumerated - state Department of Ecology approval required. The following King County Code sections that are in effect on the April 7, 2013, are adopted as land use and development regulations within the shoreline jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of permitting and environmental review shall, within ten days after the date of Washington state Department Ecology's approval, file a copy of the state Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor:

A. The following sections within K.C.C. Title 20:

1. K.C.C. 20.18.040;
2. K.C.C. 20.18.050;
3. K.C.C. 20.18.056;
4. K.C.C. 20.18.057;
5. K.C.C. 20.18.058; and
6. K.C.C. 20.24.510; and

B. The following sections within K.C.C. Title 21A:

1. K.C.C. 21A.06.118;
2. K.C.C. 21A.06.156;
3. K.C.C. 21A.06.181;
4. K.C.C. 21A.06.181.E;
5. K.C.C. 21A.06.181.G;
6. K.C.C. 21A.06.182;
7. K.C.C. 21A.06.333.A;

8. K.C.C. 21A.06.401;
9. K.C.C. 21A.06.469;
10. K.C.C. 21A.06.573;
11. K.C.C. 21A.06.653;
12. K.C.C. 21A.06.738;
13. K.C.C. 21A.06.796;
14. K.C.C. 21A.06.796.A;
15. K.C.C. 21A.06.825
16. K.C.C. 21A.06.892;
17. K.C.C. 21A.06.913;
18. K.C.C. 21A.06.971;
19. K.C.C. 21A.06.1081;
20. K.C.C. 21A.06.1082.A;
21. K.C.C. 21A.06.1082.B;
22. K.C.C. 21A.06.1082.C;
23. K.C.C. 21A.06.1082.D;
24. K.C.C. 21A.06.1083;
25. K.C.C. 21A.06.1083.A;
26. K.C.C. 21A.06.1268;
27. K.C.C. 21A.06.1385;
28. K.C.C. 21A.06.1386;
29. K.C.C. 21A.06.1388;
30. K.C.C. 21A.06.1389;
31. K.C.C. 21A.24.045;
32. K.C.C. 21A.24.051;
33. K.C.C. 21A.24.055;
34. K.C.C. 21A.24.070.A., D. and E.;
35. K.C.C. 21A.24.125;
36. K.C.C. 21A.24.130;
37. K.C.C. 21A.24.133;
38. K.C.C. 21A.24.200;
39. K.C.C. 21A.24.210;
40. K.C.C. 21A.24.220;
41. K.C.C. 21A.24.230;
42. K.C.C. 21A.24.240;
43. K.C.C. 21A.24.250;
44. K.C.C. 21A.24.260;
45. K.C.C. 21A.24.275;
46. K.C.C. 21A.24.280;
47. K.C.C. 21A.24.290;
48. K.C.C. 21A.24.300;
49. K.C.C. 21A.24.310;
50. K.C.C. 21A.24.316;
51. K.C.C. 21A.24.325;
52. K.C.C. 21A.24.335;
53. K.C.C. 21A.24.340;
54. K.C.C. 21A.24.358;
55. K.C.C. 21A.24.365;
56. K.C.C. 21A.24.380;
57. K.C.C. 21A.24.382;
58. K.C.C. 21A.24.386;
59. K.C.C. 21A.24.388;
60. K.C.C. 21A.32.045;
61. K.C.C. 21A.50.030; and
62. K.C.C. chapter 21A.25.

(Ord. 17539 § 13, 2013: Ord. 17485 § 7, 2012: Ord. 16985 § 4, 2010).

20.12.240 White Center communities action plan. The White Center Community Action Plan, a bound and published document (Attachment I*), as revised in the Attachments* to Ordinance 11568 is

adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area of unincorporated King County defined therein. (Ord. 13273 § 5, 1998: Ord. 12824 § 7, 1997: Ord. 11653 § 10, 1995: Ord. 11568 § 1, 1994: Ord. 10430 § 1, 1992: Ord. 8996 § 1, 1989: Ord. 8922, 1989: Ord. 8863, 1989: Ord. 8822, 1989: Ord. 8251, 1987: Ord. 8138, 1987: Ord. 7640, 1986: Ord. 7490, 1986: Ord. 7291 § 1, 1985: Ord. 5453 § 2, 1981: Ord. 3530 §§ 1, 2, 3, 1977: Ord. 2883 § 1, 1976).

***Available in the office of the clerk of the council.**

20.12.325 Vashon Town Plan.

A. The Vashon Town Plan dated June 1994, a bound and published document, as revised by the Vashon Town Plan Committee through November 29, 1995 is to be reviewed by the Metropolitan King County Council and adopted as an initial subarea plan for the Vashon Town Planning Area by March 31, 1996. (Ord. 12061 § 4, 1995).

20.12.337 West Hill community plan.

A. The West Hill Community Plan, a bound and published document, as revised in the Attachments* to Ordinance 11166 is adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area of unincorporated King County defined therein. (Ord. 12824 § 11, 1997: Ord. 12061 § 3, 1995: Ord. 11653 § 20, 1995: Ord. 11166 § 2, 1993).

***Available in the office of the clerk of the council.**

20.12.380 King County open space plan. The goals, maps, guidelines and strategies of the King County open space plan, attached to Ordinance 8657 as amended by Addendum 1*, and Addendum 2*, are adopted as a functional plan implementing the King County comprehensive plan. As such, they constitute official county policy for the evaluation, protection, acquisition and management of open space lands in King County. (Ord. 8657, 1988).

***Available in the office of the clerk of the council.**
Reviser's Note: Ordinance 2169, previously adopting the area zoning for Upper Skykomish, was repealed and replaced by Ordinance 8848 (Ord. 8848 § 6). Resolution 30981, previously adopting area zoning in unincorporated King County in the vicinity of Auburn, was amended as shown in Appendix A as amended by Appendix B to Ordinance 8848 (Ord. 8848 § 7). Resolution 31360, previously adopting area zoning in unincorporated King County in the vicinity of Kent, was amended as shown in Appendix A as amended by Appendix B to Ordinance 8848 (Ord. 8848 § 8). K.C.C. 20.12.390 was repealed by Ord. 12824 § 16.

20.12.433 King County Nonmotorized Transportation Plan.

A. The King County Nonmotorized Transportation Plan, dated March 1993*, attached to Ordinance 10812, is adopted as the nonmotorized transportation functional plan implementing related policies established in the adopted King County Comprehensive Plan, and constitutes an amplification and augmentation of official county policy with regard to transportation issues.

B. The Nonmotorized Transportation Plan shall be implemented through:

1. Integration of nonmotorized projects into the annual transportation project priority process and the annual six year capital improvement program.
2. Updating the King County road standards.
3. County road maintenance, operating revisions and improvements.
4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for nonmotorized improvements.
5. Providing an overall guide for the coordination, development and implementation of the nonmotorized element of the county transportation system. (Ord. 11620 § 18, 1994).

***Available in the office of the clerk of the council.**

20.12.435 King County Arterial HOV Transportation Plan.

A. The King County Arterial HOV Transportation Plan, dated March 1993*, is adopted as the arterial HOV transportation functional plan implementing related policies established in the adopted King County Comprehensive Plan, and constitutes an amplification and augmentation of official county policy with regard to transportation issues.

B. The Arterial HOV Transportation Plan shall be implemented through:

1. Integration of HOV projects into the annual transportation project priority process and the annual six year capital improvement program.

2. Updating the King County road standards.

3. County road maintenance, operating revisions and improvements.

4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for HOV improvements.

5. Providing an overall guide for the coordination, development and implementation of the HOV element of the county transportation system. (Ord. 11620 § 19, 1994).

***Available in the office of the clerk of the council.**

20.12.460 Tahoma School District Capital Facilities Plan. The Tahoma School District No. 409 Capital Facilities Plan, 2012 to 2017, adopted June 26, 2012, which is included in Attachment A* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 2, 2012: Ord. 17220 § 2, 2011: Ord. 16963 § 2, 2010: Ord. 16698 § 2, 2009: Ord. 16311 § 2, 2008: Ord. 15965 § 2, 2007: 14802 § 2, 2003: Ord. 14525 § 2, 2002: Ord. 14258 § 2, 2001: Ord. 14009 § 2, 2000: Ord. 13673 § 2, 1999: Ord. 13338 § 2, 1998: Ord. 12928 § 2, 1997: Ord. 12532 § 2, 1996: Ord. 12063 § 2, 1995: Ord. 11569 § 2, 1994: Ord. 11037 § 2, 1993: Ord. 10122 § 3, 1991).

***Available in the office of the clerk of the council.**

20.12.461 Federal Way Public Schools District Capital Facilities Plan. The Federal Way Public Schools 2013 Capital Facilities Plan, undated, which is included in Attachment B* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 3, 2012: Ord. 17220 § 3, 2011: Ord. 16963 § 3, 2010: Ord. 16698 § 3, 2009: Ord. 16311 § 3, 2008: Ord. 15965 § 3, 2007: Ord. 15636 § 2, 2006: Ord. 15331 § 2, 2005: Ord. 15076 § 2, 2004: Ord. 14802 § 3, 2003: Ord. 14525 § 3, 2002: Ord. 14258 § 3, 2001: Ord. 14009 § 3, 2000: Ord. 13673 § 3, 1999: Ord. 13338 § 3, 1998: Ord. 12928 § 3, 1997: Ord. 12532 § 3, 1996: Ord. 12063 § 3, 1995: Ord. 11569 § 3, 1994: Ord. 11037 § 3, 1993: Ord. 10470 § 2, 1992).

***Available in the office of the clerk of the council.**

20.12.462 Riverview School District Capital Facilities Plan. The Riverview School District No. 407 2012 Capital Facilities Plan, adopted May 22, 2012, which is included in Attachment C* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 4, 2012: Ord. 17220 § 4, 2011: Ord. 16963 § 4, 2010: Ord. 16698 § 4, 2009: Ord. 16311 § 4, 2008: Ord. 15965 § 4, 2007: Ord. 15636 § 3, 2006: Ord. 15331 § 3, 2005: Ord. 15076 § 3, 2004: Ord. 14802 § 4, 2003: Ord. 14525 § 4, 2002: Ord. 14258 § 4, 2001: Ord. 14009 § 4, 2000, Ord. 13673 § 4, 1999: Ord. 13338 § 4, 1998: Ord. 12928 § 4, 1997: Ord. 12532 § 4, 1996: Ord. 12063 § 4, 1995: Ord. 11569 § 4, 1994: Ord. 11037 § 4, 1993: Ord. 10472 § 2, 1992).

***Available in the office of the clerk of the council.**

20.12.463 Issaquah School District Capital Facilities Plan. The Issaquah School District No. 411 2012 Capital Facilities Plan, adopted June 20, 2012, which is included in Attachment D* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 5, 2012: Ord. 17220 § 5, 2011: Ord. 16963 § 5, 2010: Ord. 16698 § 5, 2009: Ord. 16311 § 5, 2008: Ord. 15965 § 5, 2007: Ord. 15636 § 4, 2006: Ord. 15331 § 4, 2005: Ord. 15076 § 4, 2004: Ord. 14802 § 5, 2003: Ord. 14525 § 5, 2002: Ord. 14258 § 5, 2001: Ord. 14009 § 5, 2000: Ord. 13673 § 5, 1999: Ord. 13338 § 5, 1998: Ord. 12928 § 5, 1997: Ord. 12532 § 5, 1996: Ord. 12063 § 5, 1995: Ord. 11569 § 5, 1994: Ord. 11037 § 5, 1993: Ord. 10633 § 2, 1992)

***Available in the office of the clerk of the council.**

20.12.464 Snoqualmie Valley School District Capital Facilities Plan. The Snoqualmie Valley School District No. 410 Capital Facilities Plan 2012 adopted June 28, 2012, which is included in

Attachment E* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 6, 2012: Ord. 17220 § 6, 2011: Ord. 16698 § 6, 2009: Ord. 16311 § 6, 2008: Ord. 15965 § 6, 2007: Ord. 15636 § 5, 2006: Ord. 15331 § 5, 2005: Ord. 15076 § 5, 2004: Ord. 14802 § 6, 2003: Ord. 14525 § 6, 2002: Ord. 14258 § 6, 2001: Ord. 14009 § 6, 2000: Ord. 13673 § 5, 1999: Ord. 13338 § 6, 1998: Ord. 12928 § 6, 1997: Ord. 12532 § 6, 1996: Ord. 12063 § 6, 1995: Ord. 11569 § 6, 1994: Ord. 10722 § 2, 1993).

***Available in the office of the clerk of the council.**

20.12.465 Highline School District Capital Facilities Plan. The Highline School District No. 401 Capital Facilities Plan 2012-2018, August 22, 2012, which is included in Attachment F* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 7, 2012: Ord. 13673 § 7, 1999: Ord. 13338 § 7, 1998: Ord. 12928 § 7, 1997: Ord. 12532 § 7, 1996: Ord. 12063 § 7, 1995: Ord. 11569 § 7, 1994: Ord. 10722 § 3, 1993).

***Available in the office of the clerk of the council.**

20.12.466 Lake Washington School District Capital Facility Plan. The Lake Washington School District No. 414 Six-Year Capital Facility Plan 2012-2017, adopted May 7, 2012, which is included in Attachment F* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 8, 2012: Ord. 17220 § 7, 2011: Ord. 16963 § 7, 2010: Ord. 16698 § 7, 2009: Ord. 16311 § 7, 2008: Ord. 15965 § 7, 2007: Ord. 15636 § 6, 2006: Ord. 15331 § 6, 2005: Ord. 15076 § 6, 2004: Ord. 14802 § 7, 2003: Ord. 14525 § 7, 2002: Ord. 14258 § 7, 2001: Ord. 14009 § 7, 2000: Ord. 13673 § 8, 1999: Ord. 13338 § 8, 1998: Ord. 12928 § 8, 1997: Ord. 12532 § 8, 1996: Ord. 12063 § 8, 1995: Ord. 11569 § 8, 1994: Ord. 10790 § 2, 1993).

***Available in the office of the clerk of the council.**

20.12.467 Kent School District Capital Facilities Plan. The Kent School District No. 415 Capital Facilities Plan 2012-2013 - 2017-2018, dated April 2012, which is included in Attachment H* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 9, 2012: Ord. 17220 § 8, 2011: Ord. 16963 § 8, 2010: Ord. 16698 § 8, 2009: Ord. 16311 § 8, 2008: Ord. 15965 § 8, 2007: Ord. 15636 § 7, 2006: Ord. 15331 § 7, 2005: Ord. 15076 § 7, 2004: Ord. 14802 § 8, 2003: Ord. 14525 § 8, 2002: Ord. 14258 § 8, 2001: Ord. 14009 § 8, 2000: Ord. 13673 § 9, 1999: Ord. 13338 § 9, 1998: Ord. 12928 § 9, 1997: Ord. 12532 § 9, 1996: Ord. 12063 § 9, 1995: Ord. 11569 § 9, 1994: Ord. 10982 § 2, 1993).

***Available in the office of the clerk of the council.**

20.12.468 Northshore School District Capital Facilities Plan. The Northshore School District No. 417 2012 Capital Facilities Plan, adopted April 10, 2012, which is included in Attachment I* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 10, 2012: Ord. 17220 § 9, 2011: Ord. 16963 § 9, 2010: Ord. 16311 § 9, 2008: Ord. 15636 § 8, 2006: Ord. 15076 § 8, 2004: Ord. 14802 § 9, 2003: Ord. 14525 § 9, 2002: Ord. 14258 § 9, 2001: Ord. 14009 § 9, 2000: Ord. 13673 § 10, 1999: Ord. 13338 § 10, 1998: Ord. 12928 § 10, 1997: Ord. 12532 § 10, 1996: Ord. 12063 § 10, 1995: Ord. 11569 § 10, 1994: Ord. 11148 § 2, 1993).

***Available in the office of the clerk of the council.**

20.12.469 Enumclaw School District Capital Facilities Plan. The Enumclaw School District No. 216 Capital Facilities Plan 2012-2017, adopted June 18, 2012, which is included in Attachment J* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 11, 2012: Ord. 16963 § 10, 2010: Ord. 16698 § 9, 2009: Ord. 16311 § 10, 2008: Ord. 15965 § 9, 2007: Ord. 14525 § 10, 2002: Ord. 14258 § 10, 2001: Ord. 14009 § 10, 2000: Ord. 13673 § 11, 1999: Ord. 13338 § 11, 1998: Ord. 12928 § 11, 1997: Ord. 12532 § 11, 1996: Ord. 12063 § 11, 1995).

***Available in the office of the clerk of the council.**

20.12.470 Fife School District Capital Facilities Plan. The Fife School District No. 417 Capital Facilities Plan 2012-2018, adopted June 25, 2012, which is included in Attachment K* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 12, 2012: Ord. 17220 § 11, 2011: Ord. 16963 § 11, 2010: Ord. 16698 § 10, 2009: Ord. 16311 § 11, 2008: Ord. 15965 § 10, 2007: Ord. 15636 § 10, 2006: Ord. 15331 § 8, 2005: Ord. 15076 § 9, 2004: Ord. 14802 § 10, 2003: Ord. 14258 § 11, 2001: Ord. 14009 § 11, 2000: Ord. 13673 § 12, 1999: Ord. 13338 § 12, 1998: Ord. 12928 § 12, 1997: Ord. 12532 § 12, 1996).

***Available in the office of the clerk of the council.**

20.12.471 Auburn School District Capital Facilities Plan. The Auburn School District No. 408 Capital Facilities Plan 2012 through 2018, adopted May 29, 2012, which is included in Attachment L* to Ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the King County Comprehensive Plan. (Ord. 17462 § 13, 2012: Ord. 17220 § 12, 2011: Ord. 16963 § 12, 2010: Ord. 16698 § 11, 2009: Ord. 16311 § 12, 2008: Ord. 15965 § 11, 2007: Ord. 15636 § 10, 2006: Ord. 15331 § 9, 2005: Ord. 15076 § 10, 2004: Ord. 14802 § 11, 2003: Ord. 14525 § 12, 2002: Ord. 14258 § 12, 2001: Ord. 14009 § 12, 2000: Ord. 13673 § 13, 1999: Ord. 13338 § 13, 1998).

***Available in the office of the clerk of the council.**

20.12.472 Renton School District Capital Facilities Plan. The Renton School District No. 403 Capital Facilities Plan 2012-2018, dated April 18, 2012, which is included as Attachment M* to ordinance 17462 and is incorporated herein by reference, is adopted as a subelement of the King County Comprehensive Plan. (Ord. 17462 § 14, 2012: Ord. 17220 § 13, 2011).

***Available in the office of the clerk of the council.**

20.12.480 King County Flood Hazard Reduction Plan Policies. The King County Flood Hazard Management Plan, as shown in Attachment A* to Ordinance 15673 is adopted as a functional plan to guide King County's river and floodplain management program and to meet the intent of the natural environment, and facilities and services policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, the flood hazard management plan constitutes official county policy with regard to river and floodplain management in King County. For each site-specific project, such as levee improvements or concentrated areas of home buyouts or elevations, a project summary is included to provide a better understanding of the flood or erosion conditions of concern and the action or actions proposed to address them. Project summaries, and references to easements, buffers or levee improvements, including levee laybacks, in connection with such project summaries are intended to function at the level of planning documents and do not assume that the nature and scope of each of the described projects are the final project or action that are described in this chapter 5** or in Appendices E, F and G of Attachment A* to Ordinance 15673. The proposed projects and actions are not intended to substitute for the site-specific analysis to determine what is required for each of the site specific capital projects that will be recommended and adopted as part of an annual capital improvement plan. The priority, scope, nature and cost of the proposed projects or actions may change as the hydraulic, engineering and geotechnical conditions at each site are analyzed in greater detail, and as engineering alternatives are developed, analyzed, reviewed and negotiated with federal, state, local and tribal agencies and affected property owner or owners. However, while the plan sets forth what the county currently believes are best practices, nothing in this plan creates or precludes the creation of new land use requirements, laws or regulations. For the reach of the Tukwila 205 levee and any extensions thereof between South 180th Street and South 204th Street, the setback, easement, and slope design recommendations of the King County Flood Hazard Management Plan are satisfied if the repair, extension or modification of an existing levee or the design of a new levee meet the design guidelines and factors of safety in United States Army Corps of Engineers Engineering Manual for the Design and Construction of Levees (EM 1110-2-1913) dated April 30, 2000, as most currently updated. (Ord. 15673 § 2, 2007: Ord. 11112 § 1, 1993).

***Available in the office of the clerk of the council.**

****Reviser's note: "this chapter 5" is apparently referring to Chapter 5 of Attachment A to Ordinance 15673.**

20.12.485 Potential Annexation Area Process. The potential annexation area process involves two separate determinations: the boundaries of the PAA's, and how services within those PAA's are to be provided. Executive staff negotiating these issues with the relevant cities shall assure that residents and

community groups in the affected areas are given meaningful opportunities to participate in the negotiation process. Executive staff shall keep councilmembers in whose districts the PAA's are located apprised of public participation processes undertaken by the executive, and provide them with notice of any public meetings on PAA's well in advance of the meetings. If executive staff relies on city planning processes in which the county has not participated, documentation of the processes used by the cities shall be transmitted with any recommended PAA agreements. Further, executive staff shall provide summaries of the processes it has used to achieve public participation in any transmittals of PAA agreements forwarded to the council. (Ord. 12061 § 5, 1995).

20.14 BASIN PLANS

Sections:

20.14.010 Coal Creek Basin Plan.
20.14.020 Soos Creek Basin Plan.
20.14.025 Covington Master Drainage Plan.
20.14.030 Bear Creek Basin Plan.
20.14.040 Hylebos Creek and Lower Puget Sound Basin Plan.
20.14.050 East Lake Sammamish Basin Plan and Nonpoint Action Plan.
20.14.060 Issaquah Creek Basin and Nonpoint Action Plan.
20.14.070 Lower Cedar River Basin Plan and Nonpoint Pollution Action Plan.
20.14.080 May Creek Basin Action Plan.

20.14.010 Coal Creek Basin Plan. The Coal Creek Basin Plan, as revised, attached to Ordinance 8380 as Appendix A*, and the Capital Improvement Project schedule required for Plan implementation, attached to Ordinance 8380 as Appendix B*, is adopted as an amplification and augmentation of the Comprehensive Plan for King County, and as such, constitutes official county policy for the geographic area defined therein. (Ord. 8380 § 1, 1988).

***Available in the office of the clerk of the council.**

20.14.020 Soos Creek Basin Plan. The Soos Creek Basin Plan, dated June 7, 1990, Attachment A to Ordinance 10238*, as amended by Appendix A of Ordinance 13190*, is adopted to implement surface water management and environmental policies of the King County Comprehensive Plan with the exception of those policies pertaining to density restrictions and clearing provisions which are set out in the adopted Soos Creek Community Plan Update and the updated Tahoma/Raven Heights Community Plan Amendment. The Soos Creek Basin Plan constitutes official county policy with regard to surface water management in the Soos Creek Basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 6, 1998: Ord. 10238, 1992).

***Available in the office of the clerk of the council.**

20.14.025 Covington Master Drainage Plan.

A. Adopted. The Covington Master Drainage Plan dated January 1992, Attachment A to Ordinance 10293*, as amended by Appendix B of Ordinance 13190*, is hereby adopted, augmenting and amplifying county policy established in the Soos Creek Basin Plan with regard to surface water management within the boundaries of the Covington Master Drainage Plan area as designated by Ordinance 9772.

B. Special drainage conditions authorized. The water and land resources division is hereby authorized to revise the King County Surface Water Design Manual to include a new Appendix with the following special drainage provisions for development to be applied in the Covington Master Drainage Plan area:

1. Development proposals in the Covington Master Drainage Plan area are encouraged to submit plans for shared surface water management facilities, as defined in the Covington Master Drainage Plan under regional or subregional surface water management facilities, that treat and dispose of the runoff from more than one development. These shared surface water management facilities shall provide the same level of control and treatment of surface water as required by the King County Surface Water Design Manual and relevant sections of this section.

2. Development in the Covington Master Drainage Plan area that proposes to infiltrate stormwater generated by the project must submit a plan which includes an amendment to the off-site analysis pursuant to K.C.C. 9.04.050 identifying the location of domestic water supply wells within a one mile radius of the proposed infiltration facilities, and, if any wells are present, provides:

a. an assessment of human health risks from infiltration, and

b. recommendations for appropriate measures to mitigate identified health risks.

The plan shall be reviewed and approved by King County.

3. Development proposed in the areas with glacial till (Alderwood) soils identified on Attachment 2 to Ordinance 10293 shall be required to meet level two flow control when required to provide flow control under the Surface Water Design Manual.

4. All new commercial and industrial development in the Covington Master Drainage Plan Area shall be required to submit a plan identifying the appropriate source controls and best management practices in accordance with K.C.C. chapter 9.12 The plan shall be reviewed and approved by King County.

5. All commercial and industrial development proposals shall submit plans for secondary spill containment for all electrical and mechanical equipment mounted on rooftops and plans showing the use of relatively inert materials (i.e., vinyl) for roofing and gutter materials. The plan shall be reviewed and approved by King County.

6. Developments proposed in the Covington Master Drainage Plan area within one hundred feet of the edge of Jenkins Creek 25 or Soos Creek 77 wetlands shall have wetland buffers established using a sliding scale of buffer width defined as follows:

Buffer Composition % Forest	Buffer Width Feet
100	50
80	60
60	70
40	80
20	90
0	100

Forests are defined as the area covered by trees greater than four inches diameter at breast height and twenty feet in height.

7. Developments in the Covington Master Drainage Plan Area within one hundred feet of the ordinary high watermark of Jenkins and Little Soos Creeks shall be required to re-establish native vegetation in stream buffers where native vegetation has been destroyed or disturbed. A plan for revegetation shall be reviewed and approved by King County. Planting shall be complete before issuance of an occupancy permit for the development. If the department of development and environmental services determines that the season is inappropriate for planting, the occupancy permit can be granted, provided a bond is established for the costs of revegetation.

8. New stream or wetland crossings by roads or utilities within the Master Drainage Plan area shall not be permitted unless no practical alternative exists. Plans will be submitted to King County for review and approval. The adverse environmental effects of new crossings shall be mitigated in accordance with SEPA requirements.

9. New developments within one hundred feet of the ordinary high water mark of Jenkins and Little Soos Creek shall be required to submit plans to restrict access to the streams and their buffers using fences, barriers and other means consistent with the recommendations of the Sensitive Areas Ordinance fencing committee. The plan will be reviewed and approved by King County.

C. Conditions authorized. The water and land resources division is hereby authorized to attach such conditions of approval to any development as may be necessary to achieve the state standards for fecal coliform and copper loading, as set out in the Covington Master Drainage Plan. (Ord. 13190 § 7, 1998: Ord. 10732 § 1, 1993: Ord. 10293 §§ 1, 2, 6, 7, 9, 1992).

***Available in the office of the clerk of the council.**

20.14.030 Bear Creek Basin Plan. The Bear Creek Basin Plan, dated July 1990, as amended by Attachment A to Ordinance 10513*, Appendix B to Ordinance 12015* and Appendix C of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The Bear Creek Basin Plan constitutes official county policy with regard to surface water management in the Bear Creek Basin and designates regionally significant resource areas and locally significant resource areas depicted in the Bear Creek Basin Plan. Pursuant to policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for regionally significant resource areas and locally significant resource areas and report the findings and recommendations to the council in 1995. Based on the report, the metropolitan King County council will review and may revise the regionally significant resource areas and locally significant resource areas designated in the Bear Creek Basin Plan. (Ord. 13190 § 8, 1998: 12015 §§ 5, 6, 1995: Ord. 10513, 1992).

***Available in the office of the clerk of the council.**

20.14.040 Hylebos Creek and Lower Puget Sound Basin Plan. The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan, dated July 1991, Attachment A as amended in Attachment B to Ordinance 11087* and by Appendix D of Ordinance 13190*, is adopted to implement surface water management and environmental policies of the King County Comprehensive Plan. The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan constitutes official county policy with regard to surface water management in the Hylebos Creek and Lower Puget Sound Basins and designates regionally significant resource areas and locally significant resource areas in the basins. (Ord. 13190 § 9, 1998: Ord. 11087, 1993).

***Available in the office of the clerk of the council.**

20.14.050 East Lake Sammamish Basin Plan and Nonpoint Action Plan. The East Lake Sammamish Basin Plan and Nonpoint Action Plan consisting of Volume 1, dated May 11, 1992 and Volume 2 dated December 1992 as shown in Attachment A to Ordinance 11111*, as amended in Attachment B to Ordinance 11111* and by Appendix E of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The East Lake Sammamish Basin Plan and Nonpoint Action Plan constitutes official county policy with regard to surface water management in the East Lake Sammamish Basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 10, 1998: Ord. 11111, 1993).

***Available in the office of the clerk of the council.**

20.14.060 Issaquah Creek Basin and Nonpoint Action Plan. The Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan, as shown in Attachment A to Ordinance 11886* and amended in Attachment B to Ordinance 11886* and Appendix F of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan constitutes official county policy with regard to surface water management in the Issaquah Creek basin and designates regionally significant resource areas and locally significant resources areas in the basin. Pursuant to the policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for regionally significant resource areas and locally significant resources areas and report the findings and recommendations to the council in 1995. Based on the report, the metropolitan King County council will review and may revise the regionally significant resource areas and locally significant resources areas designated in the Issaquah Creek Basin Plan. (Ord. 13190 § 11, 1998: Ord. 11886 §§ 1, 4, 1995).

***Available in the office of the clerk of the council.**

20.14.070 Lower Cedar River Basin Plan and Nonpoint Pollution Action Plan.

A. The Watershed Management Committee - Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan, as shown in Attachment A and as amended in Attachment B to Ordinance 12809* and Appendix G of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan, provided, however, the following conditions shall apply:

1. The executive shall transmit within thirty days from the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, legislation which establishes a detailed work plan and any necessary code changes to implement the forest incentive program elements described in Chapter 4; and

2. The executive shall transmit to the council for review by the utilities and natural resources committee with sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, the base line data and the methodology for monitoring and evaluating the progress of the forest incentive program in the Cedar River Basin consistent with the indicators outlined in Chapter 4, and shall thereafter submit annual progress reports to the council consistent with that established methodology; and

3. The executive shall transmit to the council for review by the utilities and natural resources committee within sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, criteria for prioritizing future surface water CIP and bond program projects, and the process for early review by the Cedar River Council of projects proposed for funding in the Cedar River Basin.

The Watershed Management Committee - Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan constitutes official county policy with regard to surface water management in the Cedar River basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 12, 1998: Ord. 12809 § 1, 1997).

***Available in the office of the clerk of the council.**

20.14.080 May Creek Basin Action Plan. The May Creek Basin Action Plan, as amended, in Attachment A of Ordinance 14091*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The May Creek Basin Action Plan constitutes official county policy with regard to surface water management in the May Creek basin and designates locally significant resource areas in the basin. (Ord. 14091 § 1, 2001).

***Available in the office of the clerk of the council.**

20.18 PROCEDURES FOR AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS-PUBLIC PARTICIPATION

Sections:

20.18.020 Purpose.
20.18.030 General procedures.
20.18.040 Site-specific land use map or shoreline master program map amendment classification.
20.18.050 Site-specific land use map and shoreline master program map amendments initiation.
20.18.055 Site-specific land use map amendment review standards and transmittal procedures.
20.18.056 Shoreline environment redesignation.
20.18.057 Redesignation and applications.
20.18.058 Redesignations initiated by motion.
20.18.060 Four-year cycle process.
20.18.070 Annual cycle process.
20.18.080 Subarea plan procedures.
20.18.090 Development regulations preparation.
20.18.100 Description of the amendments.
20.18.110 Notice of public hearing for comprehensive plan amendments and development regulations.
20.18.120 Notice of public hearing for area zoning.
20.18.130 Amendment process following the conclusion of the public review and comment period.
20.18.140 Provision for receipt, review of and response to the docket.
20.18.150 Provision for notice of intent to amend, and post-adoption notice.
20.18.160 Public participation program, basic elements.
20.18.170 The four to one program – process for amending the urban growth area to achieve open space.
20.18.180 The four to one program – criteria for amending the urban growth area to achieve open space.

20.18.020 Purpose. The purpose of this chapter is to establish the procedures and review criteria for amending the county's comprehensive plan and development regulations and providing for public participation. Amendments to the comprehensive plan are the means by which the county may modify its twenty-year plan for land use, development or growth policies in response to changing county needs or circumstances. All plan and development regulation amendments will be reviewed in accordance with the state Growth Management Act (GMA) and other applicable state laws, the countywide planning policies, the adopted King County Comprehensive Plan, and applicable capital facilities plans. All plan and development regulation amendments will be afforded appropriate public review pursuant to the provisions of Ordinance 13147. (Ord. 13147 § 18, 1998).

20.18.030 General procedures.

A. The King County Comprehensive Plan shall be amended in accordance with this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies;

2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;

3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area;

4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget; or

5. The adoption or amendment of a shoreline master program under Chapter 90.58 RCW.

B. Every year the Comprehensive Plan may be amended to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language, changes to the priority areas map, or changes to the urban growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section. This review may be referred to as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to consider the following:

1. Technical amendments to policy, text, maps or shoreline designations;
2. The annual capital improvement plan;
3. The transportation needs report;
4. School capital facility plans;
5. Changes required to implement a mining site conversion demonstration project. The demonstration project shall evaluate and address:

a. potential options for the use of a reclaimed mine site, including the feasibility of residential use and/or long-term forestry on the demonstration project site;

b. the impacts to carbon sequestration as a result of reforestation, and for residential use, the impacts to carbon sequestration when implementing modified standards for lot clustering or transfer of development rights;

c. the need for a site design that compatibly integrates any proposed residential development on the demonstration project site with uses occurring on the adjacent rural or forest production district lands, especially if the proposed residential development utilizes modified standards for lot clustering and/or transfer of development rights;

d. the levels and standards for reclamation of mining sites that are appropriate to their use either for long-term forestry and/or for residential development; and

e. the need to ensure that the demonstration project provides an overall public benefit by providing permanent protection, as designated park or open space, of lands in the vicinity of the demonstration project site that form the headwaters of critical, high-valued habitat areas; or that remove the development potential from nonconforming legal parcels in the forest production district; or that provide linkages with other forest production district lands;

6. Changes required by existing Comprehensive Plan policies;
7. Changes to the technical appendices and any amendments required thereby;
8. Comprehensive updates of subarea plans initiated by motion;
9. Changes required by amendments to the countywide planning policies or state law;
10. Redesignation proposals under the four-to-one program as provided for in this chapter;
11. Amendments necessary for the conservation of threatened and endangered species; and
12. Site-specific comprehensive land use map amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors.

C. Every fourth year beginning in 2000, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area (UGA). This comprehensive review shall begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data, substantive changes to the Comprehensive Plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The executive shall determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive shall seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before to the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments. (Ord. 17485 § 8, 2012: 17416 § 9, 2012: Ord. 16985 § 5, 2010: Ord. 16263 § 3, 2008: Ord. 14047 § 1, 2001: Ord. 13147 § 19, 1998).

20.18.040 Site-specific land use map or shoreline master program map amendment classification.

A. Site-specific land use map or shoreline master program map amendments may be considered annually or during the four year review cycle, depending on the degree of change proposed.

B. The following categories of site-specific land use map amendments or shoreline master program map may be initiated by either the county or a property owner for consideration in the annual review cycle:

1. Amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and
2. Four-to-one-proposals.

C. The following categories of site-specific land use map and shoreline master program amendments may be initiated by either the county or a property owner for consideration in four-year review cycle:

1. Amendments that could be considered in the annual review cycle;
2. Amendments that require substantive change to Comprehensive Plan policy language; and
3. Amendments to the urban growth area boundary. (Ord. 16985 § 6, 2010: Ord. 14047 § 2, 2001: Ord. 13147 § 20, 1998).

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.

A. Site-specific land use map and shoreline master program map amendments are legislative actions that may only be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-generated amendments. An analysis of the motion’s fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds;
2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner; and
3. If initiated by property owner application, the property owner shall submit a docketed request for a site-specific land use map or shoreline master program map amendment. Upon receipt of a docketed request for a site-specific land use map or shoreline master program map amendment, the request shall be referred to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner.

B. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

1. Name and address of the owner or owners of record;
2. Description of the proposed amendment;
3. Property description, including parcel number, property street address and nearest cross street;
4. County assessor's map outlining the subject property; and
5. Related or previous permit activity.

C. Upon initiation of a site specific land use map or shoreline master program map amendment, an initial review conference will be scheduled by the department of permitting and environmental review. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department will review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to comprehensive plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and this information either will be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

D. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

G. Following the submittal of the information required by subsections D., E. or F. of this section, the department of permitting and environmental review shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department permitting and environmental review shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G., and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.24.400. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

H. A property-owner-initiated for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with Ordinance 13147 and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision which will be determined before and separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 will be required in order to implement the potential zoning.

I. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the comprehensive plan. Site specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 will be included in the next appropriate review cycle following issuance of the examiner's recommendation.

J.1. No amendment to a land use designation or shoreline environment designation for a property may be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

K. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology. (Ord. 17420 § 82, 2012: Ord. 16985 § 7, 2010: Ord. 16552 § 1, 2009: Ord. 14561 § 27, 2002: Ord. 14047 § 3, 2001: Ord. 13147 § 21, 1998).

20.18.055 Site-specific land use map amendment review standards and transmittal procedures.

A. All site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal, shall be reviewed based upon the requirements of Comprehensive Plan policy RP-307, and must meet the following additional review standards:

1. Consistency with the policies, objectives and goals of the Comprehensive Plan, (including any applicable subarea plans), the countywide planning policies and the state Growth Management Act;
2. Compatibility with adjacent and nearby existing and permitted land uses; and
3. Compatibility with the surrounding development pattern.

B. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the executive and the council by the hearing examiner by January 15. The department will provide for a cumulative analysis of these recommendations and such analysis will be included in the annual March transmittal. All such amendments will be considered concurrently by the council committee charged with the review of the comprehensive plan. Following this review, site-specific land use map amendments which are recommended by this committee will be incorporated as an attachment to the adopting ordinance transmitted by the executive for consideration by the full council. Final action by the council on these amendments will occur concurrently with the annual amendment to the comprehensive plan. (Ord. 14047 § 4, 2001).

20.18.056 Shoreline environment redesignation.

A. Shoreline environments designated by the master program may be considered for redesignation during the four-year review cycle..

B. A redesignation shall follow the process in K.C.C. 20.18.050 (Ord. 16985 § 9, 2010: Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978. Formerly K.C.C. 25.32.130).

20.18.057 Redesignation applications.

A. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in K.C.C. 20.15.050:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant;
3. Property owner concurrence, including signature, telephone number and address;
4. A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and
5. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 20.24.510.

B. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 20.24.510. (Ord. 16985 § 11, 2010: Ord. 13687 § 3, 1999. Formerly K.C.C. 25.32.140).

20.18.058 Redesignations initiated by motion.

A. A council motion initiating a shoreline redesignation must be accompanied by the information required to be provided in K.C.C. 20.18.057 in addition to the requirements in K.C.C. 20.18.050.

B. A motion initiating a site-specific shoreline redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-generated shoreline redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion's fiscal impact. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shoreline redesignation proposal to the examiner.

C. The examiner shall make a recommendation to the council on the proposed site-specific shoreline redesignation based on the criteria for review in K.C.C. 20.24.510. (Ord. 16985 § 13, 2010: Ord. 13687 § 4, 1999. Formerly K.C.C. 25.32.150).

20.18.060 Four-year cycle process.

A. Beginning in 1999, and every fourth year thereafter the executive shall transmit to the council by the first business day of March a proposed motion specifying the scope of work for proposed amendments to the Comprehensive Plan that will occur in the following year, which motion shall include the following:

1. Topical areas relating to amendments to policies, the land use map and/or implementing development regulations that the executive intends to consider for recommendation to the council; and

2. An attachment to the motion advising the council of the work program the executive intends to follow to accomplish state Environmental Policy Act review and public participation.

B. The council shall have until April 30 to approve the motion. In the absence of council approval, the executive shall proceed to implement the work program as proposed. If the motion is approved, the work program shall proceed as established by the approved motion.

C. Beginning in 2000 and every fourth year thereafter, the executive shall transmit to the council by the first business day of March a proposed ordinance amending the Comprehensive Plan, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the annual budget transmittal and shall be adopted in conjunction with the budget. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments. (17416 § 10, 2012: Ord. 14047 § 5, 2001: Ord. 13147 § 22, 1998).

20.18.070 Annual cycle process.

A. The executive shall transmit to the council any proposed amendments for the annual cycle by the first business day of March, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the annual budget transmittal and shall be adopted in conjunction with the budget.

B. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to assure early and continuous public participation in the preparation of amendments.

C. Proposed amendments, including site-specific land use map amendments, that are found to require preparation of an environmental impact statement shall be considered for inclusion in the next amendment cycle following completion of the appropriate environmental documents. (17416 § 11, 2012: Ord. 14047 § 6, 2001: Ord. 13147 § 23, 1998).

20.18.080 Subarea plan procedures. Initial subarea plans may be adopted by ordinance at any time. Subarea plans may be initiated by motion or by council action which preceded the adoption of Ordinance 13147. If initiated by motion, the motion shall specify the scope of the plan, identify the completion date, and identify that the resources necessary to accomplish the work are available. The executive will determine if additional funds are necessary to complete the subarea plan, and may transmit an ordinance requesting the appropriation of supplemental funds. Amendments to or updates of existing subarea plans shall be considered in the same manner as amendments to the comprehensive plan and shall be classified pursuant to K.C.C. 20.18.040, except that comprehensive updates of subarea plans may be initiated by motion and the resulting amendments may be considered in the annual cycle. (Ord. 13147 § 24, 1998).

20.18.090 Development regulations preparation. The department of permitting and environmental review shall prepare implementing development regulations to accompany any proposed comprehensive plan amendments. In addition, from time to time, department of permitting and environmental review may propose development regulations to further implement the comprehensive plan, consistent with the requirements of the Washington State Growth Management Act. Notice of proposed amendments to development regulations shall be provided to the state and to the public pursuant to K.C.C. 20.18.150. (Ord. 17420 § 83, 2012: Ord. 13147 § 25, 1998).

20.18.100 Description of the amendments. All proposals for amendments to the comprehensive plan or development regulations shall include a detailed description of the proposed amendment in nontechnical terms. This description will be made publicly available by the responsible department or the council sponsor using one or more methods provided in K.C.C. 20.18.160B and upon request. This description will be posted on the internet. Internet posting of the description is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation. (Ord. 13147 § 26, 1998).

20.18.110 Notice of public hearing for comprehensive plan amendments and development regulations. Notice of the time, place and purpose of a public hearing before the council to consider amendments to the comprehensive plan or development regulations, other than area zoning, shall at a minimum be given by one publication in a newspaper of general circulation in the county at least thirty days before the hearing. Notice for site-specific land use map amendments will also be provided pursuant K.C.C. 20.18.050. The county shall endeavor to provide such notice in nontechnical language. The notice shall

indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public. (Ord. 13147 § 27, 1998).

20.18.120 Notice of public hearing for area zoning.

A. Notice of the time, place and purpose of a public hearing before the council to consider changes to area zoning shall, at a minimum, include publication in the official county newspaper and another newspaper of general circulation in the area for which the area zoning is proposed at least thirty days before the hearing. The county shall endeavor to provide such notice in nontechnical language. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public.

B. Notice of the hearing shall also be given by mail to affected property owners, appropriate to the scope of the proposal, whose names appear on the rolls of the King County assessor and shall at a minimum include owners of properties within five hundred feet of affected property, at least twenty property owners in the vicinity of the property, and to any individuals or organizations that have formally requested to the department or department of development environmental services to be kept informed of applications in an identified area. Notice shall also be poste don the county's web site. The county shall endeavor to provide such notice in nontechnical language. The mailed notice required in this section shall be postmarked at least thirty days before the hearing. If the county sends the mailed notice by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify any specific property owner shall not invalidate an area zoning proceeding or any resulting reclassification of land. (17416 § 12, 2012: Ord. 14047 § 7, 2001: Ord. 13147 § 28, 1998).

20.18.130 Amendment process following the conclusion of the public review and comment period.

A. When the council considers a change to an amendment to the comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has concluded, an additional opportunity for review and comment on the proposed change shall be provided before the council votes on the proposed change.

B. An additional opportunity for public review and comment is not required if:

1. An environmental impact statement has been prepared under chapter 43.21C RCW for the pending ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment;

3. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes or clarifies language of a proposed ordinance or resolution without changing its effect;

4. The proposed change is to an ordinance making a capital budget decision as provided in RCW 36.70A.120; or

5. The proposed change is to an ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390. (Ord. 13147 § 29, 1998).

20.18.140 Provision for receipt, review of and response to the docket.

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

B. All agencies of county government having responsibility for elements of the Comprehensive Plan or implementing development regulations shall provide a means by which citizens may docket written comments on the plan or on development regulations. The department shall use public participation methods identified in K.C.C. 20.18.160 to solicit public use of the docket. The department shall provide a mechanism for docketing amendments through the Internet.

1. All docketed comments relating to the Comprehensive Plan shall be reviewed by the department and considered for an amendment to the Comprehensive Plan.

2. The deadline for submitting docketed comments is June 30 for consideration in the amendment cycle process for the following year.

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

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

5. Upon receipt of the docket report, the council shall include all proponents of docketed requests in the mailing list for agendas to all committee meetings in which the Comprehensive Plan will be reviewed during the next available update. At the beginning of the committee review process, the council shall develop a committee review schedule with dates for committee meetings and any other opportunities for public testimony and for proponents to petition the council to consider docket changes that were not recommended by the executive and shall attach the review schedule to the agenda whenever the Comprehensive Plan is to be reviewed.

6 Docketed comments relating to development regulations shall be reviewed by the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be forwarded to the department and considered for an amendment to the Comprehensive Plan. Those not requiring a Comprehensive Plan amendment shall be considered by the responsible county agency for amendments to the development regulations.

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

C. In addition to the docket, the department shall provide opportunities for general public comments both before the docketing deadline each year, and during the executive's review periods before transmittal to the council. The opportunities may include, but are not limited to, the use of the following: comment cards, electronic or posted mail, Internet, public meetings with opportunities for discussion and feedback, printed summaries of comments received and twenty-four-hour telephone hotlines. The executive shall assure that the opportunities for public comment are provided as early as possible for each stage of the process, to assure timely opportunity for public input. (Ord. 16263 § 4, 2008: Ord. 15607 § 2, 2006: Ord. 14047 § 8, 2001: Ord. 13147 § 30, 1998).

20.18.150 Provision for notice of intent to amend, and post-adoption notice.

A. Pursuant to RCW 36.70A.106 and WAC 365-195-620, the responsible department or the council sponsor of the amendment shall notify the state of its intent to adopt amendments to the comprehensive plan or to development regulations at least sixty days prior to anticipated legislative action on the proposal except for regulations or amendments which are procedural, ministerial or required to address an emergency. When the state is notified, the department or the council sponsor shall also provide notice to the public, using one or more methods provided in K.C.C. 20.18.160B, of the intent to amend the comprehensive plan and/or development regulations, if such notice has not already been provided. This information will be posted on the internet. Internet posting of the information is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation.

B. Within ten days of adoption, the clerk of the council shall transmit to the state any adopted plan, amendment to the comprehensive plan or development regulation. Pursuant to RCW 36.70A.106, within ten days of adoption, the clerk of the council shall provide published notice in the official county newspaper of adoption of or amendment to the comprehensive plan or any development regulation. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public. (Ord. 13147 § 31, 1998).

20.18.160 Public participation program, basic elements.

A. Pursuant to RCW 36.70A.140, the county shall provide for early and continuous public participation in the development and amendment of the comprehensive plan and any implementing development regulations.

B. Public participation shall at a minimum include the following elements:

1. Annual dissemination of a schedule for public participation;

2. Issuance of a citizen's guide to the comprehensive plan process that provides information on citizen participation in the comprehensive plan process, a description of the procedure and schedule for

amending the comprehensive plan and/or implementing development regulation(s), and a guide on how to use the docket;

3. Provision for broad dissemination of the proposal and alternatives appropriate to the scope and significance of the proposal. The county shall make available to the public printed and electronic information which clearly defines and visually portrays, when possible, the range of options under consideration by the county. This information shall also include a description of any policy considerations, the schedule for deliberation, opportunities for public participation, information on the submittal and review procedures for written comments and the name, address and telephone number of the responsible official(s). The methods employed may include, but are not limited to, the use of the following: published notice in the official county newspaper and other appropriate publications, news media notification, mailed notice to property owners and to citizens or groups with a known interest in the proposal, public education and government channel, electronic kiosks and the internet, transit advertising, telephone and fax information lines, public review documents and displays in public facilities, speakers bureau, and printed or computerized graphics depicting the effect of the proposal;

4. Public meetings to obtain comments from the public or other agencies on a proposed plan, amendment to the comprehensive plan or implementing development regulation. Public meeting means an informal meeting, hearing, workshop or other public gathering of people for the purpose of obtaining public comments and providing opportunities for open discussion. All public meetings associated with review of the comprehensive plan or development regulations shall provide a means for the public to submit items for the docket. A public record of each public meeting should be maintained to include documentation of attendance, record of any mailed notice and a record of public comments not incorporated in the docket;

5. The county shall provide mechanisms to enable public access to additional information. The county shall provide for publicly accessible and complete records of all applications, docketed amendment requests, and related background information during normal business hours. The public may seek assistance from the office of citizen complaints to obtain time sensitive information. Methods of disseminating information may include, but are not limited to, the following: published notice of location of public review documents, use of the public education and government channel, use of electronic kiosks and the internet, telephone information lines with or without fax options, placement of documents in public libraries and community centers, speakers bureau and public displays.

C. When technical matters are considered with regard to docketed issues, or to evaluate public testimony, due consideration shall be given to technical testimony from the public and third party analysis may be sought when appropriate. (Ord. 13147 § 32, 1998).

20.18.170 The four to one program – process for amending the urban growth area to achieve open space.

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

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

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

D. Proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations. (Ord. 17485 § 9, 2012: Ord. 16263 § 5, 2008: Ord. 14047 § 9, 2001).

20.18.180 The four to one program – criteria for amending the urban growth area to achieve open space. Rural area land may be added to the urban growth area in accordance with the following criteria:

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

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

2. The land shall not be zoned agriculture (A);

3. The land added to the urban growth area shall:

a. be physically contiguous to urban growth area as adopted in 1994, unless the director determines that the land directly adjacent to the urban growth area contains critical areas that would be

substantially harmed by development directly adjacent to the urban growth area and that all other criteria can be met; and

b. not be in an area where a contiguous band of public open space, parks or watersheds already exists along the urban growth area boundary;

4. The land added to the urban growth area shall be able to be served by sewers and other urban services;

5. A road serving the land added to the urban area shall not be counted as part of the required open space;

6. All urban facilities shall be provided directly from the urban area and shall not cross the open space or rural area and be located in the urban area except as permitted in subsection E of this section;

7. Open space areas shall retain a rural designation;

8. The minimum depth of the open space buffer shall be one half of the property width, unless the director determines that a smaller buffer of no less than two hundred feet is warranted due to the topography and critical areas on the site, shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

9. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum;

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

11. The land to be retained in open space is not needed for any facilities necessary to support the urban development; and

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

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

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

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

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

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

2. Provision of regional open space connections;

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

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

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

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

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

1. Trails;

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

3. Active recreation uses not to exceed five percent of the total open space area. The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property. (Ord. 17485 § 10, 2012: Ord. 16263 § 6, 2008: Ord. 15606 § 1, 2006: Ord. 14047 § 10, 2001).

20.20 PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS

Sections:

20.20.010 Chapter purpose.
20.20.020 Classifications of land use decision processes.
20.20.030 Preapplication conferences.
20.20.035 Notice of community meeting required under K.C.C. chapters 21A.08 before filing application
20.20.040 Application requirements.
20.20.050 Notice of complete application to applicant.
20.20.060 Notice of application.
20.20.062 Notice of Type I decisions.
20.20.070 Vesting.
20.20.080 Applications - modifications to proposal.
20.20.090 Notice of decision or recommendation - appeals.
20.20.100 Permit issuance.
20.20.105 Permit extension.
20.20.120 Citizen's guide.

20.20.010 Chapter purpose. The purpose of this chapter is to establish standard procedures for land use permit applications, public notice, hearings and appeals in King County. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the Comprehensive Plan. These procedures also provide for an integrated and consolidated land use permit and environmental review process consistent with chapter 347, laws of 1995. (Ord. 12196 § 8, 1996).

20.20.020 Classifications of land use decision processes.

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

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of permitting and environmental review ("department"). Type 1 decisions are nonappealable administrative decisions.

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

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

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

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

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

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

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; 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; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a 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[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; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; 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 examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4[1,4]	(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.

[1] See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.
[2] When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the decision.
[3] A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.
[4] Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section. (Ord. 17420 § 87, 2012: Ord. 17420 § 85, 2012 (Expired 12/31/2012): Ord. 17029 § 5, 2011 (Expired 12/31/2012): Ord. 16263 § 7, 2008: Ord. 15606 § 2, 2006: Ord. 15170 § 2, 2005: Ord. 14449 § 2, 2002: Ord. 14190 § 23, 2001: Ord. 14047 § 11, 2001: Ord. 13694 § 84, 1999: Ord. 13147 § 33, 1998: Ord. 13131 § 1, 1998: Ord. 12878 § 2, 1997: Ord. 12196 § 9, 1996).

20.20.030 Preapplication conferences.

A.1.a. Except as otherwise provided in subsection A.1.b. of this section, before filing a permit application for a Type 1 decision, the applicant shall contact the department to schedule a preapplication conference, which shall be held before filing the application, if the property will have five thousand square feet of development site or right-of-way improvements, the property is in a critical drainage basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal mine on site.

b. A preapplication conference is not required for a Type 1 decision for a single family residence and its accessory buildings or for other structures where all work is in an existing building and no parking is required or added.

2. Except as otherwise provided in this section, before filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference, which shall be held before filing the application.

B. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication

conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner, within thirty days from the date of the applicant's request. The department shall assign a project manager following the preapplication conference. The director may waive the requirement for a preapplication conference if the director determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within thirty days following the applicant's request.

C. Information presented at or required as a result of the preapplication conference shall be valid for a period of one year following the preapplication conference. An applicant wishing to submit a permit application more than one year following a preapplication for the same permit application shall be required to schedule another preapplication conference.

D. At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in K.C.C. 20.20.060 H. and I. (Ord. 16950 § 7, 2010: Ord. 16552 § 2, 2009: Ord. 13332 § 65, 1998: Ord. 12196 § 10, 1996).

20.20.035 Notice of community meeting required under K.C.C. chapter 21A.08 before filing application. When an applicant is required by K.C.C. chapter 21A.08 to conduct a community meeting, under this section, before filing of an application, notice of the meeting shall be given and the meeting shall be conducted as follows:

A. At least two weeks in advance, the applicant shall:

1. Publish notice of the meeting in the local paper and mail and email to the department; and

2. Mail notice of the meeting to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater, as provided in K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief description and purpose of the proposal, approximate location noted on an assessor map with address and parcel number, photograph or sketch of any existing or proposed structures, a statement that alternative sites proposed by citizens can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by the department of permitting and environmental review. Because the purpose of the community meeting is to promote early discussion, applicants shall to note any changes to the conceptual information presented in the mailed notice when they submit an application;

B. At the community meeting at which at least one employee of the department of permitting and environmental review, assigned by the director of the department, shall be in attendance, the applicant shall provide information relative to the proposal and any modifications proposed to existing structures or any new structures and how the proposal is compatible with the character of the surrounding neighborhood. An applicant shall also provide with the applicant's application a list of meeting attendees, those receiving mailed notice of the meeting and a record of the published meeting notice; and

C. The applicant shall, in the notice required under subsection A.2. of this section, and at the community meeting required under subsection B. of this section, advise that persons interested in the applicant's proposal may monitor the progress of the permitting of that proposal by contacting the department or by viewing the department's website, the address of which will be provided in the notice and at the community meeting. (Ord. 17420 § 88, 2012: 17416 § 13, 2012: Ord. 16950 § 10, 2010).

20.20.040 Application requirements.

A. The department shall not commence review of any application as provided in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in subsection B. of this section, all land use permit applications described in K.C.C. 20.20.020.E. shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating who the applicant is submitted to the department before permit approval;

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by the Seattle-King County department of public health, as required by K.C.C.Title 13; or

b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive Plan policies for a public school located on a RA zoned site, a certificate of sewer availability and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by the Seattle-King County department of public health;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;

8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

9. A completed environmental checklist, if required by K.C.C. chapter 20.44;

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27;

11. A list of any permits or decisions applicable to the development proposal that have been obtained before filing the application or that are pending before the county or any other governmental entity;

12. Certificate of transportation concurrency from the department of transportation if required by K.C.C. chapter 14.70. The certificate of transportation concurrency may be for less than the total number of lots proposed by a preliminary plat application only if:

a. at least seventy-five percent of the lots proposed have a certificate of transportation concurrency at the time of application for the preliminary plat;

b. a certificate of transportation concurrency is provided for any remaining lots proposed for the preliminary plat application before the expiration of the preliminary plat and final recording of the additional lots; and

c. the applicant signs a statement that the applicant assumes the risk that the remaining lots proposed might not be granted.

13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area that are proposed to be served by on-site or community sewage system and group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and to the extent known at the time of application and when determined necessary by the director, copies of any required storm water adjustments;

15. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent known at the date of application or when deemed necessary by the director; and

18. For site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

B. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

C. Additional complete application requirements for the following land use permits are in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060.

2. Construction permits, K.C.C. 16.04.052.

3. Mobile home permits, K.C.C. 16.04.093.

4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C. 19A.08.150.

D. The director may;

1. Specify the requirements of the site plan required to be submitted for various permits;

2. Require additional materials not listed in this section when determined to be necessary for review of the project; and

3. Waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

E. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27. (Ord. 17539 § 14, 2013: Ord. 17485 § 11, 2012: Ord. 15606 § 3, 2006: Ord. 15243 § 1, 2005: Ord. 14788 § 6, 2003: Ord. 14507 § 5, 2002: Ord. 13694 § 85, 1999: Ord. 13190 § 13, 1998: Ord. 12380 § 6, 1996: Ord. 12196 § 11, 1996).

20.20.050 Notice of complete application to applicant.

A. Within twenty-eight days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal.

B. An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the twenty-eight day period as provided herein.

C. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within fourteen days whether the application is complete or what additional information specified by the department as provided in subsection A hereof is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the fourteen day period that the application is incomplete.

D. The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application as provided in subsections A or C hereof, or the failure of the department to provide such a notice as provided in subsections B or C hereof, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

E. The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within ninety days following notification from the department that the application is incomplete. (Ord. 12196 § 12, 1996).

20.20.060 Notice of application.

A. A notice of application shall be provided to the public for land use permit applications as follows:

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA;
3. As provided in subsection K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

B. Notice of the application shall be provided by the department within fourteen days following the department's determination that the application is complete. A public comment period on a notice of application of at least twenty-one days shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision alterations. The public comment period shall commence on the third day following the department's mailing of the notice of application as provided for in subsection H. of this section.

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

D. Unless the mailed notice of application is by a post card as provided in subsection E. of this section, the notice of application shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen inch paper, if applicable;

6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;

7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;

8. The identification of other permits not included in the application to the extent known;

9. The identification of existing environmental documents that evaluate the proposed project; and

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

E. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;

2. The name of the applicant;

3. The date of application, the date of the notice of completeness and the date of the notice of application;

4. If the department has made a decision or recommendation on the application, the decision or recommendation made;

5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;

6. A web site address that provides access to project information, including a site map and application page; and

7. The department contact name, telephone number and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;

2. Mailed by first class mail as provided in subsection H. of this section; and

3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the department's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:

a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;

b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;

c. so that the top of the notice board is between seven to nine feet above grade;

d. where it is completely visible to pedestrians; and

e. comply with site distance requirements of K.C.C. 21A.12.210 and the King County road standards adopted under K.C.C. chapter 14.42.

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department’s determination of completeness for any Type 2 decision; and

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

4. Removal of the notice board before the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department;

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies; and

7. The director may waive the notice board requirement for a development proposal located in an area with restricted access, an area that is not served by public roads, or in other circumstances the director determines make the notice board requirement ineffective in providing notice to those likely to be affected by the development proposal. In such cases, the director shall require alternative forms of notice under subsection M. of this section.

H. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners;

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

3. To the Washington state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;

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

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

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

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

I. The notice of application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

J. Unless waived under subsection G.7. of this section, posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;

2. Notice boards shall include the following information:

a. permit number and description of the project;

b. projected completion date of the project;

c. a contact name and phone number for both the department and the applicant;

d. a department contact number for complaints after business hours; and

e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified above, in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

K. Posted and mailed notice consistent with this section shall be provided to property owners of record and to the council district representative in which it is located, for any proposed single-family residence in a higher density urban single family residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor area as defined in the Washington State Uniform Building Code.

L. Posted and mailed notice consistent with this section shall be provided to any property owner of record and to the council district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies;

2. Parole offices;

3. Settlement houses;

4. Halfway home for delinquents and offenders; and

5. Homes for destitute men and women.

M. In addition to notice required by subsection F. of this section, the department may provide additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal. (Ord. 17539 § 15, 2013: Ord. 17191 § 16, 2011: Ord. 16950 § 8, 2010: Ord. 16552 § 3, 2009: Ord. 13694 § 86, 1999: Ord. 13573 § 1, 1999: Ord. 13555 § 2, 1999: Ord. 13131 § 2, 1998: Ord. 13097 § 1, 1998: Ord. 12884 § 1, 1997: Ord. 12196 § 13, 1996).

20.20.062 Notice of Type I decisions. Not later than January 1, 2013, the department shall provide public notice of Type 1 decisions for which a notice of application is not otherwise required under K.C.C. 20.20.060. The public notice may be provided electronically. The notice provided under this section shall be considered supplementary to any other notice requirements and shall be deemed satisfactory despite the failure of one or more individuals to receive notice. (Ord. 17267 § 1, 2012: Ord. 16950 § 9, 2010).

20.20.070 Vesting.

A. Applications for Type 1, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. (Ord. 12196 § 14, 1996).

20.20.080 Applications - modifications to proposal.

A. Department initiated changes to a pending application shall not require filing of a new application.

B. If the department determines the requested modification or revision would result in a substantial change in a development proposal's review requirements, an applicant requested revision or modification occurring either before or after issuance of the permit shall require filing of a new application.

C. For the purpose of this section, a "substantial change" includes, but is not limited to, locating buildings closer to the nearest property line, increasing the proposed square footage of any buildings or changes that will lead to significant built or natural environmental impacts that were not addressed in the original development proposal. (Ord. 17191 § 17, 2011: Ord. 12196 § 15, 1996).

20.20.090 Notice of decision or recommendation - appeals.

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

B. Except for shoreline permits which are appealable to the state Shorelines Hearings Board, all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director shall be filed as provided in K.C.C. 20.24.090. (Ord. 16552 § 4, 2009: Ord. 13573 § 2, 1999: Ord. 13131 § 3, 1998: Ord. 13097 § 2, 1998: Ord. 12196 § 16, 1996).

20.20.100 Permit issuance.

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

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

2. The following shorter time periods apply to the type of land use permit 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 (for projects pending a final department review or permit or review and permit).	40 days
Type 1 temporary use permit for a homeless encampment:	30 days
Type 2 temporary use permit for a homeless encampment:	40 days

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

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

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

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

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

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

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

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

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

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

D. Failure by the applicant to submit corrections, studies, or other information acceptable to the department after two written requests under subsection C. of this section shall be cause for the department to cancel or deny the application;

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

1. Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

2. Requires approval of a new fully contained community as provided in RCW 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an essential public facility as provided for RCW 36.70A.200; or

3. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

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

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

forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (Ord. 16950 § 11, 2010: Ord. 16263 § 8, 2008: Ord. 15170 § 3, 2005: Ord. 14788 § 7, 2003: Ord. 13250 § 1, 1998: Ord. 13097 § 3, 1998: Ord. 12627 § 5, 1997: Ord. 12273 § 2, 1996: Ord. 12196 § 17, 1996).

20.20.105 Permit extension. Upon written request to the department made by the applicant before the expiration of a permit for a conditional use, variance, alteration exception or reasonable use exception, the department may extend the period of the permit for one year if:

A. Regulations governing the approval of the land use decision have not changed;

B. Site conditions have not significantly changed in a manner that would have affected the original permit approval; and

C. The applicant pays applicable permit extension fees. (Ord. 16515 § 4, 2009).

20.20.120 Citizen's guide. The director shall issue a citizen's guide to permit processing including making an appeal or participating in a hearing. (Ord. 12196 § 19, 1996).

20.24 HEARING EXAMINER

Sections:

20.24.010 Chapter purpose.
20.24.020 Office created.
20.24.030 Appointment and terms.
20.24.040 Removal.
20.24.050 Qualifications.
20.24.060 Deputy examiner duties.
20.24.065 Pro tem examiners.
20.24.070 Recommendations to the council.
20.24.072 Type 3 decisions by the examiner, appealable to the council.
20.24.080 Final decisions by the examiner.
20.24.085 Appeals of permit fee estimates and billings by department of development and environmental services - duties.
20.24.090 Notice of appeal to examiner-filing.
20.24.095 Dismissal of untimely appeals.
20.24.097 Expeditious processing.
20.24.098 Time limits.
20.24.100 Condition, modification and restriction examples.
20.24.110 Quasi-judicial powers.
20.24.120 Freedom from improper influence.
20.24.130 Public hearing.
20.24.140 Consolidation of hearings.
20.24.145 Pre-hearing conference.
20.24.150 Report by department.
20.24.160 Notice.
20.24.170 Rules and regulations.
20.24.175 Case management techniques.
20.24.180 Examiner findings.
20.24.190 Additional examiner findings - reclassifications and shoreline redesignations.
20.24.195 Additional examiner findings - preliminary plats.
20.24.197 Additional examiner findings and recommendations school capacities.
20.24.210 Written recommendation or decision.
20.24.220 Appeal to council - recommendation.
20.24.222 Appeal to council - examiner's decision.
20.24.230 Council action.
20.24.235 Findings - preliminary plats.
20.24.240 Judicial review of final decisions.
20.24.250 Reconsideration of final action.
20.24.300 Digest of decisions.
20.24.310 Citizens guide.
20.24.320 Semi-annual report.
20.24.330 Voluntary mediation.

20.24.400 Site-specific land use map amendment.
20.24.450 Appeals to the hearing examiner fees.
20.24.510 Shoreline redesignation - criteria for hearing examiner review.
20.24.520 Regional motor sports facility master planning demonstration project – hearing examiner duties.

20.24.010 Chapter purpose. The purpose of this chapter is to provide a system of considering and applying regulatory devices which will best satisfy the following basic needs:

A. The need to separate the application of regulatory controls to the land from planning;

B. The need to better protect and promote the interests of the public and private elements of the community;

C. The need to expand the principles of fairness and due process in public hearings. (Ord. 263 Art. 5 § 1, 1969).

20.24.020 Office created. The office of hearing examiner is created. The examiner shall act on behalf of the council in considering and applying adopted county policies and regulations as provided herein. (Ord. 11502 § 1, 1994: Ord. 263 Art. 5 § 2, 1969).

20.24.030 Appointment and terms. The council shall appoint the examiner to serve in said office for a term of four years. (Ord. 4481 § 1, 1979: Ord. 263 Art. 5 § 3, 1969).

20.24.040 Removal. The examiner or his or her deputy may be removed from office at any time by the affirmative vote of not less than eight members of the council for just cause. (Ord. 12196 § 21, 1996: Ord. 263 Art. 5 § 4, 1969).

20.24.050 Qualifications. The examiner and his or her 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. (Ord. 12196 § 22, 1996: Ord. 263 Art. 5 § 5, 1969).

20.24.060 Deputy examiner duties. The deputy shall assist the examiner in the performance of the duties conferred upon the examiner 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. (Ord. 12196 § 23, 1996: Ord. 263 Art. 5 § 6, 1969).

20.24.065 Pro tem examiners. The chief examiner may hire qualified persons to serve as examiner pro tempore, as needed, to expeditiously hear pending applications and appeals. (Ord. 11502 § 16, 1994).

20.24.070 Recommendations to the council.

A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases:

1. All Type 4 land use decisions;
2. Applications for agricultural land variances;
3. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands except as provided in K.C.C. 20.36.090;
4. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;
5. Applications for the vacation of county roads;
6. Appeals of a recommendation by the department of transportation to deny the petition for vacation of a county road;
7. Appeals of a recommendation by the department of transportation of the compensation amount to be paid for vacation of a county road;
8. Proposals for establishment or modification of cable system rates; and
9. Other applications or appeals that the council may prescribe by ordinance.

B. The examiner's recommendation may be to grant or deny the application or appeal, or the examiner may recommend that the council adopt the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and

regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern. (Ord. 13625 § 17, 1999: Ord. 12196 § 24, 1996: Ord. 12171 § 1, 1996: Ord. 11620 § 5, 1994: Ord. 11502 § 2, 1994: Ord. 10691 § 3, 1992: Ord. 10511 § 2, 1992: Ord. 9614 § 123, 1990: Ord. 8804 § 1, 1989: Ord. 6949 § 16, 1984: Ord. 6465 § 13, 1983: Ord. 4461 § 1, 1979).

20.24.072 Type 3 decisions by the examiner, appealable to the council.

A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions on Type 3 land use permit applications, including findings and conclusions, based on the issues and evidence in the record. The decision of the examiner on Type 3 land use permit applications shall be appealable to the Council on the record established by the examiner as provided by K.C.C. 20.24.210D.

B. The examiner's decision may be to grant or deny the application, or the examiner may grant the application with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern. (Ord. 12196 § 25, 1996).

20.24.080 Final decisions by the examiner.

A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable as provided by K.C.C. 20.24.240, or to other designated authority in the following cases:

1. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

2. Appeals of all Type 2 land use decisions, with the exception of appeals of shoreline permits, including shoreline variances and conditional uses, which are appealable to the state shoreline hearings board;

3. Appeals of citations, notices and orders, notices of noncompliance and stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

4. Appeals of decisions regarding the abatement of a nonconformance;

5. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges;

6. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;

7. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

8. Appeals of the department’s final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of K.C.C. Title 14;

9. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification pursuant to K.C.C. chapter 21A.37; and

10. Appeals of other applications or appeals that the council prescribes by ordinance.

B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the King County Comprehensive Plan shall govern. (Ord. 15969 § 8, 2007: Ord. 14449 § 3, 2002: Ord. 14199 § 227, 2001: Ord. 14190 § 24, 2001: Ord. 13625 § 18, 1999: Ord. 13277 § 1, 1998: Ord. 13263 § 58, 1998: Ord. 12962 § 1, 1998: Ord. 12196 § 26, 1996: Ord. 11620 § 6, 1994: Ord. 11502 § 3, 1994: Ord. 11016 § 15, 1993: Ord. 9614 § 122, 1990: Ord. 8804 § 2, 1989: Ord. 7990 § 34, 1987: Ord. 7846 § 12, 1986: Ord. 7714 § 11, 1986: Ord. 7590 § 10, 1986: Ord. 7543 § 1, 1986: Ord. 7246 § 3, 1985: Ord. 6949 § 17, 1984: Ord. 5570 § 6, 1981: Ord. 5002 § 16, 1980: Ord. 4461 § 2, 1979).

20.24.085 Appeals of permit fee estimates and billings by department of development and environmental services - duties.

A. As provided in K.C.C. chapter 27.50, on appeals of permit fee estimates and billings by the department of permitting and environmental review, the examiner shall receive and examine the available information, conduct public hearings and issue final decisions, including findings and conclusions, based on the issues and evidence.

B. The examiner that conducts the appeal hearing or hearings under K.C.C. chapter 27.50 of a permit fee estimate and/or permit fee billing related to a development permit application by the department of permitting and environmental review shall not have conducted and shall not conduct the hearing on any other component of that development permit application. (Ord. 17420 § 89, 2012: Ord. 16026 § 2, 2008).

20.24.090 Notice of appeal to examiner - filing.

A. Except as otherwise provided in this section, a notice of appeal shall be filed with the county department or division issuing the original decision with a copy provided by the department or division to the office of the hearing examiner. The notice of appeal, together with the required appeal fee, shall be filed within the prescribed appeal period. Except as otherwise provided in K.C.C. chapter 27.50, the appeal period shall be fourteen calendar days and shall commence on the third day after the mailing of the notice of decision. In cases of appeals of Type 2 land use decisions made by the director, if WAC 197-11-340(2)(a) applies the notice of appeal shall be filed within twenty-four days after the mailing of the notice of decision.

B. A notice of appeal of the recommendation to deny vacation of a county road by the department of transportation shall be filed along with the required two-hundred-dollar administrative fee with the clerk of the county council within thirty days of an issuance of the denial.

C. *Except in the case of an appeal of citation under K.C.C. chapter 23.20, *[and e]xcept as otherwise provided in K.C.C. chapter 27.50, if a notice of appeal has been filed within the applicable time period [provided in this section]**, the appellant shall file a statement of appeal with the county department or division issuing the original decision or action within seven days after the filing deadline for the notice of appeal. A statement of appeal is not required for an appeal of a citation issued under K.C.C. chapter 23.30. Department or division staff shall:

1. Be available within a reasonable time to persons wishing to file a statement of appeal subsequent to an agency ruling, and to respond to queries concerning the facts and process of the county decision; and

2. Make available within a reasonable time a complete set of files detailing the facts of the department or division ruling in question to persons wishing to file a statement of appeal, subsequent to an agency ruling. If a department or division is unable to comply with these provisions, the hearing examiner may authorize amendments to a statement of appeal to reflect information not made available to an appellant within a reasonable time due to a failure by a county agency to meet the foregoing requirements.

D. The statement of appeal shall:

1. Identify the decision being appealed and the alleged errors in that decision;
2. State specific reasons why the decision should be reversed or modified;
3. State the harm suffered or anticipated by the appellant; and
4. Identify the relief sought.

E. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal.

F. Failure to timely file a notice of appeal, appeal fee or statement of appeal deprives the examiner of jurisdiction to consider the appeal. As used in this section, filing means actual receipt by the department required to be served. (Ord. 16278 § 27, 2008: Ord. 16026 § 3, 2008: 13573 § 3, 1999: Ord. 12196 § 27, 1996: Ord. 11961 § 2, 1995: Ord. 11502 § 4, 1994: Ord. 10691 § 4, 1992: Ord. 6949 § 18, 1984: Ord. 4461 § 3, 1979).

Reviser's notes:
***K.C.C. 20.24.090 was amended by Ordinance 16026 and Ordinance 16278, both without reference to the other. Both clauses added at this point are displayed here.**
****"provided herein" was changed to "provided in this section" in Ordinance 16026 and was deleted in Ordinance 16278.**

20.24.095 Dismissal of untimely appeals. On its own motion, or on the motion of a party, the examiner shall dismiss an appeal for untimeliness or lack of jurisdiction. (Ord. 11502 § 12, 1994).

20.24.097 Expeditious processing.

A. Hearings shall be scheduled by the examiner to ensure that final decisions are issued within the time periods provided in K.C.C. 20.20.100. During periods of time when the volume of permit activity is high,

the examiner shall retain one or more pro-tem examiners to ensure that the one hundred twenty day time period for final decisions is met.

B. Appeals shall be processed by the examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. Unless a longer period is agreed to by the parties, or the examiner determines that the size and scope of the project is so compelling that a longer period is required, a pre-hearing conference or a public hearing shall occur within forty-five days from the date the office of the hearing examiner is notified that a complete statement of appeal has been filed. In such cases where the examiner has determined that the size and scope warrant such an extension, the reason for the deferral shall be stated in the examiner's recommendation or decision. The time period may be extended by the examiner at the examiner's discretion for not more than thirty days. (Ord. 12196 § 28, 1996: Ord. 11502 § 14, 1994).

20.24.098 Time limits. In all matters where the examiner holds a hearing on applications under K.C.C. 20.24.070, the hearing shall be completed and the examiner's written report and recommendations issued within twenty-one days from the date the hearing opens, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to K.C.C. 20.24.080, the appeal process, including a written decision, shall be completed within ninety days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to K.C.C. 20.24.090. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional thirty days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner. (Ord. 13097 § 4, 1998: Ord. 11502 § 15, 1994).

20.24.100 Condition, modification and restriction examples. The examiner is authorized to impose conditions, modifications and restrictions, including but not limited to setbacks, screenings in the form of landscaping or fencing, covenants, easements, road improvements and dedications of additional road right-of-way and performance bonds as authorized by county ordinances. (Ord. 12196 § 30, 1996: Ord. 263 Art. 5 § 7(part), 1969).

20.24.110 Quasi-judicial powers. The examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by county ordinance. (Ord. 163 Art. 5 § 8, 1969).

20.24.120 Freedom from improper influence. Individual councilmembers, 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 or her designated duties. (Ord. 12196 § 31, 1996: Ord. 263 Art. 5 § 9, 1969).

20.24.130 Public hearing. When it is found that an application meets the filing requirements of the responsible county department or an appeal meets the filing rules, it shall be accepted and a date assigned for public hearing. If for any reason testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the matter shall be continued to the soonest available date. A matter should be heard, to the extent practicable, on consecutive days until it is concluded. For purposes of proceedings identified in K.C.C. 20.24.070 and 20.24.072, the public hearing by the examiner shall constitute the hearing by the council. (Ord. 12196 § 32, 1996: Ord. 11502, § 5, 1994: Ord. 4461 § 4, 1979).

20.24.140 Consolidation of hearings. Whenever a project application includes more than one county permit, approval or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner pursuant to K.C.C. 20.20.020. (Ord. 12196 § 33, 1996: Ord. 11502 § 6, 1994: Ord. 4461 § 5, 1979).

20.24.145 Pre-hearing conference. A pre-hearing conference may be called by the examiner pursuant to this chapter upon the request of a party, or on the examiner's own motion. A pre-hearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party.

The pre-hearing conference shall be held at such time as ordered by the examiner, but not less than fourteen days prior to the scheduled hearing on not less than seven days notice to those who are then parties of record to the proceeding. The purpose of a pre-hearing conference shall be to identify to the extent

possible, the facts in dispute, issues, laws, parties and witnesses in the case. In addition the pre-hearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of pre-hearing conferences.

Any party who does not attend the pre-hearing conference, or anyone who becomes a party of record after notice of the pre-hearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing. (Ord. 12196 § 34, 1996: Ord. 11502 § 12, 1994).

20.24.150 Report by department. When an application or appeal has been set for public hearing, the responsible county department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application or appeal and shall prepare a report summarizing the factors involved and the department findings and recommendation or decision. At least fourteen calendar days prior to the scheduled hearing, the report, and in the case of appeals any written appeal arguments submitted to the county, shall be filed with the examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials. (Ord. 12196 § 35, 1996: Ord. 4461 § 6, 1979: Ord. 263 Art. 5 § 11, 1969).

20.24.160 Notice.

A. Notice of the time and place of any hearing on an application before the hearing examiner pursuant to this chapter shall be mailed by first class mail at least fourteen calendar days prior to the scheduled hearing date to all persons who commented or requested notice of the hearing. The notice of decision or recommendation required by K.C.C. Title 20 may be combined with the notice of hearing required hereby.

B. Notice of the time and place of any appeal hearing before the hearing examiner pursuant to this chapter shall be mailed to all parties of record by first class mail at least fourteen calendar days prior to the scheduled hearing date.

C. If testimony cannot be completed prior to adjournment on the date set for a hearing, the examiner shall announce prior to adjournment the time and place said hearing will be continued. (Ord. 12196 § 36, 1996: Ord. 11502 § 7, 1994) Ord. 4461 § 7, 1979: Ord. 263 Art. 5 § 12, 1969).

20.24.170 Rules and conduct of hearings.

A.1. The examiner shall adopt rules, including any amendments to the rules, for the conduct of hearings and for any mediation process consistent with this chapter.

2. The hearing examiner may propose amendments to the rules by filing a draft of the amendments and a draft of a motion approving the amendments in the office of the clerk of the council, for distribution to all councilmembers for review. At the same time as the filing of the draft, the hearing examiner shall also distribute for comment a copy of the proposed amendments to any county department that has appeared before the examiner in the year before the filing of proposed amendments and to any other parties who have requested to be notified of proposed amendments to the rules. Comments to the proposed amendments may be filed with the clerk of the council for distribution to all councilmembers for sixty days after the proposed amendments are distributed for comment. The amendments shall take effect when they have been approved by the council by motion.

3. The hearing examiner shall publish the rules and any amendments to the rules and make them available to the public in printed and electronic forms and shall post the rules and any amendments to the Internet.

B. The examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths and to preserve order.

C. To avoid unnecessary delay and to promote efficiency of the hearing process, the examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard, in light of adopted county policies and regulations and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The examiner may establish reasonable time limits for the presentation of direct oral testimony, cross examination and argument.

D. Any written submittals will be admitted only when authorized by the examiner under pertinent and promulgated administrative rules. (Ord. 15048 § 1, 2004: Ord. 11502 § 8, 1994: Ord. 4461 § 8, 1979: Ord. 263 Art. 5 § 13, 1969).

20.24.175 Case management techniques. In all matters heard by the examiner, the examiner shall use case management techniques to the extent reasonable including:

A. Limiting testimony and argument to relevant issues and to matters identified in the pre-hearing order;

B. Pre-hearing identification and submission of exhibits (if applicable);

C. Stipulated testimony or facts;

D. Pre-hearing dispositive motions (if applicable);

E. Use of pro tempore examiners;

F. Voluntary mediation and complainant appeal mediation; and

G. Other methods to promote efficiency and to avoid delay. (Ord. 16278 § 28, 2008: Ord. 11502 § 13, 1994).

20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record which support the decision and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, subarea or community plans, the zoning code, the land segregation code and other official laws, policies and objectives of King County, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. (Ord. 12196 § 37, 1996: Ord. 4461 § 9, 1979).

20.24.190 Additional examiner findings - reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

A. The proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan;

B. The property is potentially zoned for the reclassification being requested, conditions have been met that indicate the reclassification is appropriate and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan;

C. An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan; or

D. The requested reclassification or redesignation is in the public interest and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan. (Ord. 16950 § 12, 2010: Ord. 16263 § 9, 2008: Ord. 15243 § 2, 2005: Ord. 14047 § 12, 2001: Ord. 4461 § 10, 1979).

20.24.195 Additional examiner findings - preliminary plats. When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such subdivision and dedication. (Ord. 12196 § 38, 1996: Ord. 9544 § 16, 1990).

20.24.197 Additional examiner findings and recommendations - school capacities. Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in K.C.C. 21A.28.160 if the development were approved, the examiner shall remand to the department of permitting and environmental review to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency, or deny the proposal if required by this chapter. The examiner shall prepare findings to document the facts that support the action taken. The examiner shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or shall require the provision of the needed facilities. An offer of payment of a school impact fee as required by ordinance shall not be a substitute for the phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with phasing of an impact mitigation fee if the provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools. (Ord. 17420 § 90, 2012: Ord. 14047 § 13, 2001: Ord. 11620 § 7, 1994: Ord. 9785 § 10, 1991).

20.24.210 Written recommendation or decision.

A. Within ten days of the conclusion of a hearing or rehearing, the examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record. The examiner's decision shall identify the applicant and/or the owner by name and address.

B. Recommendations of the examiner in cases identified in K.C.C. 20.24.070 may be appealed to the council by an aggrieved party by filing a notice of appeal with the clerk of the council within fourteen calendar days of the date the examiner's written recommendation is mailed.

C. If no appeal is filed within fourteen calendar days, the clerk of the council shall place a proposed ordinance which implements the examiner's recommended action on the agenda of the next available council meeting for adoption; provided, that no final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance which amends or reverses the examiner's recommendation;
provided further, the council by motion may refer the matter to a council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration when determined necessary prior to the council's taking final action thereon.

D. Decisions of the examiner, that are appealable to the council as provided in K.C.C. 20.24, shall be final unless appealed to the council by an aggrieved party of record by filing a notice of appeal with the clerk of the council within fourteen calendar days of the date the examiner's written decision is mailed.

E. Decisions of the examiner in cases identified in K.C.C. 20.24.080 shall be final and reviewable pursuant to K.C.C. 20.24.240B. (Ord. 12196 § 39, 1996: Ord. 9306, 1990: Ord. 4461 § 11, 1979).

20.24.220 Appeal to council - recommendation.

A. If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written recommendation a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response to the notice of appeal and appeal statement may be submitted to the clerk within fourteen calendar days of the date of such a notification by the clerk.

B. Consideration by the council of the appeal, except for appeals of examiner recommendations on petitions for road vacations, shall be based upon the record as presented to the examiner at the public hearing and upon written appeal statements based upon the record, but the council also may allow parties a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, the hearing examiner or other county staff may provide a written or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by councilmembers at the appeal hearing . Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

C. The examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve certain issues on appeal, but the deputy examiner who conducted the public hearing on the proposal may not conduct the conference. Such a conference shall be informal and shall not be part of the public record.

D. If, after consideration of the record, written appeal statements and any oral argument the council determines that:

1. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the examiner; or

2. The recommendation of the examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the examiner, but the council's land use appeal committee may retain the matter, refer it to other council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration if determined necessary before the council's taking final action on the matter.

E. Subsections B, C and D of this section do not apply to an appeal of an examiner's recommendation on a petition for a road vacation. In such an appeal, the council is not bound by the record presented to the hearing examiner. Before acting on a proposed road vacation for which an appeal of the hearing examiner's recommendation has been filed, the council shall hold a legislative public hearing to receive further information and testimony. (Ord. 13793 § 2, 2000: Ord. 12650 § 1, 1997: Ord. 12196 § 40, 1996: Ord. 11502 § 9, 1994: Ord. 4461 § 12, 1979).

20.24.222 Appeal to council - examiner's decision.

A. If an appeal has been filed pursuant to K.C.C. 20.24.210D, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written decision a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the hearing examiner's decision made pursuant to K.C.C. 20.24.070 shall be deemed final and conclusive action. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response to the notice of appeal and appeal statement may be submitted to the clerk within fourteen calendar days of the date of such notification by the clerk.

B. Consideration by the council of the appeal shall be based upon the record as presented to the examiner at the public hearing and upon written appeal statements based upon the record, but the council also may allow parties a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, the hearing examiner or other county staff may provide a written or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by councilmembers at the appeal hearing . Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

C. The examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve certain issues on appeal, but the deputy examiner who conducted the public hearing on the proposal may not conduct the conference. Such a conference shall be informal and shall not be part of the public record.

D. If, after consideration of the record, written appeal statements and any oral argument the council determines that:

1. Additional information or clarification is required, the council shall remand the matter to the examiner; or

2. The decision of the examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the examiner; provided, the council's land use appeal committee may retain the matter, refer it to another council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration if determined necessary before the council's taking final action on the matter.

E. Appeals shall be processed by the council as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. Consideration of the appeal by the council shall be scheduled to ensure that such appeals are processed within the time periods provided in K.C.C. 20.20.100. Failure of the council to determine an appeal within applicable time limits shall not terminate the jurisdiction of the council. (Ord. 13793 § 3, 2000: Ord. 12196 § 41, 1996).

20.24.230 Council action. The council shall take final action on any recommendation of the examiner or appeal from a decision by the examiner by ordinance and when so doing, it shall make and enter findings of fact and conclusions from the record of the public hearing conducted by the examiner. The findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the zoning code, the subdivision code and other official laws, policies and objectives for the development of King County. The council may adopt as its own all or portions of the examiner's findings and conclusions.

Any ordinance may contain conditions regarding the manner of development or other aspects regarding use of the property including but not limited to dedication of land, provision of public improvements to serve the subdivision, and/or impact fees authorized by chapter 82.02 RCW.

Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, that must be satisfied before the ordinance becomes effective and the official zoning maps shall not be amended until the conditions have been satisfied; provided, the ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted; provided, the council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period. As an alternative to the adoption of an ordinance containing conditions, the council may adopt an ordinance subject to the execution of a concomitant agreement between the county and the applicant regarding the manner of development of the property, any required improvements or any

aspect regarding use of the property. (Ord. 13625 § 19, 1999: Ord. 12196 § 42, 1996: Ord. 9544 § 17, 1990: Ord. 4680 § 2, 1980: Ord. 4461 § 13, 1979: Ord. 263 Art. 5 § 18, 1969).

20.24.235 Findings - preliminary plats.

A. In addition to the provisions of K.C.C. 20.24.230 King County shall not approve a proposed subdivision and dedication unless it finds that:

1. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication.

B. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the council shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

The council may adopt as its own all or portions of the examiner's findings and conclusions. (Ord. 12196 § 43, 1996: Ord. 9544 § 18, 1990).

20.24.240 Judicial review of final decisions.

A. Decisions of the council in cases identified in K.C.C. 20.24.070 or in cases appealed to the council as provided in K.C.C. 20.24.210D, shall be final and conclusive action unless within twenty-one calendar days from the date of the council's adoption of an ordinance an appeal is filed in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during the twenty-one day appeal period.

B. Decisions of the examiner in cases identified in K.C.C. 20.24.080 shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during the twenty-one day appeal period; provided further, that the twenty-one day appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final EIS shall not commence until final action on the underlying proposal.

C. Prior to filing an appeal of a final decision for a conditional use permit or special use permit, requested by a party that is licensed or certified by the Washington state department of social and health services or the Washington state department of corrections, an aggrieved party (other than a county, city or town) must comply with the mediation requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time limits for appealing a final decision are tolled during the mediation process. (Ord. 13250 § 2, 1998: Ord. 12196 § 44, 1996: Ord. 11502 § 10, 1994: Ord. 4461 § 15, 1979).

20.24.250 Reconsideration of final action.

A. Any final action by the county council or hearing examiner may be reconsidered by the council or examiner, respectively if:

1. The action was based in whole or in part on erroneous facts or information;

2. The action when taken failed to comply with existing laws or regulations applicable thereto; or

3. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the action.

B. The council upon reconsideration shall refer the matter to the land use appeal committee to review the matter pursuant to the procedures and authority for appeals pursuant to K.C.C. 20.24.220.

C. The examiner shall reconsider a final decision pursuant to the rules of the hearing examiner.

D. Authority of the council and examiner to reconsider does not affect the finality of a decision when made. (Ord. 12196 § 45, 1996: Ord. 4461 § 14, 1979).

20.24.300 Digest of decisions. The examiner shall maintain and publish on a quarterly basis a digest of all decisions and recommendations of the examiner. Decisions reported in the digest shall not be construed to establish any legal precedent. (Ord. 11502 § 17, 1994).

20.24.310 Citizens guide. The examiner shall issue a citizen’s guide on the office of hearing examiner including making an appeal or participating in a hearing. (Ord. 11502 § 18, 1994).

20.24.320 Semi-annual report. The chief examiner shall prepare a semi-annual report to the King County council detailing the length of time required for hearings in the previous six months, categorized both on average and by type of proceeding. The report shall provide commentary on examiner operations and identify any need for clarification of county policy or development regulations. The semi-annual report shall be presented to the council by March 1st and September 1st of each year. (Ord. 11502 § 19, 1994).

20.24.330 Voluntary mediation. As to any application or appeal pursuant to K.C.C. 20.24 which is or could become the subject of a public hearing, the responsible county department, the council or the hearing examiner, may at their own discretion or at the request of the applicant or any person with standing to the application or appeal, at any state of the proceedings on the application or appeal, initiate a mediation process to resolve disputes as to such application or appeal. The mediation process shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent impartial mediator who shall not be a county employee or any person who will have any role in making any recommendation or decision on the application or appeal. The mediation shall be conducted in accordance with rules of mediation prepared by the hearing examiner. (Ord. 11502 § 20, 1994).

20.24.400 Site-specific land use map amendment. Upon initiation of a site-specific land use map amendment to the comprehensive plan pursuant to K.C.C. 20.18.050, the hearing examiner shall conduct a public hearing to consider the report and recommendation of the department and to take testimony and evidence relating to the proposed amendment. The hearing examiner may consolidate hearings pursuant to K.C.C. 20.24.140 to the extent practical. Following the public hearing, the hearing examiner shall complete a report within thirty days which contains written findings and conclusions regarding the proposed amendment's qualification for annual review consideration, and consistency or lack of consistency with the applicable review criteria. An annual report containing all site specific land use map amendment reports which have been completed shall be compiled by the hearing examiner and submitted to the council by January 15 of the following year. (Ord. 13147 § 34, 1998).

20.24.450 Appeals to the hearing examiner fees.

A. Except as otherwise provided in subsection B. of this section, all appeals to the hearing examiner, or from decisions of the hearing examiner, shall be charged a fixed fee of two hundred fifty dollars to help defray the cost associated with appeal processing. Appeal fees shall be paid at the time of appeal submittal.

B. Appeals of permit fee estimates and billings under K.C.C. chapter 27.50 shall be charged a fixed fee of fifty dollars to help defray the costs associated with appeal processing. (Ord. 16026 § 3, 2008: Ord. 14449 § 12, 2002: Ord. 13332 § 7, 1998. Formerly K.C.C. 27.02.120).

20.24.510 Shoreline redesignation - criteria for hearing examiner review. A shoreline redesignation referred to the hearing examiner for a public hearing shall be reviewed based upon the King County Comprehensive Plan policies, state and county shorelines management goals and objectives and the following additional standards:

A. The proposed change shall implement and support:

1. The goals of the Comprehensive Plan;
2. The goals, policies and objectives of the state Shorelines Management Act;
3. The county's shoreline master program; and
4. The designation criteria of the proposed shoreline environment designation;

B. The impacts of development allowed by the proposed change shall not permanently impair any habitat critical to endangered or threatened species;

C. The impacts of development allowed by the proposed change shall adequately address in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

D. If greater intensity of development would be allowed as a result of the shoreline redesignation, the proposal shall utilize clustering or a multi-story design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area. (Ord. 16985 § 15, 2010: Ord. 13687 § 7, 1999. Formerly K.C.C. 25.32.180).

20.24.520 Regional motor sports facility – hearty examiner duties. The hearing examiner shall receive and examine available information, conduct public meetings and prepare records and reports thereof for transmittal to the council, as provided in K.C.C. 21A.55.105.M and S. (Ord. 17287 § 4, 2012).

20.36 OPEN SPACE, AGRICULTURAL, AND TIMBER LANDS CURRENT USE ASSESSMENT

Sections:

20.36.010 Purpose and intent.
20.36.015 Definitions.
20.36.020 Hearing examiner.
20.36.030 Applications.
20.36.040 Fees.
20.36.050 Time to file.
20.36.060 Notice of public hearing for timber land and open space applications in unincorporated areas.
20.36.070 Application filed after October 1.
20.36.080 Effect of approval.
20.36.090 Open space and timber land applications in incorporated areas.
20.36.100 Public benefit rating system for open space land-definitions and eligibility.
20.36.110 Current use taxation of timber land.
20.36.120 Assessor to approve or disapprove agricultural applications.
20.36.130 Time limit for farm and agricultural appeals and removal appeals.
20.36.160 Assessed valuation schedule-public benefit rating system for open space land.
20.36.165 Determination of public benefit values-split parcels.
20.36.170 Review of previously approved open space applications.
20.36.180 Report and evaluation.
20.36.190 Evaluation and approval of open space resource applications.
20.36.200 Outreach by department.

20.36.010 Purpose and intent. It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. The provisions of RCW chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter. (Ord. 10511 § 3, 1992: Ord. 1886 § 1, 1974: Ord. 1076 § 1, 1971).

20.36.015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Certified local government programs" means historic preservation programs that are formally certified by the National Park Service and Washington state Office of Archaeology and Historic Preservation.

B. "Department" means the department of natural resources and parks or its successor agency.

C. "Enrolled parcel" means a parcel for which a public benefit rating system open space or timber land application has been received and for which an agreement related to open space or timber land classification, as described in WAC 458-30-240, has been executed and recorded with the records and licensing services division and that is receiving tax reduction benefits.

D. "Native plant" or "native vegetation" means native vegetation as defined in K.C.C. 21A.06.790.

E. "Open space" means land that meets the criteria specified in RCW 84.34.020(1)(b) and (c).

F. "Reevaluate" means to examine the characteristics of a property currently designated under current use taxation provisions of the open space program for qualification under the current public benefit rating system provided for in this chapter.

G. "Timber land" means a property that contains five to twenty acres of land that is devoted primarily to the growth and harvest of timber for commercial purposes according to an approved forest stewardship plan and that meets the requirements of chapter 84.34 RCW and K.C.C. 20.36.110. (Ord. 17052 § 1, 2011: Ord. 15971 § 90, 2007: Ord. 15137 § 1, 2005).

20.36.020 Hearing examiner. The office of hearing examiner as established by K.C.C. chapter 20.24 shall act on behalf of the council in considering applications for public benefit rating system assessed valuation on open space land and for current use assessments on timber land in an unincorporated area of the county or appeals from denials by the county assessor of applications for

current use assessments on farm and agricultural land as provided in this chapter. All such applications and appeals shall be processed pursuant to the procedures established in this chapter and K.C.C. chapter 20.24. (Ord. 17052 § 2, 2011: Ord. 10511 § 4, 1992: Ord. 4462 § 6, 1979: Ord. 1886 § 2, 1974: Ord. 1076 § 2, 1971).

20.36.030 Applications. An owner of farm and agricultural land desiring current use assessment under chapter 84.34 RCW shall make application to the county assessor and an owner of open space land desiring assessed valuation under the public benefit rating system or an owner of timber land desiring current use assessment shall make application to the county council by filing an application with the department natural resources and parks. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under chapter 84.34 RCW with a notarized verification of the truth thereof. (Ord. 14199 § 228, 2001: Ord. 12969 § 2, 1998: Ord. 11796 § 2, 1995: Ord. 10778 § 2, 1993: Ord. 10511 § 5, 1992: Ord. 1886 § 3, 1974: Ord. 1076 § 3, 1971).

20.36.040 Fees.

A. Except as provided in subsection B. of this section, the applicant shall pay a current use filing fee, payable to the King County finance and business operations division or its successor, in the amount of four hundred eighty dollars for each open space or timber land application and one hundred eighty one dollars for each farm and agriculture application.

B. If an application is filed to add farm and agricultural conservation land, forest stewardship land, resource restoration or rural stewardship land category to a parcel that is already enrolled in the public benefit rating system, no fee shall be charged for that application.

C. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space or timber land applications based on land in an incorporated area of the county, where the city legislative authority has set no filing fee, the county fee shall govern and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee for open space or timber land applications based on land in an incorporated area of the county, the fee established in subsection A. of this section shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected. The amount paid by the county to the city shall not exceed the fee established by the city. The city shall be responsible for collecting any fees that it has established that exceed one-half of the amount established by subsection A. of this section. (Ord. 17052 § 3, 2011: Ord. 15970 § 3, 2007: Ord. 15579 § 1, 2006: Ord. 15137 § 2, 2005: Ord. 13332 § 64, 1998: Ord. 9719 § 23, 1990: Ord. 1886 § 4, 1974; Ord. 1076 § 4, 1971).

20.36.050 Time to file. Applications shall be made by December 31st of the calendar year preceding that year in which such classification is to begin. (Ord. 1886 § 5, 1974: Ord. 1076 § 5, 1971).

20.36.060 Notice of public hearing for timberland and open space applications in unincorporated areas. Notice of the time, place and purpose of a public hearing before the hearing examiner on an open space or a timberland application based on land in unincorporated area of the county shall be given by one publication at least ten days before the hearing. The clerk of the council shall publish this notice in a newspaper of general circulation in the area. (Ord. 17052 § 4, 2011: Ord. 16552 § 5, 2009: Ord. 15137 § 3, 2005: Ord. 4462 § 6A, 1979: Ord. 1886 § 7, 1974: Ord. 1076 § 7, 1971).

20.36.070 Applications filed after October 1. In the case of open space and timber land applications filed after October 1 of each calendar year, the examiner shall establish time periods for satisfaction of any conditions so as to enable the county assessor to make a timely notation on the assessment list and the tax roll for that land in the event of approval of those applications. (Ord. 17052 § 5, 2011: Ord. 4462 § 7, 1979).

20.36.080 Effect of approval. Any ordinance approving an application constitutes authorization for the chair of the council or the chair's designee to sign the open space taxation agreement for classification under the public benefit rating system or the timber land program. (Ord. 17052 § 7, 2011: Ord. 11195 § 1, 1994: Ord. 4462 § 8, 1979).

20.36.090 Open space and timber land applications in incorporated areas.

A. In the case of open space and timber land applications received by the county based on land in incorporated areas of the county, the department shall promptly transmit a copy of the application to the affected city.

B. Such an application shall be acted upon by the county council's transportation, economy and environment committee, or its successor, and the applicable city legislative body. The application shall be acted upon after a public hearing by each such body and after notice of each hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing. (Ord. 17052 § 7, 2011: Ord. 15137 § 4, 2005: Ord. 11195 § 2, 1994: Ord. 1886 § 10, 1974).

20.36.100 Public benefit rating system for open space land-definitions and eligibility.

A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of property that is the subject of the application. In making such a recommendation, the department shall utilize the point system described in subsections B. and C. of this section.

B. The following open space resources are each eligible for the points indicated:

1. Public recreation area - five points. For the purposes of this subsection B.1, "public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction for this category, except for golf carts on golf courses, for maintenance or for medical, public safety or police emergencies. To be eligible as a public recreation area, the facilities must be open to the general public or to specific public user groups, such as youth, senior citizens or people with disabilities. A property must be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. If a property meets the definition of public recreation area, the property owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is charged for use, it must be comparable to the fee charged by a like public facility;

2. Aquifer protection area-five points. For the purposes of this subsection B.2, "aquifer protection area" means property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. To be eligible as an aquifer protection area, at least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. If the enrolling open space area does not have a plant community in which native plants are dominant, a plan for revegetation must be submitted and approved by the department, and be implemented according to the plan's proposed schedule of activities;

3. Buffer to public or current use classified land - three points. For the purposes of this subsection B.3, "buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is adjacent and provides a buffer to a publicly owned park, trail, forest, land legally required to remain in a natural state or a state or federal highway or is adjacent to and provides a buffer to a property participating in a current use taxation program under chapter 84.33 or 84.34 RCW. The buffer shall be no less than fifty feet in length and fifty feet in width. Public roads may separate the public land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under chapter 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements or other local regulations;

4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the purposes of this subsection B.4, "equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the records and licensing services division. In addition to the area covered by the trail easement, adjacent land used as pasture, barn or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may

also be included as land eligible for current use taxation. Those portions of private roads, driveways or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

5. Active trail linkage - fifteen or twenty-five points. For the purposes of this subsection B.5., "active trail linkage" means land in private ownership through which the owner agrees to allow nonmotorized public passage, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists and other users. For the purposes of this subsection B.5., "local or regional attractions or points of interest" include other trails, parks, waterways or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations or similar destinations. To be eligible as an active trail linkage, the linkage must be open to passage by the general public and the property owner must enter into an agreement with the county consistent with applicable parks and recreation division polices to grant public access. To receive twenty-five points, the property owner must enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners.

6. Farm and agricultural conservation land - five points. For the purposes of this subsection B.6., "farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. To be eligible as farm and agricultural conservation land, the property must be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner must commit to return the property to farm or agricultural activities by implementing a farm management plan. An applicant must have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities must occur on at least one acre of the property. Eligible land must be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category shall not receive credit for the category "contiguous parcels under separate ownership";

7. Forest stewardship land - five points. For the purposes of this subsection B.7., "forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the timberland program under chapter 84.34 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest stewardship land, the property must contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting or a combination of both. Land receiving credit for this category shall not receive credit for the resource restoration category or the rural stewardship land category;

8. Historic landmark or archeological site: buffer to a designated site - three points. For the purposes of this subsection B.8, "historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by the historic preservation officer of King County or other jurisdiction in which the property is located that manages a certified local government program. To be eligible as a historic landmark or archeological site: buffer to a designated site, a property must have a plant community in which native plants are dominant and be adjacent to or in the immediate vicinity of and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. For the purposes of this subsection B.8., "significant buffer" means land and plant communities that provide physical, visual, noise or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site - five points. For the purposes of this subsection B.9., "historic landmark or archaeological site: designated site" means land that constitutes or upon which is situated a historic landmark designated by King County or other certified local government program. Historic landmarks include buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. To be eligible as a historic landmark or archeological site: designated site, a property must be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic

character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. For the purposes of this subsection B.10, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. An eligible property must be determined by the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located to be eligible for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed on the state or national Registers of Historic Places may qualify under this category;

11. Rural open space - five points. For the purposes of this subsection B.11., "rural open space" means an area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant;

b. is former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation for which the property owner is implementing an approved farm management, forest stewardship, rural stewardship or resource restoration plan acceptable to the department;

12. Rural stewardship land - five points. For the purposes of this subsection B.12., "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F (forest), that has an implemented rural stewardship plan as provided in K.C.C. chapter 21A.24 that is acceptable to the department. On RA-zoned property, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space must be at least one acre and feature a plant community in which native plants are dominant or be in the process of restoration, reforestation or enhancement of native vegetation. Land receiving credit for this category shall not receive credit for the resource restoration or the forest stewardship land category;

13. Scenic resource, viewpoint or view corridor - five points.

a. For the purposes of this subsection B.13., "scenic resource" means an area of ten or more enrolling acres of natural or recognized cultural features visually significant to the aesthetic character of the county. A site eligible as a scenic resource must be significant to the identity of the local area and must be visible to a significant number of the general public from public rights-of-way, must be of sufficient size to substantially preserve the scenic resource value and must enroll at least ten acres of open space.

b. For the purposes of this subsection B.13., a "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. To be eligible as a viewpoint, a site must provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area and allows unlimited public access and be identified by a permanent sign readily visible from a road or other public right-of-way.

c. For the purposes of this subsection B.13., a "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. A site eligible as a view corridor must contain at least one acre of open space that contributes to a view corridor visible to the public that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. Recognized cultural areas must be found significant by the King County historic preservation officer or equivalent officer of another certified local government program and must contain significant inventoried or designated historic properties. Eligibility is subject to determination by the department or applicable jurisdiction;

14. Significant plant or ecological site - five points. For the purposes of this subsection B.14., "significant plant or ecological site" means an area that meets criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site must be listed as an Element Occurrence by the Washington Natural Heritage Program as of the date of the application or be identified as a property that meets the criteria for an Element Occurrence. The identification must be confirmed by a qualified expert acceptable to the department. The department will notify the

Washington Natural Heritage Program of any verified element occurrence on an enrolling property. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings are ineligible for this category;

15. Significant wildlife or salmonid habitat - five points.

a. For the purposes of this subsection B.15, "significant wildlife or salmonid habitat" means:

(1) an area used by animal species listed as endangered, threatened, sensitive or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources as of the date of the application, or used by species of local significance that are listed by the King County Comprehensive Plan or a local jurisdiction;

(2) an area where the species listed in subsection B.15.a.(1). of this section are potentially found with sufficient frequency for critical ecological processes to occur such as reproduction, nesting, rearing, wintering, feeding or resting;

(3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife that is so listed by the King County Comprehensive Plan or the local jurisdiction in which the property is located; or

(4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction.

b. To be eligible as significant wildlife or salmonid habitat, the department or by expert determination acceptable to the department must verify that qualified species are present on the property or that the land fulfills the functions described in subsection B.15.a. of this section. To receive credit for salmonid habitat, the owner must provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible for this category;

16. Special animal site - three points. For the purposes of this subsection B.16., "special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application. To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

17. Surface water quality buffer - five points. For the purposes of this subsection B.17., "surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant adjacent to a lake, pond, stream, shoreline, wetland or marine waters, that provides buffers beyond that required by any applicable regulation. To be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than the buffer required by any applicable regulation and longer than twenty-five feet. The qualifying buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or use by livestock;

18. Urban open space - five points.

a. For the purposes of this subsection B.18, "urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use. To be eligible as urban open space, the enrolling area must be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

(3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;

(4) the land enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(5) the land enhances recreation opportunities to the general public; or

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement of subsection B.18.a. of this section may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

19. Watershed protection area - five points. For the purposes of this subsection B.19, "watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. To be eligible as watershed protection area, the property must consist of contiguous native forest or be in the process of reforestation. The enrolling forested area must consist of additional forest cover beyond that required by county or applicable local government regulation and must be at least

one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement a forest stewardship, resource restoration or rural stewardship plan that addresses this need and is acceptable to the department.

C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:

1. Resource restoration - five points. For the purposes of this subsection C.1, "resource restoration" means restoration of an enrolling area benefiting an area in an open space resource category. Emphasis shall be placed on restoration of anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and wetland habitats. To be eligible as resource restoration, the owner must provide and implement a restoration plan developed in cooperation with the Soil Conservation Service, the state Department of Fisheries and Wildlife, King County or other appropriate local or county agency that is acceptable to the department. Historic resource restoration must be approved by the King County historic preservation officer or officer of another certified local government and must be accompanied by a long-term maintenance plan. For resource restoration credit, the owner shall provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category shall not receive credit for the forest stewardship land category or the rural stewardship land category

2. Additional surface water quality buffer - three or five points. For the purposes of this subsection C.2, "additional surface water quality buffer" means an undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a buffer width of at least twice that required by regulation. To be eligible as additional surface water quality buffer, the property must qualify for the surface water quality buffer category in subsection B. of this section. Three points are awarded for additional buffers no less than two times the buffer width required by any applicable regulation. Five points are awarded for additional buffers no less than three times the buffer width required by any applicable regulation;

3. Contiguous parcels under separate ownership - two points per participating owner above one owner. The points under this subsection C.3. accrue to all of the owners of a single application. However, the withdrawal of a participating property by an owner results in the loss of two points to the total credit awarded for each of the remaining owners under this subsection C.3. For the purposes of this subsection C.3, "contiguous parcels" means either:

a. enrolling parcels abut each other without any significant natural or manmade barrier separating them; or

b. enrolling parcels abut a publicly owned open space but not necessarily abut each other without any significant natural or manmade barriers separating the publicly owned open space and the parcels seeking open space classification. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Treatment as contiguous parcels shall include the requirement to pay only a single application fee and the requirement that the total area of all parcels combined must equal or exceed any required minimum area, rather than each parcel being required to meet the minimum area. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, but the combined area of the parcels remaining in open space classification must still qualify for their original enrolling public benefit rating system category or categories. To be eligible as contiguous parcels under separate ownership, the property must include two or more parcels under different ownership. The owners of each parcel included in the application must agree to identical terms and conditions for enrollment in the program;

4. Conservation easement or historic preservation easement - fifteen points. For the purposes of this subsection C.4, "conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The granting of this conservation easement or historic preservation easement provides additional value through permanent protection of a resource. These easements are typically donated or sold to a government or nonprofit organization, such as a land trust or conservancy. To be eligible as conservation easement or historic preservation easement, the easement must be approved by the department and be recorded with the records and licensing services division. The easement shall be conveyed to the county or to an organization acceptable to the department. In addition, historic preservation easements shall also be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions or other

land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required;

5. Public access - points depend on type and frequency of access allowed. For the purposes of this subsection C.5, "public access " means the general public is allowed access on an ongoing basis for uses such as, but not limited to, recreation, education or training. Access must be allowed on only the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, that are mutually agreed to by the landowner and the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. To be eligible for public access at one of the levels described in a. through d. of this subsection C.5, a property owner shall demonstrate that the property is open to public access and is used by the public. Public access points for historic properties shall be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed on the enrolled parcel without special arrangements with the property owner.

b. Limited public access because of resource sensitivity - five points. Access may be reasonably limited by the property owner on the enrolled parcel due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed shall generally be for an educational, scientific or research purpose and may require special arrangements with the owner.

c. Environmental education access - three points. The landowner enters into an agreement with a school, an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or with the agreement of the department, other community organization that allows membership by the general public to provide environmental education on the enrolled parcel to its members or the public at large. The landowner and the department must mutually agree that the enrolled parcel has value for environmental education purposes.

d. Seasonally limited public access - three points. Access by the public is allowed on the enrolled parcel, [with or]* without special arrangements with the property owner, during only part of the year based on seasonal conditions, as mutually agreed to by the landowner and the department.

e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and

6. Easement and access - thirty five points. For the purposes of this subsection C.6, "easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. To be eligible a property must receive credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner must agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category cannot overlap with the equestrian-pedestrian-bicycle trail linkage category. (Ord. 17052 § 8, 2011: Ord. 16942 § 1, 2010: Ord. 15971 § 91, 2007: Ord. 15137 § 5, 2005: Ord. 15028 § 3, 2004: Ord. 14259 § 6, 2001: Ord. 14199 § 229, 2001: Ord. 12969 § 3, 1998: Ord. 11796 § 3, 1995: Ord. 10778 § 3, 1993: Ord. 10511 § 7, 1992).

***Reviser's note: Not deleted in accordance with K.C.C. 1.24.075 in Ordinance 17052.**

20.36.110 Current use taxation of timber land. Classification of timber land for current use taxation under chapter 84.34 RCW shall be in accordance with the following criteria:

A. The property to be classified shall contain not less than five and not more than twenty acres of timber land;

B. The property must be within an established F (forest resource), A (agriculture) or RA (rural area) zone; and

C. The owner is responsible for the implementation of a department approved forest stewardship plan. (Ord. 17052 § 9, 2011: Ord. 11620 § 9, 1994: Ord. 9322, 1990: Ord. 2537 § 2, 1975).

20.36.120 Assessor to approve or disapprove agricultural applications. The county assessor shall approve or disapprove all applications for farm and agricultural classification with due regard to all relevant evidence. These applications shall be deemed to have been approved unless, prior to the first of May of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing to the extent to which the application is denied. (Ord. 1886 § 11, 1974).

20.36.130 Time limit for farm and agricultural appeals and removal appeals.

A. An applicant for current assessment of farm and agricultural land who receives notice in writing from the county assessor that his application has been denied may appeal such denial to the county council by filing a written appeal with the clerk of the county council within twenty-one calendar days of the date of the assessor's written notice of denial.

B. An owner of classified land who receives notice in writing from the county assessor that all or a portion of such land has been removed from current use classification may appeal such removal to the county board of equalization by filing a written appeal with the clerk of the board of equalization within thirty calendar days of the date of the assessor's written notice of removal. (Ord. 1886 § 12, 1974).

20.36.160 Assessed valuation schedule-public benefit rating system for open space land. The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating	Current Use Value
0-4 points	100% of market value
5-10 points	50% of market value
11-15 points	40% of market value
16-20 points	30% of market value
21-34 points	20% of market value
35-52 points	10% of market value

(Ord. 10511 § 6, 1992).

20.36.165 Determination of public benefit values-split parcels. The public benefit value for those portions of parcels accepted into the open space program where no further subdivision is permitted due to minimum lot size requirements shall be equal to the same percentage of overall assessed value the portion represents of the total parcel size, further reduced by the current use assessed valuation schedule. (Ord. 11195 § 4, 1994).

20.36.170 Review of previously approved open space applications. In accordance with chapter 84.34 RCW, the department shall reevaluate open space property that has been approved for current use assessment before August 28, 1992, where the revaluation has not been completed before April 1, 2005. The landowner shall be notified of the new assessed value in the manner described in RCW 84.40.045. The property owner may request removal of all, or a portion of, the property from open space classification by notifying the department in writing within thirty days after the notification required by this section has been mailed to the owner without incurring back taxes, interest and penalty, in accordance with WAC 458-30-340. (Ord. 15137 § 9, 2005: Ord. 10511 § 8, 1992).

20.36.180 Report and evaluation. The executive shall submit an annual report to the council with details the extent of participation in the public benefit rating system. The council shall reevaluate the public benefit rating system program two years from August 17, 1992, to assess the progress of the program. (Ord. 10511 § 9, 1992).

20.36.190 Evaluation and approval of open space resource applications.

A. A property may achieve a maximum of a ninety-percent reduction in assessed value of that portion of the land enrolled in the public benefit rating system through the rating system and the bonus categories. Portions of a property may qualify for open space designation. A plant community where native plants are dominant that does not independently contain a qualifying open space resource can participate if it is contiguous to and provides a benefit to a portion of the property being awarded credit for a qualifying open space priority resource. The department shall evaluate a property for which open space classification is sought under this chapter for the presence of open space resource categories. Adjacent parcels of land with the same open space resources, owned by one or more landowners, may be eligible for consideration as a single parcel if open space classification is sought under the same application, except for property pursuing credit for the farm and agricultural conservation land category, which must be owned by the same owner or held under the same ownership. . For the purpose of determining buffer measurements under this chapter, the width is the distance perpendicular to the edge of the resource and the length of the buffer is parallel to the resource. The entire buffer width may be averaged to qualify for a resource category.

B.1. The presence or occurrence of an eligible open space resource shall be verified by:

a. reference to a recognized source, such as:

(1) the natural heritage data base;

(2) the state office of historic preservation;

(3) state, national, county or city registers of historic places;

(4) the interagency committee for outdoor recreation inventory of dry accretion beach and shoreline features;

(5) the shoreline master program;

(6) parks and recreation studies; or

(7) studies by the state Department of Fish and Wildlife or Department of Natural Resources; or

c. reference to a map developed by the county or other recognized authority.

2. Alternatively, the existence of the resource may be verified using the best available source, such as a recognized expert in the particular resource being reviewed.

3. When more than one reasonable interpretation can be supported by the text of this chapter, the department is authorized to make a determination relating to the open space resource definitions and eligibility standards in accordance with the purpose and intent of this chapter. The department is authorized to calculate the appropriate area of land to receive credit for a particular priority resource to support the assessor's determination of the accompanying tax reduction for each priority resource.

C. Management or preservation of the open space resources is a condition for acceptance into the program. Each open space resource must be maintained in the same or better condition as it was when approved for enrollment. The property owner shall not engage in any activity that reduces the value of the open space resource, unless that activity is required for public safety and is conducted lawfully under appropriate permits. As a condition of enrollment into the program, the department may require the development of a plan acceptable to the department to restore any property whose open space resources are degraded. In addition, if an existing approved plan for farm and agricultural conservation land, forest stewardship land, rural stewardship land or resource restoration category has a management schedule or management goals that are out of date or otherwise require change, the owner is responsible for revising the plan. Any such revisions to the plan must be reviewed and accepted by the department.

D. The county's acceptance of property into the public benefit rating system may be based on specific conditions or requirements being met, including, but not limited to, the granting of easements.

E. Except as otherwise provided in this chapter, the following properties or areas are not eligible for open space classification:

1. Improvements or structures situated upon eligible open space land;

2. Properties that do not contain a qualifying open space priority resource;

3. Open space areas protected by a native growth, forest retention or other covenant that is required as part of a development process or subdivision, or required by zoning or other land use regulation, except such an area would be eligible if its participation provides further public benefit and there is enrollment of at least ten percent additional open space beyond that restricted or required by applicable covenant or regulation. The additional acreage provided must be acceptable to the department and feature a plant community where native plants are dominant or that will be dominant following the implementation of an approved farm management, forest stewardship, resource restoration or rural stewardship plan;

4. Any portion of a property that is dominated by or whose resource value is compromised by invasive plant species, unless the department has received a resource restoration, rural stewardship, farm management or forest stewardship plan and determined that the plan addresses the invasive plant species concern and that the plan [has been provided]* and is being implemented; and

5. Homesite and other areas developed for residential or personal use, such as garden, landscaping and driveway, except for historic resources.

F. The department may monitor the participating portion of the property to evaluate its current use and the continuing compliance with the conditions under which open space classification was granted.

1. Monitoring may include scheduled, physical inspections of the property.

2. An owner of property enrolled in the program may be required to submit a monitoring report on an annual or less frequent basis as requested by program staff. This report must include a brief description of how the property still qualifies for each awarded resource category. It must also include photographs from established points on the property and any observations by the owner. The owner must submit this report to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.

3. An owner of property receiving credit for farm and agricultural conservation land, forest stewardship land, or rural stewardship land, all of which require a stewardship or management plan, must annually provide a monitoring report that describes progress of implementing the plan. The owner must submit this report, which must include a brief description of activities taken to implement the plan and photographs from established points on the property, to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.

G. Failure by the owner to meet the conditions of the approval or to maintain the uses of the property that were the basis for the original approval shall be grounds for the department to reevaluate the property under the public benefit rating system. If the reevaluation shows the property or a portion of the property is no longer eligible to participate in the program because it does not qualify for any public benefit rating system category as originally approved, the county shall take action to remove the current use classification and determine the amount of deferred taxes, interest and penalty owed by the landowner. An appeal by the landowner from such a determination may be filed as provided for in K.C.C. 20.36.130.B. If the reevaluation shows the property or a portion thereof is no longer eligible as approved but that the property still qualifies for one or more public benefit rating system resource categories, then the overall credit award shall be adjusted to reflect the reevaluation. The new credit award may result in a current use assessment at a lower percentage of market value than was originally approved. (Ord. 17052 § 10, 2011: Ord. 15137 § 10, 2005).

***Reviser's note: Not deleted in accordance with K.C.C. 1.24.075 in Ordinance 17052.**

20.36.200 Outreach by department. The department shall undertake an outreach effort to actively encourage participation by eligible landowners in obtaining open space classification under the public benefit rating system, with emphasis on rural stewardship, aquifer protection areas, farm and agricultural conservation lands, forest stewardship lands, rural open space lands, and watershed protection areas. This outreach must include, among other elements, communications with community groups, civic organizations, volunteer associations and similar organizations, to:

A. Highlight the benefits of the program;

B. Seek participation by qualifying landowners;

C. Seek communications with local media outlets; and

D. Seek participation in workshops by the department related to farm management planning, forest management planning and rural stewardship planning. (Ord. 15137 § 11, 2005).

20.44 COUNTY ENVIRONMENTAL PROCEDURES

Sections:

20.44.010 Definitions and abbreviations.
20.44.020 Lead agency.
20.44.030 Purpose and general requirements.
20.44.040 Categorical exemptions and threshold determinations.
20.44.042 Planned actions.
20.44.050 Environmental impact statements and other environmental documents.
20.44.060 Comments and public notice.
20.44.070 Use of existing environmental documents.
20.44.075 Department of natural resources and parks procedural SEPA decisions.
20.44.080 Substantive authority.
20.44.085 SEPA/GMA Integration.
20.44.090 On going actions.
20.44.100 Responsibility as consulted agency.
20.44.120 Appeals.
20.44.130 Department procedural rules.
20.44.145 Effective date - procedures for rules.

20.44.010 Definitions and abbreviations.

A. King County adopts by reference the definitions contained in WAC 197-11-700 through 197-11-799.

In addition, the following definitions are adopted for this chapter:

1. "County council" means the county council described in Article 2 of the Home Rule Charter for King County or its duly authorized designee.

2. "County department" means any administrative office or executive department of King County, as described in K.C.C. 2.16.

3. "County executive" means any county executive described in Article 3 of the Home Rule Charter for King County or his or her duly authorized designee.

B. The following abbreviations are used in this chapter:

1. SEPA -- State Environmental Policy Act

2. DNS -- Determination of Non-Significance

3. DS -- Determination of Significance
4. EIS -- Environmental Impact Statement
(Ord. 6949 § 3, 1984).

20.44.020 Lead agency. The procedures and standards regarding lead agency responsibility contained in WAC 197-11-050 and WAC 197-11-922 through 197-11-948 are adopted, subject to the following:

A. The county department exercising initial jurisdiction over a private proposal or sponsoring a county project shall be responsible for performing the duties of the lead agency. The director of such department shall serve as the responsible official. Department directors may transfer lead agency and responsible official responsibility to any county department which agrees to perform as lead agency or may delegate such responsibility to divisions within their own departments.

B. With respect to actions initiated by the county council, the council shall refer such proposals to the county executive for designation of a county department as lead agency.

C. In the event of uncertainty or disagreement regarding lead agency status, the county executive shall designate the county department responsible for performing the function of lead agency. (Ord. 6949 § 4, 1984).

20.44.030 Purpose and general requirements. The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

A. The optional provision of WAC 197-11-060(3)(c) is adopted.

B. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

C. The department of permitting and environmental review may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees. (Ord. 17420 § 91, 2012: Ord. 14449 § 4, 2002: Ord. 8998 § 1, 1989: Ord. 8236 § 1, 1987: Ord. 7990 § 35, 1987: Ord. 6949 § 5, 1984).

20.44.040 Categorical exemptions and threshold determinations.

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

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

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

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

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

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

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

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

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

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. (Ord. 16263 § 10, 2008: Ord. 14449 § 5, 2002: Ord. 12196 § 46, 1996: Ord. 11792 § 16, 1995: Ord. 9103, 1989: Ord. 8236 § 2, 1987: Ord. 6949 § 6, 1984).

20.44.042 Planned actions. The procedures and standards of WAC 197-11-164 through WAC 197-11-172 are adopted regarding the designation of planned actions. (Ord. 13131 § 4, 1998: Ord. 12196 § 47, 1996).

20.44.050 Environmental impact statements and other environmental documents. The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county department acting as lead agency shall be responsible for preparation and content of EIS's and other environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or subconsultants selected by King County to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D. The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. The department director may waive these requirements as provided for in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of permitting and environmental review shall adopt public rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter on any basis provided by K.C.C. 4.16.

E. All costs of preparing the environment document shall be borne by the applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of permitting and environmental review shall promulgate administrative rules which establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.

F. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G. The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within 270 days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal

or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety days unless agreed to by the applicant.

H. The following periods shall be excluded from the two hundred seventy day time period for issuing a final environmental impact statement:

1. Any time period during which the applicant has failed to pay required environmental review fees to the department;

2. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and

3. Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement. (Ord. 17420 § 92, 2012: Ord. 12196 § 48, 1996: Ord. 8998 § 2, 1989: Ord. 6949 § 7, 1984).

20.44.060 Comments and public notice.

A. The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.

B. For purposes of WAC 197-11-510, public notice shall be required as provided in K.C.C. Title 20. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use permit decisions in K.C.C. Title 20.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure. (Ord. 12196 § 49, 1996: Ord. 9540 § 3, 1990: Ord. 8998 § 3, 1989: Ord. 6949 § 8, 1984).

20.44.070 Use of existing environmental documents. The procedures and standards of WAC 197-11-600 through 197-11-640 are adopted regarding use of existing environmental documents. (Ord. 6949 § 9, 1984).

20.44.075 Department of natural resources and parks procedural SEPA decisions. The Department of natural resources and parks by public rule may authorize procedural SEPA administrative appeals of threshold determinations or determinations of the adequacy of a final EIS made by one or more of the department's divisions. The public rule shall establish procedures for the administrative appeal, which shall be governed by K.C.C. 20.44.120. (Ord. 14449 § 6, 2002).

20.44.080 Substantive authority.

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

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

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

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

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

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

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

6. The King County Shoreline Management Master Plan, as adopted in K.C.C. Title 25.

7. The King County Surface Water Runoff Policy, as adopted in K.C.C. chapter 9.04, including the Covington Master Drainage Plan, as adopted in K.C.C. chapter 20.14.

8. The King County Road Standards, as adopted in K.C.C. chapter 14.42.

9. The Comprehensive Plan for Transportation adopted by Resolution No. 6617 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council in K.C.C. 28.01.030.

10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council in K.C.C. 28.01.030.

11. The rules and regulations for construction and use of local sewage facilities set forth in K.C.C. chapters 28.81 through 28.84.

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

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

14. The Duwamish Clean Water Plan adopted by the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council by Ordinance 11032, Section 28, as amended*.

15. The Washington Department of Ecology's Best Management Practices for the Use of Municipal Sludge.

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

This subsection shall not apply if the county's development regulations cited in this subsection are amended after April 22, 1996, unless the amending ordinance contains a finding, supported by documentation, that the requirements for environmental analysis, protections and mitigation measures in this chapter, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

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

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

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

E. Any decision to approve, deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts, or lack thereof, as identified in an environmental checklist, EIS, threshold determination, other environmental document including an executive department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation that supports the SEPA decision and, if mitigation beyond existing development regulations is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.

F. This chapter shall not be construed as a limitation on the authority of King County to approve, deny or condition a proposal for reasons based upon other statutes, ordinances or regulations. (Ord. 16263 § 11, 2008: Ord. 14449 § 7, 2002: Ord. 13131 § 5, 1998: Ord. 12196 § 50, 1996: Ord. 11961 § 2, 1995: Ord. 11792 § 17, 1995: Ord. 10293 § 3, 1992: Ord. 9142, 1989: Ord. 8380 § 2, 1988: Ord. 6949 § 10, 1984).

***Reviser's note: Ordinance 11032, Section 28, as amended, was codified as K.C.C. 28.48.010. The section was repealed by Ordinance 12074, Section 1.**

20.44.085 SEPA/GMA Integration. The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-210 through WAC 197-11-235 are hereby adopted. (Ord. 13131 § 7, 1998).

20.44.090 Ongoing actions. Unless otherwise provided herein, the provisions of WAC 197-11 shall be applicable to all elements of SEPA compliance, including the modification or supplementation of an EIS, initiated after the effective date of the Ordinance. (Ord. 6949 § 11, 1984).

20.44.100 Responsibility as consulted agency. All requests from other agencies that King County consult on threshold investigations, the scope process, EIS's or other environmental documents shall be submitted to the department of permitting and environmental review. The department shall be responsible for coordination with other affected county departments and for compiling and transmitting King County's response to such requests for consultation. (Ord. 17420 § 93, 2012: Ord. 12196 § 51, 1996: Ord. 6949 § 12, 1984).

20.44.120 Appeals.

A. The administrative appeal of a threshold determination or of the adequacy of a final EIS is a procedural SEPA appeal that is conducted by the hearing examiner under K.C.C. 20.24.080 and is subject to the following:

1. A procedural SEPA appeal to the hearing examiner is authorized only for an action classified as a Type 2, 3 or 4 land use decision in K.C.C. 20.20.020 or as provided for by public rule adopted under K.C.C. 20.44.075;

2. Only one appeal of each threshold determination shall be allowed on a proposal;

3. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight;

4. An appeal of a DS must be filed with the department issuing the DS as provided in K.C.C. 20.24.090;

5. An appeal of a DNS or of the adequacy of an EIS must be filed with the department issuing the DNS or EIS as provided in K.C.C. 20.24.090. The appeal period for a DNS shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies;

6. Except as otherwise provided in this section, SEPA appeals are subject to K.C.C. 20.24.090C; and

7. The hearing examiner shall make a final decision on all procedural SEPA appeals.

B. Except for a procedural SEPA appeal authorized pursuant to K.C.C. 20.44.075, the hearing examiner's consideration of a procedural SEPA appeal shall be consolidated in all cases with the substantive SEPA appeal, if any, involving a decision to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for an appeal of a DS.

C. A procedural or substantive SEPA appeal authorized by subsection A of this section on a Type 2, 3 or 4 land use decision shall be consolidated with any administrative appeal on the merits of that decision, as provided in K.C.C. chapter 20.24 and this section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C. 20.44.075 shall not be consolidated with the administrative appeal on the merits of the decision. If a Type 3 or 4 land use decision is appealed to the county council as provided in K.C.C. 20.24.210B or D, the appeal of the recommendation or decision of the examiner to condition or deny the proposal pursuant to RCW 43.21C.060 shall be made to the council, which shall make a final decision.

D. Notwithstanding of subsections A through C of this section, a department may adopt procedures under which an administrative appeal shall not be provided if the director of that department finds that consideration of an appeal would be likely to cause the department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action. (Ord. 14449 § 8, 2002: Ord. 13573 § 4, 1999: Ord. 13131 § 6, 1998: Ord. 12196 § 52, 1996: Ord. 11961 § 4, 1995: Ord. 8998 § 4, 1989: Ord. 6949 § 14, 1984).

20.44.130 Department procedural rules.

A. County departments which administer activities subject to SEPA may prepare rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA, WAC chapter 197-11 and this chapter.

B. The rules and regulations prepared by the department of permitting and environmental review, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by the council by motion. (Ord. 17420 § 94, 2012: Ord. 14498 § 26, 2002: Ord. 6949 § 15, 1984).

20.44.145 Effective date - procedures for rules. K.C.C. 20.44.030, 20.44.060, 20.44.120, 20.44.140* and this section shall become effective June 24, 1989. K.C.C. 20.44.050 and 4.16.080 shall become effective January 1, 1990. Draft rules developed to implement this chapter shall be transmitted to the county council by September 15, 1989 for review and approval prior to filing with the clerk of the council. Subsequent modifications or amendments of the rules shall be in accordance with K.C.C. 2.98. (Ord. 8998 § 6, 1989).

***Reviser's note: K.C.C. 20.44.140 was decodified in accordance with K.C.C. 1.03.030 in 2011.**

20.54 AGRICULTURAL LANDS POLICY*

Sections:

20.54.010 Findings and declaration of purpose.
20.54.020 Application of county policies.
20.54.030 King County agricultural districts and agricultural lands of county significance.
20.54.040 Designation of King County agricultural districts.
20.54.050 Application of policies for lands located within King County agricultural districts.
20.54.060 Designation of agricultural lands of county significance.
20.54.070 Application of policies concerning agricultural lands of county significance.
20.54.080 Exemptions from Section 20.54.070 provisions.
20.54.090 Variances.
20.54.100 Review and appeals.
20.54.110 Amendments to designations of King County agricultural districts or agricultural lands of county significance.
20.54.120 Development of agricultural protection program.
20.54.130 Duration.

***For Sewerage General Plan Policy, See K.C.C. 20.12.160.**

20.54.010 Findings and declaration of purpose.

A. The council finds that:

1. King County presently contains approximately fifty-five thousand acres of land which are being actively farmed.

2. King County's land in active agricultural use has declined by an average of three thousand five hundred acres per year since 1945.

3. The existence of agricultural lands in an urban county such as King County also provides citizens of King County opportunities to pursue livelihoods dependent upon this specialized land resource.

4. The existence of land in agricultural uses in an urban county such as King County provides unique open space and educational benefits and contributes to the quality of the life enjoyed by the citizens of the county.

5. King County's agricultural lands are a unique land resource which serve as an essential factor contributing to the viability of the agricultural industry in King County as well as provide open space benefits for the citizens of the county.

6. The continued viability of agriculture in King County is dependent upon combined agricultural land protection programs and agricultural support programs.

7. For certain areas within King County, an agricultural land protection program based upon both land-use regulations and compensation to property owners is the most effective means of protecting existing agricultural lands and private property rights.

8. The council declares that the purpose of this chapter is to protect specific agricultural lands in unincorporated King County by applying the open space and development policies of the King County comprehensive plan.

B. The council further finds that:

1. The policies of the King County comprehensive plan support the protection of existing agricultural lands in King County.

C. The council further finds, based upon a study completed by King County, that:

1. The input, market, and production sectors of the agricultural industry in King County currently provide approximately six thousand two hundred full-time jobs, one thousand four hundred part-time jobs, and seventeen thousand seasonal jobs annually.

2. The production sector of the agricultural industry in King County currently provides gross receipts in excess of forty million dollars annually.

3. Sewer and water local improvement district assessments on agricultural land are frequently detrimental to the operation of farms in King County.

4. There is a limited amount of land which is well-suited for horticultural or livestock-related agricultural uses and this land suitability is determined by specific factors which include, but are not limited to, soil capability, parcel size and the level of utility assessments.

5. More than sixty-five percent of Class II and Class III agricultural capability soils, approximately ninety percent of the lands in King County which are under the State Current Use Taxation Program, and approximately eighty percent of the lands currently in active farming, are located in four specific areas of the county: Snoqualmie Valley/Patterson Creek, Sammamish Valley/Bear Creek, Lower Green River Valley, and the Enumclaw Plateau/Green Valley.

6. Horticultural farming is the primary type of agricultural activity in the Sammamish Valley/Bear Creek area and the Lower Green River Valley area and viable horticultural farm operations in these areas utilize land parcels which have an average size of approximately ten acres. Livestock operations are the primary type of agricultural activity in the Snoqualmie Valley/Patterson Creek area and the Enumclaw/Green Valley area and viable livestock operations in these areas utilize land parcels which are forty acres or larger.

7. King County contains sufficient land to accommodate existing and projected commercial, residential and industrial development as well as to maintain existing agricultural land uses. In 1990, if all undeveloped land containing Class II and Class III soils remains undeveloped and urban development occurs at currently projected rates, more than one hundred forty-five thousand acres of land zoned for urban uses will remain available for development. (Ord. 7178 § 21, 1985: Ord. 3064 § 1, 1977).

20.54.020 Application of county policies. All agricultural lands in unincorporated King County both within and outside of King County agricultural districts shall continue to be subject to the existing agricultural, open space, and other comprehensive plan policies of King County. (Ord. 3064 § 2, 1977).

20.54.030 King County agricultural districts and agricultural lands of county significance.

A. Agricultural districts and agricultural lands of county significance may be established as focal areas for county agricultural programs.

B. Areas of the county which contain prime agricultural soils, land being farmed, and lands under the Current Use Taxation Program may be designated by the council as agricultural districts; and in addition, specific lands within these districts which meet the criteria set forth in Attachment F*, and commercial food producing horticultural farm lands may be designated as agricultural lands of county significance. (Ord. 3870 § 1, 1978: Ord. 3064 § 3, 1977).

20.54.040 Designation of King County agricultural districts. Based on the findings set forth in this chapter, the following seven areas defined by the agricultural district boundaries shown in Attachments A-E are designated King County agricultural districts: the Snoqualmie Valley/Patterson Creek agricultural district, the Upper Snoqualmie agricultural district, the Sammamish Valley/Bear Creek agricultural district, the Lower Green River Valley agricultural district, the Upper Green River Valley agricultural district, the Enumclaw Plateau agricultural district, and the Vashon Island agricultural district. These districts shall be made subject to the provisions of Section 20.54.050, provided that:

A. The specific boundaries of the Upper Snoqualmie agricultural district and the application of guidelines set forth in Section 20.54.050 shall coincide with the boundaries of the mediated comprehensive plan for flood damage reduction and land use within the Snohomish River basin. Should this plan be adopted, lands between North Bend and Snoqualmie receiving one-hundred-year-flood protection will be reconsidered without prejudice as part of the comprehensive land use plan required under the mediated agreement.

B. The legislative body of a city or town encompassed fully or in part by an agricultural district may be included only if a joint interlocal agreement is initiated and consummated by the city or town with King County.

C. For all lands designated as agricultural districts under the provisions of this section but not designated as agricultural lands of county significance under Section 20.54.060, the enactment of the Ordinance codified in this chapter shall not affect allowed uses as presently zoned. (Ord. 3326, 1977: Ord. 3064 § 4, 1977).

20.54.050 Application of policies for lands located within King County agricultural districts.

A. King County shall review rezone, subdivision, planned unit development, and other permit applications for private projects located in unincorporated area of the district to ensure that to the fullest extent possible the agricultural potential of the district will not be adversely affected.

B. King County shall review those projects proposed by other governmental agencies which are normally reviewed by the county to ensure that, to the fullest extent possible, the agricultural potential of the district will not be adversely affected.

C. King County shall approve those connections to sewer interceptors normally reviewed by the county only when such action shall not adversely affect the agricultural potential of the district.

D. All public projects and programs initiated and/or sponsored by King County which are located within an agricultural district shall, to the fullest extent possible, not adversely affect the agricultural potential of the district. (Ord. 3064 § 5, 1977).

***Available in the office of the clerk of the council.**

20.54.060 Designation of agricultural lands of county significance.

A. Based on the findings set forth herein and the criteria set forth in Attachment F*, the agricultural lands of unincorporated King County which are so identified in Attachments A through D* are designated as agricultural lands of county significance and shall be made subject to the provisions of Section 20.54.070, provided that:

1. The partial designation of an undivided parcel of land under a single ownership shall not be effective until determined by the council in accordance with the provisions of Section 20.54.100 A.

2. Where designation is appealed in accordance with Section 20.54.100 C., the designation shall not be effective until a final determination has been made by the council.

B. Based on the findings set forth herein, all lands in unincorporated and incorporated King County with commercial, food producing horticultural farm operation, which lands are not served by an existing installed public sewer facility, are designated as agricultural lands of county significance.

The term "food producing horticultural," as used in the Ordinance codified in this section, means the soil-dependent cultivation of plants for food, including vegetables, small fruits, large fruits, cereal grains and silage corn. (Ord. 3870 § 1, 1978: Ord. 3064 § 6, 1977).

***Available in the office of the clerk of the council.**

20.54.070 Application of policies concerning agricultural lands of county significance.

A. King County shall not approve rezone applications for more intensive use classifications for any of the agricultural lands of county significance shown on Attachments A through D*.

B. King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment B*, representing lands in the Sammamish Valley/Bear Creek agricultural district; or Attachment C*, representing lands in the Lower Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres.

C. King County shall not approve any subdivision into parcels of less than forty acres or a fractional one-sixteenth part of a section for any of the agricultural lands of county significance identified on Attachment A*, representing lands in the Snoqualmie Valley/Patterson Creek agricultural district, and those lands identified on Attachment D*, representing lands within the Upper Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than forty acres or a fractional one-sixteenth part of a section will be consolidated with adjacent agricultural operations into agricultural land parcels of at least forty acres.

D. King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment D*, representing lands in the Enumclaw Plateau agricultural district except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres; provided, that further consideration shall be given to this guideline and revision made as a part of the agricultural land and support programs developed in accordance with Attachment F* in order to provide a zoning classification that distinguishes large commercial dairy farms from other livestock or small "hobby farm" operations.

E. It shall be the policy of King County to find that any extension of boundaries by a governmental unit to include any of the agricultural lands of county significance identified on Attachments A through D* is in

the public interest or for the public welfare only when the comprehensive plan or zoning for the area proposed for annexation is consistent with the provisions of this chapter.

F. King County shall not approve or support application for sewer or water district franchises or extension services by a governmental agency which include any portion of the lands designated on Attachments A through D* as agricultural lands of county significance except when such action is consistent with the provisions of this chapter and benefits agricultural activities on these designated lands.

G. The provisions of this section apply to subdivision, rezone, variance, or other development permit applications submitted after February 10, 1977. (Ord. 3110 § 2, 1977: Ord. 3064 § 7, 1977).

***Available at the office of the clerk of the council.**

20.54.080 Exemptions from Section 20.54.070 provisions. The following shall be exempt from the provisions of Section 20.54.070:

A. A division of land to allow a landowner retiring from commercial agricultural operations to continue to retain and occupy the farm residence and accessory buildings; provided, that the owner has resided on the property for at least five years prior to such division, and further provided, that said landowner must be at least sixty-two years of age or older at the time of filing or retired by reason of physical disability;

B. A division of land to allow for an additional single-family dwelling to be occupied by members of the owner's family who are engaged in the farm operations; provided, that all land not occupied by the dwelling and accessory buildings shall be retained in agricultural use;

C. A division of land to provide sites for public utility facilities or communication and transmission towers and appurtenances;

D. Any parcel of land where the size of the entire parcel under single ownership is less than ten acres, and the land is not zoned either A or RA. (Ord. 11620 § 10, 1994: Ord. 3064 § 8, 1977).

20.54.090 Variances.

A. A variance from the provisions of Section 20.54.070 of this chapter may be granted by the King County council where the applicant owner of agricultural land of county significance can demonstrate the following:

1. That if he complies with the provisions of Section 20.54.070 he cannot make any reasonable use of this property; and

2. That the hardship results from the application of the provisions of Section 20.54.070, and not from other causes; and

3. That the variance granted will be in harmony with the general purposes and intent of this chapter and that the public welfare and interest will be protected.

B. Variance applications shall be made to the Office of Agriculture and shall be heard by the zoning and subdivision examiner in accordance with the procedures in Chapter 20.24. (Ord. 3064 § 9, 1977).

20.54.100 Review and appeals.

A. For any rezone or subdivision application in which the subject property is an undivided parcel of land under a single ownership and is partially designated as agricultural land of county significance under Section 20.54.060, the King County hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

B. Nothing in this chapter shall replace the procedures for the application, review and appeal of zoning reclassifications pursuant to Chapters 21A.40, 21A.42 and 20.24, or the application, review and appeal of subdivision applications pursuant to Title 19 and Chapter 20.24.

C. Owners of land designated as agricultural land of county significance may appeal to the King County council for the purpose of contesting the appropriateness of the designation based on the criteria for designation described in Section 20.54.060. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the hearing examiner in accordance with the procedures in Chapter 20.24, and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. Appeals involving uncontested facts shall be submitted directly to the council for action by the office of agriculture.

D. Owners of land designated as part of a King County agricultural district may appeal to the King County council for the purpose of contesting the appropriateness of the designation. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the King County council and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. (Ord. 11620 § 11, 1994: Ord. 3870 § 3, 1978: Ord. 3064 § 10, 1977).

20.54.110 Amendments to designations of King County agricultural districts or agricultural lands of county significance.

A. Applications to amend boundaries of King County agricultural districts and agricultural lands of county significance to include lands not so designated by this chapter shall be made to the office of agriculture in writing with such supporting evidence as required by the office of agriculture. Boundaries of agricultural districts or agricultural lands of county significance may be amended where lands are found to meet the criteria for designation contained in this chapter.

B. All applications to revise the boundaries of King County agricultural districts shall be heard directly by the King County council.

C. All applications to revise the boundaries of agricultural lands of county significance shall be heard by the zoning and subdivision examiner in accordance with the procedures in King County Code Chapter 20.24.

D. For applications to revise the boundaries of agricultural lands of county significance, the hearing examiner may consider special exceptions to the criteria set forth in Attachment F* and to the procedures set forth in King County Code Chapter 20.24 for those lands producing horticultural crops which the producer sells directly to the public through public markets, u-pick operations, and roadside stands. (Ord. 3064 § 11, 1977).

20.54.120 Development of agricultural protection program.

A. Agricultural land programs, and information for the purchase and trade of certain agricultural lands and other agricultural support programs, shall be developed in conjunction with agricultural district advisory committees as set forth in Ordinance 3074, and presented to the council by the King County office of agriculture as specified in Attachment G*, which is incorporated by reference. The council intends that these programs shall be, to the fullest extent possible, implemented on a voluntary basis, based on the expressed interest of affected property owners.

B. The following criteria shall be considered in the development of priorities for the agricultural land program:

1. The criteria set forth on Attachment F*;
2. Farmer-owned and operated agricultural land;
3. Farming activity on lands since 1970;
4. Lands producing horticultural crops which are sold directly by the producer to the public through public markets, u-pick operations, or roadside stands; and
5. Lands zoned in the agricultural zoning classifications. (Ord. 3064 § 12, 1977).

***Available in the office of the clerk of the council.**

20.54.130 Duration. Continued application of the provisions of Section 20.54.070 beyond eighteen months from February 10, 1977, shall require further council action by ordinance. Extension of the provisions of Section 20.54.070 or comparable provisions beyond such period shall not occur unless the agricultural land and support programs as set forth in Attachment G* have been developed and approved by the council and the funding for such programs has been approved. (Ord. 3064 § 13, 1977).

***Available in the office of the clerk of the council.**

20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

20.62.010 Findings and declaration of purpose.
20.62.020 Definitions.
20.62.030 Landmarks commission created - membership and organization.
20.62.040 Designation criteria.
20.62.050 Nomination procedure.
20.62.070 Designation procedure.
20.62.080 Certificate of appropriateness procedure.
20.62.100 Evaluation of economic impact.
20.62.110 Appeal procedure.
20.62.120 Funding.
20.62.130 Penalty for violation of Section 20.62.080.
20.62.140 Special valuation for historic properties.
20.62.150 Historic Resources - review process.

20.62.160 Administrative rules.

20.62.010 Findings and declaration of purpose. The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

20.62.020 Definitions. The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of permitting and environmental review or his or her designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.060.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 17420 § 95, 2012: Ord. 14482 § 69, 2002: Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

20.62.030 Landmarks commission created - membership and organization.

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms in subsection B of this section an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter. 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites. (Ord. 14482 § 70, 2002: Ord. 10474 § 3, 1992: Ord. 10371 § 1, 1992: Ord. 4828 § 3, 1980).

20.62.040 Designation criteria.

A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

2. Is associated with the lives of persons significant in national, state or local history; or

3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4. Has yielded or may be likely to yield, information important in prehistory or history; or

5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B. An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of 20.62.080.

C. Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1. An integral part of districts that meet the criteria set out in 20.62.040A or if it is:

2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or

7. A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

8. A property achieving significance within the past forty years if it is of exceptional importance. (Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

20.62.050 Nomination procedure.

A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and

prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1. The date, time, and place of hearing;

2. The address and description of the historic resource and the boundaries of the nominated resource;

3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;

4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;

5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992: Ord. 4828 § 5, 1980).

20.62.070 Designation procedure.

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and

2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;

2. The significant features and such other information concerning the historic resource as the commission deems appropriate;

3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and

4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007: Ord. 14482 § 71, 2002: Ord. 14176 § 4, 2001: Ord. 11620 § 14, 1994: Ord. 10474 § 6, 1992: Ord. 4828 § 7, 1980).

20.62.080 Certificate of appropriateness procedure.

A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.
2. Type II, for alterations in appearance, replacement of historic materials and new construction.
3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).

20.62.100 Evaluation of economic impact.

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

(1) Any real estate broker or firm engaged to sell or lease the landmark;

(2) Reasonableness of the price or lease sought by the owner;

(3) Any advertisements placed for the sale or lease of the landmark.

c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992: Ord. 4828 § 10, 1980).

20.62.110 Appeal procedure.

A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B. 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 commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.

D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.

E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken. (Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

20.62.120 Funding.

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 14482 § 72, 2002: Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

20.62.130 Penalty for violation of Section 20.62.080. Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).

20.62.140 Special valuation for historic properties.

A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3 , 1989).

20.62.150 Historic Resources - review process.

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

a. a vicinity map;

b. a site plan showing the location of all buildings, structures, and landscape features;

c. a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

d. photographs of all buildings, structures, or landscape features on the site; and

e. an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

a. suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation.

b. recommend approval, or approval with conditions to the director of the department of development and environmental services; or

c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4. The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

20.62.160 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).