

ORDINANCE NO. 21

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING BY REFERENCE TITLE 20 PLANNING OF THE KING COUNTY CODE AS AN INTERIM REGULATION OF THE CITY.

WHEREAS, the City of Shoreline will incorporate on August 31, 1995; and

WHEREAS, the City Council has conducted public hearings on June 19 and June 26 at which testimony from members of the public was heard regarding the proposed land use comprehensive plan, subdivision, zoning, and other development regulations; and

WHEREAS, the City of Shoreline needs to have enforceable land use, shoreline management, other similar codes and development regulations in effect on the date of incorporation; and,

WHEREAS, the City intends to embark on a comprehensive planning process including revisiting interim codes and ordinances after the date of incorporation when additional planning staff are available to the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Authority to Adopt Interim planning Ordinance Pursuant to RCW 35.21.180, 35A. 1 1.020, and 35A.21.160, the City adopts by reference Title 20, Planning, of the King County Code (Exhibit A, hereto) as presently constituted or hereinafter amended, as the Interim Planning Code. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Adoption of Administrative Rules. Hereby further adopted by reference are any and all implementing administrative rules now in effect regarding Planning that have been adopted either pursuant to King County Code Chapter 2.98, Rules of County Agencies, Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the "County" or to "King County" shall refer to the City of Shoreline, and any reference to County staff shall refer to the City Manager or designee.


Section 3. Adoption of Certain Other Laws. To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the attached Planning Code, is necessary or convenient to establish the validity, enforceability or interpretation of the Planning Code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference.

Section 4. Reference to Hearing Bodies. To the extent that the attached Planning Code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the City Council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

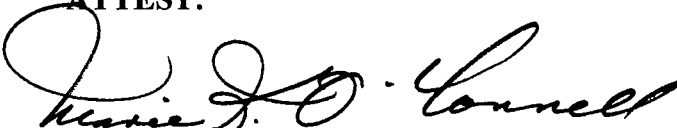
Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication or the date of incorporation as the law may require.

PASSED BY THE CITY COUNCIL ON JUNE 26,1995



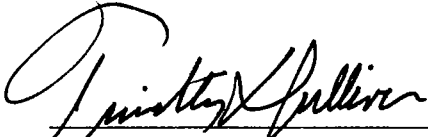
Mayor Connie King

ATTEST:



Marie K. O'Connell, Interim City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, Interim City Attorney

Date of Publication: 6/28/95

Effective Date: 7/3/95

Title 20
PLANNING

Chapters:

- 20.04 General Provisions
- 20.08 Definitions
- 20.10 Countywide Planning Policies
- 20.12 Comprehensive Plan
- 20.14 Basin Plans
- 20.16 Planning and Community Development Division
- 20.20 Policy Development Commission
- 20.24 Zoning and Subdivision Examiner
- 20.28 Variances and Conditional Uses
- 20.36 Open Space, Agricultural, and Timber Lands Current Use Assessment
- 20.44 County Environmental Procedures
- 20.54 Agricultural Lands Policy
- 20.58 Condominium Conversions
- 20.62 Protection and Preservation of Landmarks, Landmark Sites and Districts

CROSS-REFERENCE:

For provisions regarding nondelinquent property tax certification, see Ch. 4.68 of this code.

Exhibit A of
Ordinance No. 21
Title 20
King County Code

Chapter 20.04
GENERAL PROVISIONS

Sections:

- 20.04.010 Catchline legality.
- 20.04.020 Severability.
- 20.04.030 Procedural conflicts.

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).

20.04.020 Severability. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected. (Ord. 263 Art. 8 § 2, 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 21. (Ord. 263 Art. 8 § 3, 1969).

Chapter 20.08
DEFINITIONS

Sections:

- 20.08.010 Adjustor.
- 20.08.020 Approval by motion.
- 20.08.030 Area zoning.
- 20.08.040 Certification.
- 20.08.050 Commission.
- 20.08.060 Community plan.
- 20.08.070 Comprehensive plan.
- 20.08.080 Conditional use.
- 20.08.090 Council.
- 20.08.100 Department.
- 20.08.110 Element.
- 20.08.120 Examiner.
- 20.08.130 Ex officio member.
- 20.08.140 Official controls.
- 20.08.150 Ordinance.
- 20.08.160 Reclassification.
- 20.08.190 Variance.

20.08.010 Adjustor. "Adjustor" means the zoning adjustor as established by Chapter 20.28. (Ord. 263 Art. 1 § 1, 1969).

20.08.020 Approval by motion. "Approval by motion" is a means by which the council, through other than by ordinance, approves an action of the examiner. (Ord. 263 Art. 1 § 2, 1969).

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 natural homogeneous communities, distinctive 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 community plan policies in zoning map form. (Ord. 3669 § 1, 1978; Ord. 263 Art. 1 § 3, 1969).

20.08.040 Certification. "Certification" means the affixing on any map, or any portion of a comprehensive plan or official control, a record of the date of action thereon, together with the signatures of the officer or officers authorized by ordinance to so sign. (Ord. 263 Art. 1 § 5, 1969).

20.08.050 Commission. "Commission" means the eighteen member policy development commission of King County as created in Chapter 20.20. (Ord. 2208 § 1, 1974; Ord. 263 Art. 1 § 6, 1969).

20.08.060 Community plan. "Community plan" means a section of the comprehensive plan which contains specific policies, guidelines and criteria adopted by the council to guide development and capital improvement decisions within specific subareas of the county for a period of six to ten years. The subareas of the county shall consist of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the county. (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, A. as a beginning step in planning for the development of the county; B. as the means for coordinating county programs and services; C. as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and D. as a means for promoting the general welfare. Such plan shall consist of the elements set forth in Section 20.12.020 and may also include the optional elements set forth in Section 20.12.040 which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions. (Ord. 263 Art. 1 § 7, 1969).

20.08.080 Conditional use. "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the zoning adjustor and the granting of a conditional use permit imposing such design and performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities. (Ord. 263 Art. 1 § 8, 1969).

DEFINITIONS

20.08.090 - 20.08.160

20.08.090 Council. "Council" means the King County council. (Ord. 263 Art. 1 § 4, 1969).

20.08.100 Department. "Department" means the department of parks, planning and resources as organized and functioning as provided in Section 2.16.050. (Ord. 3669 § 3, 1978; Ord. 263 Art. 1 § 9, 1969).

20.08.110 Element. "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan. (Ord. 263 Art. 1 § 10, 1969).

20.08.120 Examiner. "Examiner" means the zoning and subdivision examiner as established by Chapter 20.24. (Ord. 263 Art. 1 § 11, 1969).

20.08.130 Ex officio member. "Ex officio member" means a nonvoting member of the commission who serves by virtue of his official position specified in the ordinance creating the commission. (Ord. 263 Art. 1 § 12, 1969).

20.08.140 Official controls. "Official controls" means legislatively defined and enacted policies, standards, detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Official controls may include:

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

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

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

D. Regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements. (Ord. 263 Art. 1 § 13, 1969).

20.08.150 Ordinance. "Ordinance" means a legislative enactment by the council. (Ord. 263 Art. 1 § 14, 1969).

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).

20.08.190 Variance. A "variance" is the means by which an adjustment is made in the application of the regulations of a zoning ordinance to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived, as a result of the imposition of the zoning regulations, of privileges commonly enjoyed by other properties in the same vicinity and zone. The adjustment in the application of regulations shall remedy the disparity in privilege. It shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone. (Ord. 263 Art. 1 § 18, 1969).

**Chapter 20.10
COUNTYWIDE PLANNING POLICIES**

Sections:

- 20.10.010 Phased implementation.
- 20.10.020 Phase I policies adopted.
- 20.10.030 Phase II.
- 20.10.040 Ratification for unincorporated King County.
- 20.10.050 Effective date - ratification.
- 20.10.060 Implementation.
- 20.10.070 Interlocal agreements.
- 20.10.200 Severability.

20.10.010 Phased implementation. The county will implement the major planning requirements of the Growth Management Act (GMA) in three phases, each accompanied by the appropriate scope and level of environmental review pursuant to both the GMA and the State Environmental Policy Act (SEPA) and fiscal review. Phase I is the adoption of the Countywide Planning Policies for the purposes described in Section 20.10.020. Phase II is the process for refinement of Countywide Planning Policies through proposed amendments to them, and the preparation of an SEIS and a fiscal analysis. Phase II, which will begin upon adoption of the Countywide Planning Policies, is described in Section 20.10.030. Phase III is the review and adoption of amendments to the King County Comprehensive Plan. Phase III will incorporate any changes made to the Countywide Planning Policies in Phase II. (Ord. 10450 § 1, 1992).

20.10.020 Phase I policies adopted. A. The Countywide Planning Policies attached to Ordinance 10450 are hereby approved and adopted for purposes of complying with RCW 36.70A.210; to begin the process of city review and ratification; to provide a policy framework for developing and updating jurisdictions' comprehensive plans; to provide a policy framework for interim controls to the extent the policies expressly require them; and to establish a program for the additional work necessary to refine, amend and implement the Countywide Planning Policies, including SEIS review and fiscal analysis.

B. The Countywide Planning Policies are amended to remove Policy FW-2c, Policy LU-27 and Policy LU-59, as shown on Attachment A to Ordinance 10840.

C. The Countywide Planning Policies are amended to include in the Urban Growth Area (UGA) the parcels adjacent to the city of Issaquah as shown in Attachment A to Ordinance 11061. (Ord. 11061 § 1, 1993; Ord. 10840 § 1, 1993; Ord. 10450 § 2, 1992).

20.10.030 Phase II. In Phase II the county will reconvene the GMPC no later than December 1992 to evaluate the following information and recommendations:

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

nominations of urban and manufacturing/industrial centers by affected jurisdictions; the target numbers for population and employment by jurisdiction; recommendations from the Rural Character, Affordable Housing and Economic Development Task Forces; further fiscal analysis; analysis of mobility and transportation; other relevant information and public comment, in preparing amendments. GMPC will consider the results of the additional work and may recommend amendments to the Countywide Planning Policies to the county. Any such recommended amendments shall be subject to adoption by the county and ratification by the cities according to the formula in the interlocal agreement creating the GMPC. Further fiscal analysis of the Countywide Planning Policies, any proposed amendments and alternatives will be prepared and circulated for public comment. The objectives of the fiscal analysis are to provide information on the anticipated financial and economic impacts on the individual, and on the private and public sectors, and determine how these impacts affect the fiscal viability of the individual and of the public and private sectors. A SEIS will be prepared for the proposed refined set of Countywide Planning Policies resulting from the work described in this section. The SEIS will analyze the probable significant environmental impacts, including countywide impacts, of the proposed refined set of policies and reasonable alternatives to those policies. The scope of the environmental impact statement will be based on a public scoping process pursuant to WAC 197-11-408. (Ord. 10450 § 3, 1992).

20.10.040 Ratification for unincorporated King County. A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes specified are hereby ratified on behalf of the population of unincorporated King County.

B. The amendments to the Countywide Planning Policies adopted by Ordinance 10840 are hereby ratified on behalf of the population of unincorporated King County.

C. The amendments to the Countywide Planning Policies adopted by Ordinance 11061 are hereby ratified on behalf of the population of unincorporated King County. (Ord. 11061 § 2, 1993; Ord. 10840 § 2, 1993; Ord. 10450 § 4, 1992).

20.10.050 Effective date - ratification. A. The Countywide Planning Policies adopted by Ordinance 10450 shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies. [Editor's Note: Motion 8794 passed on September 28, 1992 found that the Countywide Planning Policies were ratified].

B. The Countywide Planning Policies adopted by Ordinance 10840 shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies.

C. The Countywide Planning Policies adopted by Ordinance 11061 shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies. (Ord. 11061 § 3, 1993; Ord. 10840 § 3, 1993; Ord. 10450 § 5, 1992).

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

20.10.060 Implementation. The county executive shall commence preparation of the Phase II SEIS and fiscal analysis, and the county comprehensive plan amendments and regulations to implement the countywide policies, subject to completion of the ratification process set out in Section 20.10.050. The Countywide Planning Policies will affect the county's land use decisions when the county comprehensive plan or land use regulations implementing the policies are adopted. (Ord. 10450 § 6, 1992).

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).

20.10.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter or its application to other persons or circumstances. (Ord. 10450 § 8, 1992).

**Chapter 20.12
COMPREHENSIVE PLAN**

Sections:

- 20.12.010 Comprehensive plan adopted.
- 20.12.015 Relationship to previously adopted plans.
- 20.12.020 Elements designated.
- 20.12.030 Amplification of elements.
- 20.12.040 Optional elements.
- 20.12.050 Community plan amendments-Purpose-Schedule.
- 20.12.060 Plan amendments-Council procedure.
- 20.12.070 Community plan amendments-Criteria for advancing revision schedule.
- 20.12.080 Community plan revision study.
- 20.12.090 Park development policies.
- 20.12.100 County space plan.
- 20.12.140 Interim parks and low income new housing plans.
- 20.12.145 Parks capital facilities plan.
- 20.12.150 Affordable housing capital facilities plan.
- 20.12.160 Sewerage general plan.
- 20.12.170 Bear Creek community plan.
- 20.12.180 Federal Way community plan.
- 20.12.182 Federal Way Urban Growth Boundaries.
- 20.12.200 Shoreline management master program.
- 20.12.210 Northshore community plan.
- 20.12.218 Burien parking and business improvement area.
- 20.12.240 Highline communities plan.
- 20.12.250 Highline and Northshore area zoning adopted subsequent to community plan adoption - Effect on adopted community plan.
- 20.12.270 Soos Creek Plateau communities plan.
- 20.12.300 Shoreline community plan.
- 20.12.320 Vashon community plan.
- 20.12.325 Vashon Business District development guide.
- 20.12.330 Skyway Business District development guide.
- 20.12.335 Skyway Sewerage general plan.
- 20.12.337 West Hill community plan.
- 20.12.340 East Sammamish community plan.
- 20.12.345 Snoqualmie Valley community plan.
- 20.12.350 Newcastle community plan.
- 20.12.360 Tahoma/Raven Heights community plan.
- 20.12.380 King County Open Space Plan.
- 20.12.390 Resource Lands Area Zoning.
- 20.12.400 Agricultural Land Variances.
- 20.12.405 Economic Development Plan.
- 20.12.410 Severability.
- 20.12.421 Exemption.
- 20.12.422 Special Circumstances.
- 20.12.430 King County Transportation Plan.
- 20.12.432 King County Nonmotorized Transportation Plan.
- 20.12.434 King County Arterial HOV Transportation Plan.
- 20.12.440 Enumclaw community plan.

- 20.12.450 Designation of Urban Growth Areas on an Interim Basis for Purposes of Implementing the 1990 Growth Management Act.
- 20.12.455 Designating Interim Urban Growth Areas and Establishing Interim Development Regulations on Properties Outside the Interim Urban Growth Areas.
- 20.12.460 Tahoma School District Capital Facilities Plan.
- 20.12.461 Federal Way School 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 Facilities Plan.
- 20.12.467 Kent School District Capital Facilities Plan.
- 20.12.468 Northshore School District Capital Facilities Plan.
- 20.12.480 King County Flood Hazard Reduction Plan Policies.

[See Chap. 20.14 for Basin Plans]

20.12.010 Comprehensive plan adopted. Under the provisions of the King County Charter, King County's constitutional authority and pursuant to RCW 36.70, the King County Comprehensive Plan--1985, is adopted and declared to be the comprehensive plan for King County until amended, repealed or superseded. The amendments to the King County Comprehensive Plan--1985 entitled "Chapter Ten Comprehensive Plan Review"* attached to Ordinance 10237 are adopted. The comprehensive plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide community plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, official controls, and land development decisions. (Ord. 10237, 1992: Ord. 9490, 1990: Ord. 7178 § 1, 1985: Ord. 5319 §§ 2-4, 1981: Ord. 4686 § 2, 1980: Ord. 4305 § 1, 1979: Ord. 263 Art. 2 § 1, 1969).

20.12.015 Relationship to previously adopted plans. Relationship of comprehensive plan to previously adopted plans, policies and land use regulations. King County recognizes the need for time to implement the comprehensive plan, and the need for specifying which prevails if the adopted comprehensive plan conflicts with any previously adopted plans, policies and land use regulations, until any conflicting portions of those plans, policies and regulations are amended to conform to the comprehensive plan. When adopted, the King County Comprehensive Plan--1985 shall relate to previously adopted plans, policies and land use regulations as follows:

A. Previously adopted community plans and area zoning shall continue in effect until revised to be consistent with the comprehensive plan, and until such revisions are adopted shall govern in accordance with the provisions of subsection C.

B. Pending or proposed community plans, community plan revisions, amendments to the Sewerage General Plan and its local service areas, and amendments to adopted land use regulations, which are adopted on or after the

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

C. Unclassified use permits and zone reclassifications, which are pending or proposed on or after the effective date of this Ordinance 7178, 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 plan map designations which do not conflict, both the comprehensive plan and 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 which conflict, the community plan shall govern until revised to conform to the comprehensive plan.

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.

D. Proposed subdivisions, and short subdivisions, 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) which 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.

E. 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.

F. 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. 7178 § 2, 1985).

20.12.020 Elements designated. The comprehensive plan shall consist of a map and descriptive text covering goals, principles, objectives, policies and criteria, including each of the following elements:

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

B. A twenty-year transportation element describing a comprehensive system of physical circulation and the establishment of guidelines for proposed capital improvements. The element shall furnish a general record of desirable future development and improvement of transportation facilities including, but not limited to, streets and highways, transit, parking, railroad, airport, marine, bicycle and pedestrian travel, and establish the basis for evaluation. The element shall include a description of the general location, alignment and extent of major travel ways, rights-of-way, trunk utility lines, terminals, viaducts and grade separations, along with a statement of projected arterial and access circulation goals; all of which shall be correlated with the land use elements of the comprehensive plan. The element shall be subject to restudy and revision by the departments of public works and budget on a five-year basis;

C. Supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the elements designated in this section. (Ord. 1621 § 2, 1973: Ord. 263 Art. 2 § 2, 1969).

20.12.030 Amplification of elements. A. The comprehensive plan may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the elements set forth herein and by adding provisions and proposals for the optional elements set forth in Section 20.12.040. The comprehensive plan may also be amplified, augmented and implemented by progressively developing community plans. The community plan goals, guidelines, policies and area zoning shall be consistent with the comprehensive plan.

B. The comprehensive plan map and policies shall be reviewed and evaluated five years from the effective date of this Ordinance 7178 and every five years thereafter, to determine whether the plan's key concepts are being implemented effectively, to reflect new community goals, and to respond to changing conditions. The review and evaluation shall be in the form of a report from the county executive to the council, with public input, findings and recommendations.

C. The comprehensive plan map may be amended through either the community plan process or in response to individual public or private proposals through the processes set forth in this chapter. (Ord. 7178 § 3, 1985: Ord. 3669 § 4, 1978: Ord. 263 Art. 2 § 3, 1969).

20.12.040 Optional elements. A comprehensive plan may include:

A. Conservation. A conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, watersheds, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources;

B. Recreation. A recreation element showing a comprehensive system of area and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development;

C. Public service and facilities. A public services and facilities element showing general plans for sewerage, solid waste disposal, drainage and local utilities, and rights-of-way, easements and facilities for such services;

D. Public buildings. A public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings;

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

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

G. Plan for financing CIP. A plan for financing a capital improvement program. (Ord. 1621 § 2, 1973: Ord. 263 Art. 2 § 4, 1969).

20.12.050 Community plan amendments - Purpose - Schedule. A. The purposes of having a specific plan amendment process are:

1. To insure that the comprehensive plan and community plans are modified as the result of an area-wide or comprehensive planning process based on sound planning principles and involving citizens and elected officials rather than a piece-meal, lot-by-lot basis;

2. To insure consistency between the comprehensive plan and adopted community plans; and to ensure that individual zone classifications, subdivisions and other development permits, and public projects conform to the comprehensive plan and community plans;

3. To insure that plans are updated to meet changing circumstances;

4. To allow for more frequent changes in plans to address unanticipated changes, policy conflicts, or new issues not addressed in an original plan.

B. Community plans are designed to guide private development and public projects within a community planning area for approximately six years from date of adoption. Determination of the need for revision shall be based on how growth and development have occurred compared with projections and past levels of activity for the planning area and on how the plan addresses issues of current concern to area residents and the county.

C. The comprehensive plan is designed to guide community plans, private development and public projects over a long-term period. It will be reviewed and evaluated every five years, pursuant to K.C.C. 20.12.030. (Ord. 7178 § 4, 1985: Ord. 4472 § 1, 1979: Ord. 4305 § 2, 1979).

20.12.060 Plan Amendments - Council Procedure. The Council may determine that it is in the public interest to consider revising the comprehensive plan before its five-year review and evaluation, or a community plan before its expected six-year revision by finding that one or more of the circumstances applicable to the comprehensive plan or a community plan set forth in Section 20.12.070 is present. The council shall make such a finding by adopting a motion containing the finding, after adequate public notification. For the purpose of this section, "adequate public notification" means legal notice in a newspaper of general circulation within the community planning area or areas affected for two weeks prior to adoption of the motion, plus written notification to appropriate community groups and other interested parties within the affected community planning area or areas. Adequate public notification as defined herein shall not be construed to require mailing of written notice to all property owners within the community planning area or areas affected. (Ord. 7178 § 5, 1985: Ord. 4472 § 2, 1979: Ord. 4305 § 3, 1979).

20.12.070 Community plan amendments - Criteria for advancing revision schedule. A study to determine the need for revision of one or more community plans shall be undertaken by the department of planning and community development in cooperation with the policy development commission if appropriate, when the council adopts a finding that one of the following criteria is present:

A. Development activity is substantially greater than anticipated in the plan, as indicated by:

1. County-wide or community plan area total residential unit construction as measured by building permits and by annual subdivision activity as measured by number of lots created or by acreage, is one hundred percent higher for twelve consecutive months than the average level for the previous three years, or

2. County-wide or community plan area total annual vacant land consumption is occurring at a rate one hundred percent higher for twelve consecutive months than the average rate for the previous three years;

B. In the review of a request for a zone reclassification, planned unit development, subdivision or unclassified use permit, the council finds that the request is inconsistent with an adopted community plan, but circumstances affecting the area in which the proposal is located may have undergone changes substantially and materially different from those anticipated or contemplated by the community plan, and that the impacts from the changed circumstances make consideration of a plan revision necessary. The application shall be denied without prejudice, or deferred at the request of the applicant until the department of parks, planning and resources completes a study to determine the need for a plan revision and a plan revision, if any, is adopted by the council.

C. Issues of current concern to area residents or the county, including but not limited to: policy conflicts due to subsequent comprehensive plan amendments, regional service or facility needs, annexations or other circumstances not anticipated in the community plan make it necessary to consider a revision to one or more community plans. (Ord. 4305 § 4, 1979).

20.12.080 Community plan revision study. The following process shall govern studies of community plan revisions which are proposed either at the county's initiative or in response to zone reclassifications, subdivisions and other development requests reviewed by the council:

A. The department's study shall be submitted to the council no later than thirty days after the council finds that the study is needed. The department's study shall contain the following:

1. A finding that the plan revision is, or is not needed;
2. If a revision is found to be needed, a recommended scope of issues and geographic area to be covered, which may include more than one;
3. A proposed schedule and process based on the level and type of public notice and involvement appropriate to the scope of the revision.

B. Upon adequate public notification, as defined in Section 20.12.060 the council shall receive the department's report and may concur in whole or in part with the report's findings and recommendation, or make its own findings and take action consistent with them.

C. When any proposed revision prepared pursuant to this section is submitted to the council, it shall be accompanied by any required area zoning and any required revision of affected elements of the comprehensive plan, provided mailed written notice is sent to all owners of property, of which zoning is proposed to be changed, prior to the council public hearing. (Ord. 4305 § 5, 1979).

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).

20.12.100 County space plan. The county space plan, consisting of space standards, current and future space needs, county facility development policy framework, previously adopted county facility master plans and the annual county facility planning work program and attached hereto as Attachment A, 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 adopted space plan shall govern development of all facility master plans, facility program plans and CIP and lease requests for space housing county agency operations.

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

The executive shall update the current and future space needs and facility work program sections of the county space plan and submit them to the council as amendments to the county space plan by August 1 of each year. New facility master plans shall also be adopted by the council as amendments to the county space plan. (Ord. 10810 § 1, 1993).

20.12.140 Interim parks and low income new housing plans. Parks and low-income housing plans may be adopted as subelements of the capital facilities element of the comprehensive plan until such time as the county completes its adoption of a new comprehensive plan under the provisions of the Growth Management Act, as amended. (Ord. 10344 § 1, 1992).

20.12.145 Parks capital facilities plan. The parks development policies adopted by Ordinance 1096, as amended and codified in K.C.C. 20.12.090, and the King County Open Space Plan adopted by Ordinance 8657 and codified in K.C.C. 20.12.380, together with the Parks Capital Improvement Program adopted annually as part of the county's budget process and the Three Year Parks Capital Improvement Program Funding Plan for 1992 to 1995, which is incorporated herein by reference and attached as Attachment A to 10344*, constitute the parks facilities subelement of the capital facilities element of the comprehensive plan, until such time as the county complete its adoption of a new comprehensive plan under the provisions of the Growth Management Act, as amended. (Ord. 10344 § 2, 1992).

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

* Available in clerk of the council's office.

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).

20.12.160 Sewerage general plan.* The "King County Sewerage general plan" attached to Ordinance 4035, is adopted as a functional plan, implementing the King County comprehensive plan.

A. As a functional plan, the sewerage general plan shall implement the comprehensive plan, which shall prevail where conflicts, if any, may occur. Boundary changes and expansions of local service areas shall conform to the criteria set forth in the comprehensive plan, which shall replace those set forth in sections 6.2(A) and 6.5 of the "King County Sewerage general plan".

B. Individual side sewer connections may be permitted to property within Agriculture Production Districts outside the Local Service Areas

Provided that:

1. The property's development rights have been transferred to and accepted by King County,

2. Covenants limiting the use of the land for agricultural and open space uses (using the covenants developed for King County's Farmlands Preservation Program) have been recorded,

3. The development to be served is consistent with the recorded restrictive covenants, and

4. The size of lots permitted and number of homesite reservations are consistent with the following:

a. Prior to development rights transfer to King County, tax lots, short plat lots and formal plat lots, which are smaller than the minimum lot size of the zone, shall be vacated, amended and/or merged with other lots within the transfer so that when possible no substandard lots exist. No substandard lots will be accepted unless they represent one hundred percent of the landowner's eligible ownership.

b. The landowner must specifically reserve the right to any single-family homesite in an offer of development rights to King County. Offers containing one hundred percent of eligible contiguous land and containing less than thirty-five acres will be allowed to reserve the right for one dwelling unit, including existing dwelling units. Landowners will be allowed to reserve the right for one dwelling unit per each full thirty-five acres donated to King County. In either case, if more than the specified number of dwelling units already exists at the time of offer, then that number will be the maximum allowed. Only dwelling units existing at time of offer will be allowed in offers containing less than one hundred percent of eligible contiguous land in an ownership.

C. Owners of parcels of land that are located in the Agricultural Production Districts and outside of Local Service Areas may, in lieu of transferring the development rights to King County, propose other methods or mechanisms for transferring or limiting the development rights on the property in order to take advantage of the provisions of this section. Such a proposal shall comply with all of the terms of this section other than those addressing transfer of the development rights to King County. (Ord. 8846 § 3, 1989; Ord. 7805, 1986; Ord. 7178 § 14, 1985; Ord. 4035 §§ 1, 2, 3, 1979; Ord. 2707 § 1, 1976).

* Amended pursuant to depiction on Attachment A to Ordinance 9982 available in the office of the clerk of the council. Amended by 20.12.270A.

20.12.170 Bear Creek Community Plan.* A. The Bear Creek Community Plan, attached to Ordinance 8846 as Appendix A, 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.

B. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. Ordinance 4035, previously adopting the King County sewerage general plan, is hereby amended in accordance with 20.12.170 A. (Ord. 8846, 1989).

20.12.180 Federal Way Community Plan. A. The Federal Way community plan update, attached to Ordinance 7746, as Appendix A, is adopted as an amplification and augmentation of the Comprehensive Plan for King County.

B. The Revised Federal Way community plan area zoning, attached to Ordinance 7746 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. The Federal Way Plan Amendment Study at Redondo Beach, attached as Appendix A to (Ordinance 10426) is adopted as an amendment to the Federal Way Community Plan and to the Federal Way area zoning as the official zoning control for that portion of unincorporated King County defined therein. (Ord. 10426 § 1, 1922: Ord. 7746, 1986).

20.12.182 Federal Way Urban Growth Boundaries. A. Negotiated. Urban growth boundaries will be negotiated with elected representatives of King County and Federal Way, Des Moines, Kent, Auburn, Algona, Pacific, and Milton. The establishment of the urban growth boundaries shall be based on the goals of the State Growth Management Act; King County Comprehensive Plan policies including topography, logical service boundaries and transportation patterns. Proposed urban growth boundaries will be tentatively established by February 1, 1991.

B. Delineation. By April 30, 1991 each city shall amend their comprehensive plans to delineate the urban growth boundaries and the criteria upon which these boundaries are based. By April 30, 1991, King County shall also update the Federal Way Community Plan and Area Zoning to incorporate the proposed criteria, growth boundaries and any corollary revisions to the plan's policies and development conditions.

C. Subsequent Review of Land Use and Zoning. Following King County's adoption of the urban growth boundaries the cities of Federal Way, Des Moines, Kent, Auburn, Algona, Pacific, and Milton may request that King County initiate further Federal Way Community Plan and Area Zoning review of land use and zoning within their urban growth boundaries. The city requesting King County policy and zoning review shall take an active role in making recommendations to the King County Council. The cities' recommendations will not be effective until the county council certifies they are consistent with the State Growth Management Act.

D. Interim Policies. From the date of ordinance 9751 until April 30, 1991 or at the latest November 30, 1991, when urban growth areas are adopted by the cities of Federal Way, Des Moines, Kent, Auburn, Algona, Pacific and Milton and King County, the following policies will be adopted:

1. All proposed extensions of water and sewer service in unincorporated Federal Way are subject to the following provisions:

a. The King County Utilities Technical Review Committee is directed to consider the cities of Federal Way, Des Moines, Kent, Auburn, Algona, Pacific, and Milton adopted policies and regulations during its review of proposed sewer

* See Ordinance 10153 for MPDs on "Novelty Hill".

and water comprehensive plans and their amendments; and

b. The applicant seeking water or sewer service must agree to comply with the development standards of the city or cities (Federal Way, Des Moines, Kent, Auburn, Algona, Pacific, and Milton) affected.

2. The King County council finds that consideration of and approval of requests to rezone property in the unincorporated Federal Way area during this interim period would not be in the public interest. (Ord. 9751, 1990).

20.12.200 Shoreline management master program. The policies, objectives and goals of the shorelines management master program,* are adopted as an addendum to the comprehensive plan for King County. As an addendum to the comprehensive plan, such policy statement constitutes the official policy of King County regarding areas of the county subject to shoreline management jurisdiction. (Ord. 3692 § 2, 1978).

20.12.210 Northshore community plan. A. The Northshore Community Plan Update attached to Ordinance 10703 as Appendix A** as amended by the Northshore Community Plan Update Review Panel's amendments dated September 30, 1992 and attached hereto as Appendix E**, is adopted in its entirety 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.

B. The Northshore Community Plan Update Area Zoning, attached to Ordinance 10703 as Appendix B** as amended by the Northshore Community Plan Update Review Panel's amendments dated September 30, 1992 and attached hereto as Appendix E**, is adopted as the official zoning control for that portion of unincorporated King County defined therein with the following Northshore Community Plan Update Area Zoning recommended changes (Attachment A to Ordinance 11109).

C. Ordinance No. 4035, previously adopting the King County Sewerage General Plan, is hereby amended in accordance with Subsection A.

D. The King County Comprehensive Plan Map, adopted by Ordinance 7178, is amended within the Northshore community planning area to redesignate the transitional area, to redesignate portions of resource lands, and to redesignate portions of urban areas, as indicated on the map attached hereto as Appendix C.** Justification for the amendments are contained in an issue paper attached hereto as Appendix D.** These designations shall be implemented by the adoption of the Northshore Community Plan Update and Area Zoning. (Ord. 11109 § 1, 1993: Ord. 10703 § 2, 1993).

* Available in the department of development and environmental services.

** Available in the office of the clerk of the council (archives).

20.12.218 Burien Parking and Business Improvement Area. A. District Established. As authorized by RCW Chapter 35.87A, the county council held a public hearing on August 29, 1990 in Room 402 of the King County courthouse and voted to establish a Burien Parking and Business Improvement Area (BIA). Businesses listed on Attachment A to Ordinance 9612* and mapped on Attachment B to Ordinance 9612* shall be subject to special assessments authorized by RCW 35.87A.010.

The addresses listed in Attachment A to Ordinance 9612* have been identified as existing within the designated boundaries of the BIA at the time of the adoption of Ordinance 9612. Other addresses created at a later date within the boundaries shall be considered a part of the BIA.

B. Special Assessments. To finance the activities authorized in K.C.C. 20.12.218, there shall be levied and collected a special assessment upon the businesses within the BIA. It is anticipated that special assessments collected within the BIA will total approximately \$86,500 annually.

1. Any retail business operating within the BIA, as determined by the King County planning and community development division manager, shall pay a special assessment equal to the net leasable square foot area of the business, excluding any space devoted exclusively to storage, multiplied by a factor of \$0.12. No retail businesses shall be assessed more than \$3,000 nor less than \$180 per year. As determined by the King County planning and community development division manager, retail businesses include, but are not limited to, those operating within the BIA which depend primarily on walk-in traffic and which are engaged in the business of making retail sales of services, articles, commodities, or merchandise and includes those businesses rendering services incidental to the sale of goods. Businesses included in this category are those classified as retail under the most recent edition of the U.S. Standard Industrial Classification Manual, SIC codes 52-59. Also included in the \$0.12 per square foot rate are financial institutions, including but not limited to, banks, credit unions, finance companies, establishments providing financial, insurance, and real estate services, hotels, and lodging places generally classified under SIC codes 60-67.

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

2. Any wholesale business operating within the BIA which does not depend on walk-in traffic or is not engaged in the business of making retail sales of services, articles, commodities or merchandise shall be assessed at the minimum annual rate of \$180. As determined by the planning and community development division manager, wholesale businesses include, but are not limited to, manufacturing, warehousing, exporting, freight forwarding, factory representatives, and construction. These businesses are generally included in SIC codes 15, 16, 17, 20-51.

3. All other businesses operating within the BIA, as determined by the King County planning and community development division manager, shall pay a special assessment equal to the net leasable square foot area of the business, excluding any space devoted exclusively to storage, multiplied by a factor of \$0.10. No business shall be assessed more than \$3,000 nor less than \$180 per year. This category includes businesses operating in the BIA that do not meet the definition of retail business or wholesale business and includes, but is not limited to, attorneys, doctors, dentists, engineers, management consultants, accountants, architects, veterinarians, and other professional service providers, educational institutions, and membership organizations.

4. Commercial parking lots which rent spaces within the BIA shall be assessed at the annual rate of \$4.00 per parking place. No commercial parking lot shall be assessed more than \$3,000 nor less than \$180 per year.

5. No special assessments shall be levied upon and collected from:

a. organizations to which a charitable contribution may be made under the U.S. Internal Revenue Code, 26 USC 170(c);

b. sponsors of and concessionaires at public events and vendors or entertainers in streets and parks who engage in business within the BIA less than thirty days a year;

c. governmental agencies and offices; and

d. residential dwelling units.

6. A business which can demonstrate to the King County planning and community development division manager that there is approximately a fifty percent split, plus or minus ten percent, between the square footage devoted to the \$0.12 per square foot category of activities of that business versus the \$0.10 per square foot category, shall be eligible for a special assessment rate which will be the average of the two assessment rates. A request for a special assessment rate must be filed with the King County planning and community development division manager at least thirty calendar days prior to the date that the assessment is due to be paid to the county. The request must be made each year that the business wishes to be assessed at the average assessment rate. The business which is determined by the King County planning and community development division manager to qualify for the special assessment rate shall pay an assessment equal to the net leasable area of the business, excluding any storage space, multiplied by the average assessment rate of \$0.11 per square foot.

7. A new business which begins operating within the BIA after establishment of the BIA may be exempted from the special assessments pursuant to RCW 35.87A.170 for a period not exceeding one year from the date of establishment of the business in the BIA. Thereafter, the assessment shall be the same as for other businesses in the BIA.

C. Deposit and Use of Revenues. There shall be established in the office of finance a separate fund, designated the Burien Business Improvement Area Fund. All revenues from the special assessments levied pursuant to this section shall be deposited in the Burien Business Improvement Area Fund.

1. Expenditures from the Burien Business Improvement Area Fund shall be made upon vouchers approved by the planning and community development manager or his or her designee for the purpose of improving business and the general economic climate within the BIA and to support activities that benefit the district. The expenditures shall be for uses within the scope of activities listed in RCW 35.87A.010 or as it may be amended and can include marketing to encourage people to use shops and services in the BIA; promotion of public events which are to take place in the BIA; security and maintenance for common public areas within the BIA; professional management, planning, and promotion for the BIA, including the management and promotion of retail trade activities in the area; improving and enhancing the aesthetic appearance of the BIA, including capital expenditures and general maintenance; decoration of any public place in the BIA; furnishing music in any public place in the BIA; and advertising and promotion of business in the BIA, including special events and program management.

2. King County shall retain five percent of the BIA special assessments to partially recover the cost of billing and administration.

D. Advisory Board Established. An advisory board of nine voting members shall be established to develop the overall policy and program direction for the BIA. The board shall represent the geographic and business diversity of the BIA. Assessed operators, defined as the operators of businesses within the BIA who pay special assessments, shall elect eight board members from within the BIA. The president of the Southwest King County Chamber of Commerce shall appoint one chamber board member to the advisory board. The representative appointed by the chamber president must be an assessed operator. The advisory board shall be established within ninety days of the effective date of the ordinance which establishes the BIA.

A representative of the King County planning and community development division as designated by the division's manager shall serve as a nonvoting member of the advisory board.

The advisory board shall annually formulate the budget and work program for its staff, committees and subcommittees. The advisory board shall present the budget and work program to the assessed operators at an annual meeting and submit the budget to the King County council for approval as provided for in RCW 35.87A.110 or as it may be amended.

The advisory board shall be responsible for carrying out the activities financed through the BIA special assessments and shall submit requests for the payment of bills for BIA activities to the planning and community development division manager and shall:

1. Develop a work program for the BIA and ensure its implementation;
2. Represent the interests and opinions of the assessed operators in all policy decisions affecting the BIA;
3. Provide timely information to assessed operators about BIA projects;
4. Adopt bylaws consistent with this section for conducting business and electing members;
5. Elect officers to the advisory board;
6. Investigate and respond to all the assessed operators' written complaints and grievances;
7. Pursue the collection of delinquent accounts; and
8. Maintain an up-to-date assessment roll and provide it to King County for billing purposes.

The advisory board shall incorporate or operate under the authority of an incorporated community organization in order to administer the projects and activities undertaken by the BIA.

E. Administration. After the election of the advisory board, the King County executive shall enter into a contract with the advisory board, if it is incorporated or operating under the authority of an incorporated community organization, to initially administer the operation of the BIA. If no organization is willing or available to administer the BIA, King County may be the initial administrator until an administrator is selected by the advisory board. The King County executive may initially contract with the Southwest King County Chamber of Commerce to implement and administer the projects and activities undertaken by the BIA. The contract shall be reviewed for renewal at least annually.

An annual report describing the projects and activities conducted during the previous year and an evaluation of the program successes and shortcomings shall be submitted by the advisory board to the King County planning and community development division manager on or before February 28 of each calendar year. It shall also contain an evaluation of the performance of the administrator/contractor during the previous year. The report shall be transmitted by the King County executive to the King County council for its information.

A proposed work program and budget shall be submitted to the King County planning and community development division manager in accordance with the county's normal budget process. The annual report, budget, and work program shall be prepared by the advisory board and/or its administrator.

F. Collection of Special Assessments. The King County finance division shall bill and receive the special assessments due on a semiannual basis. The initial six-month assessment shall be due on the first day of the first full month which is at least ninety days after the effective date of Ordinance 9612 (September 20, 1990). The second half of the special assessment shall be due on the first day of the month which is six months following the due date of the first-half assessment. King County may annually bring an action to collect any unpaid assessments in the appropriate district court as a civil action or use the services of a licensed collection agency. One delinquent notice per billing cycle for delinquent accounts shall be issued. Additional notice or collection efforts, not including civil action, shall be the responsibility of the advisory board.

G. Commencement of Assessments. Assessments shall commence as of the effective date of Ordinance 9612 (September 20, 1990).

H. Disestablishment of Area. The BIA may be disestablished by ordinance after a hearing before the legislative authority. The hearing shall be scheduled after receipt of a valid disestablishment petition containing the signatures of the requisite percentage of people who operate businesses in the area in accordance with RCW 35.87A.190 or as it may be amended.

I. Contract Authorization. The King County executive shall be authorized to execute an initial contract to implement and administer the operation of the BIA and to facilitate the election of the advisory board. The contract shall outline the responsibilities of King County, the advisory board, and the contractor in accordance with the terms of the ordinance which establishes the BIA and RCW 35.87A.

J. Implementation. The King County executive shall be authorized to implement such administrative procedures as may be necessary to carry out the provisions of this section in accordance with K.C.C. 2.98.

K. Penalties on Delinquent Assessments. Special assessments shall be considered delinquent on the day after the due date. Delinquent special assessments shall be charged a penalty of twelve percent on the amount billed. If the account continues to be delinquent, an additional twelve percent penalty for each subsequent billing cycle shall be charged for a maximum penalty of twenty-four percent on each delinquent assessment.

L. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 9612, 1990).

20.12.240 Highline communities plan.* A. The "Highline communities plan," attached to Ordinance 3530, is adopted as an addendum to the comprehensive plan for King County. The Highline communities plan is amended by those changes identified in the "Highline area zoning," to Ordinance 5453 as inconsistent with the plan pursuant to Ordinance 5401. As an amplification and augmentation of the comprehensive plan and the Sea-Tac communities plan, it constitutes official county policy for the Highline area.

B. Any further changes and amendments to the plan initiated by King County which relate to the Sea-Tac Airport and its vicinity shall correspondingly change and amend the Sea-Tac communities plan. All proposed changes and amendments shall be transmitted to the Port of Seattle for review and official consideration by the Port of Seattle Commission prior to council approval.

C. In adopting the Highline communities plan, the council recognizes that cooperation and action by others, including but not limited to citizens, state and local agencies, is essential for proper implementation.

D. The land use plan amendment attached to Ordinance 7291 as Appendix A, is adopted as an amendment to the Highline communities plan.

E. An amendment to the Highline area zoning, attached to Ordinance 7291 as Appendix B is adopted as the official zoning control for that portion of unincorporated King County defined therein.

F. An amendment to the Highline Area Zoning, attached to Ordinance 7640 as Appendix A is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The McMicken Heights Land Use Study, attached to Ordinance 7490 as Appendix A, is adopted as an amplification of the Highline communities plan.

H. The McMicken Heights Area Zoning, attached to Ordinance 7490 as Appendix B, is adopted as an amplification of the Highline communities plan.

I. The Highline Plan Revision Study - Highline Community Hospital attached to Ordinance 8138 as Appendix A, is adopted as an amendment to the Highline Community Plan.

J. An amendment to the Highline Area Zoning, attached to Ordinance 8138 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

K. The Highline Plan Revision Study - Olde Burien attached to Ordinance 8251 as Appendix A, is adopted as an amendment to the Highline Plan.

L. An amendment to the Highline Area Zoning, attached to Ordinance 8251 as Appendix B is adopted as the official zoning control for that portion of unincorporated King County defined therein.

M. The "Sea-Tac communities plan," attached to Ordinance 2883, is adopted as an addendum to the comprehensive plan for King County. As an amplification and augmentation of the comprehensive plan, it constitutes official county policy for the vicinity of Sea-Tac International Airport.

N. The Highline Plan Revision Study - Beverly Park, attached to Ordinance 8822 as Appendix A, is adopted as an amendment to the Highline Plan and to the Highline area zoning as the official zoning control for that portion of unincorporated King County defined therein.

[*Editor's note: The Highline communities plan, as attached to and amended by Ordinance 3530, has been amended by Ordinances 5149, 5191 and 5274, which make changes in Attachment A.]

O. The Highline Plan Revision Study - Strom, attached to Ordinance 8863 as Appendix A, is adopted as an amendment to the Highline Plan and to the Highline Area zoning as the official zoning control for that portion of unincorporated King County defined therein.

P. The Highline Plan Revision Study - Terrace View attached to Ordinance 8922 as Appendix A, is adopted as an amendment to the Highline Plan and to the Highline area zoning as the official zoning control for that portion of unincorporated King County defined therein.

Q. The Sea-Tac Area Update and Area Zoning, attached to Ordinance 8996 as Attachment A is adopted as an amplification and augmentation of the Comprehensive Plan and as such constitutes official county policy for the geographic area defined therein.

R. The Burien Activity Center update policies list, attached to Ordinance 10430 as Appendix A, is adopted in its entirety to provide future guidance to the new City of Burien government and is an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official County policy for the geographic area defined therein.

S. The Burien Activity Center Area Zoning attached to Ordinance 10430 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

1. Amend Highline Community Plan Land use map by designating the south 360 feet of tax lot 70 from Community Facilities to Neighborhood Business.

2. Amend Highline Plan Area zoning by reclassifying the south 360 feet of Tax lot 70 from Single family residential, RS-7200 to Neighborhood Business BN-P.

3. Amend Highline Community Plan Land use map by designating the northern portion of the Puget Sound Jr. High School site from Community Facility to Park and Recreation.

4. Amend Highline Plan Area zoning by reclassifying the Northern portion of the Puget Sound Jr. High School site from RS-7200 and RM-900 to RS-7200-P.

5. Both portions of Puget Sound Jr. High School site are subject to the following P-suffix conditions:

a. The existing structure on the site (the abandoned school) shall be demolished before final approval for redevelopment of any portion of the site may be granted; for the purposes of this provision "final approval" shall mean prior to commencement of construction of any commercial structure, or final plat or short plat approval for any plat or short plat for residential or commercial purposes.

b. Landscaping adjacent to existing residential areas shall meet the Type II (Visual buffer) standards of the zoning code. On street frontages, landscaping shall meet Type IV (Open Area Landscaping) standards.

c. Enclosed/roofed truck loading bays;

d. No more than four access points to the site (two for auto, two for service/delivery);

e. A transit information station on the site;

f. Bicycle racks to be provided on the site;

g. Exterior lights should be directed away from and shrouded from residential areas to minimize glare. (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).

20.12.250 Highline and Northshore area zoning adopted subsequent to community plan adoption - Effect on adopted community plan. The studies, issue papers and other background information prepared for the Highline and Northshore

area zoning review shall be deemed sufficient to satisfy the requirements of Ordinance 4305, Section 5 and K.C.C. 20.12.044. Upon completion of area zoning review by the Highline and Northshore community plan panels but prior to council adoption of area zoning, the planning division shall identify all areas where the community plans are not consistent with the area zoning. Upon adoption of the Highline and Northshore area zoning, the Highline and Northshore community plans shall be deemed to be amended to be consistent with the adopted area zoning in all areas so identified. (Ord. 5401 § 2, 1981).

20.12.270 Soos Creek Plateau communities plan.* A. The Soos Creek Community Plan Update attached to Ordinance 10197 as Appendix A, is adopted in its entirety 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.

B. The Soos Creek Community Plan Update Area Zoning, attached to Ordinance No. 10197 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein with the following Soos Creek Community Plan Update and Area Zoning recommended changes: (Attachment A to Ordinance 10336**), with an additional P-suffix condition to be applied in the Covington Master Drainage Plan area prohibiting any land uses involving hazardous waste recycling or treatment, solid waste landfills, petroleum pipelines, businesses maintaining open storage of toxic substances, and all new businesses that use or propose to use septic tank drainfield systems.

C. The King County Comprehensive Plan Map, adopted by Ordinance 7178, is amended within the Soos Creek community planning area to redesignate the transitional area, to redesignate portions of rural lands, and to redesignate portions of urban areas, as indicated on Map A attached to Ordinance 10198, as implemented by the Soos Creek Community Plan Update and Area Zoning adopted by Ordinance 10197. (Ord. 10336, 1992: Ord. 10293 § 4, 1992: Ord. 10198 § 1, 1991: Ord. 10197 § 1, 3, 1991).

20.12.300 Shoreline community plan. A. The Shoreline community plan, attached to Ordinance 5080 as Appendix A, 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.

The Shoreline community plan area zoning, attached to Ordinance 5080 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

*Boundaries amended by appendices to Ordinance 8806. Available in the office of the clerk of the council.

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

B. The North City business district development guide, attached to Ordinance 6337, is adopted as an amplification of the Shoreline community plan. The purpose of the North City business district development guide is to provide recommendations for capital improvement projects and development guidelines to aid in improving the function and appearance of the North City business district.

C. The land use plan amendment attached to Ordinance 7804 as Appendix A, is adopted as an amendment to the Shoreline community plan. An amendment to the Shoreline community plan area zoning, attached to Ordinance 7804 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein. (Ord. 7804, 1986: Ord. 6337 §§ 1, 2, 1983: Ord. 5080 §§ 1, 2, 1980).

20.12.320 Vashon community plan.¹ A. The Vashon community plan update, together with revised local service area boundaries for sewer service, attached to Ordinance 7837 as Appendix A, is adopted as an amplification and augmentation of the comprehensive plan for King County.

B. The revised Vashon community plan area zoning, attached to Ordinance 7837 as Appendix B, as amended, is adopted as the official zoning control for that portion of unincorporated King County defined herein.²

C. Ordinance No. 4035, previously adopting the King County sewerage general plan, is hereby amended in accordance with Subsection A. (Ord. 7870, 1986: Ord. 7837, 1986).

20.12.325 Vashon business district development guide. A. The purpose of the town of Vashon business district development guide is to provide recommendations for capital improvement projects and development guidelines to aid in improving the function and appearance of the town of Vashon business district.

B. The town of Vashon business district development guide, attached to Ordinance 6386, is adopted as an amplification of the Vashon community plan. (Ord. 6386, 1983).

20.12.330 Skyway business district development guide. A. The purpose of the Skyway Business District Development Guide is to provide recommendations for capital improvement projects and development guidelines to aid in improving the appearance and function of the Skyway business district.

B. The Skyway Business District Development Guide, attached to Ordinance 5722 is adopted as an amplification of the Comprehensive Plan. (Ord. 5722 §§ 1-2, 1981).

20.12.335 Skyway sewerage general plan. The "Sewerage General Plan - Skyway," dated May 1981, revised August 11, 1981, is hereby adopted as an amendment to Chapter 7 of the King County Sewerage General Plan pursuant to Chapter 36.94 RCW and as an element to the comprehensive plan for King County under the provisions of K.C.C. 20.12.030. The Sewerage General Plan for the county operated Skyway sewer system is an amplification and augmentation of the county comprehensive plan, as provided in Chapter 7 of the King County Sewerage General Plan. (Ord. 6738, 1984).

¹ Editor's note: Amendment to Sewer Local Service Area on Vashon Island see Ordinance 7078 available in the office of clerk of the council.

² Editor's note: Ordinance 7870 amending Appendix B showing plan update recommended changes is available in the office of the clerk of the council.

20.12.337 West Hill community plan and area zoning. The West Hill Community Plan and Area Zoning, a bound and published document (Attachment I), as revised in the Attachments hereto enumerated below 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:

Attachment II. West Hill Community Plan and Area Zoning Matrix (November 2, 1993).

Attachment III. Amendment to West Hill Policy #21 (October 29, 1993).

Attachment IV. Revised Chapters X (Implementation) XI (Proposed Area Zoning) with Revised Area Zoning Map (October 29, 1993). (Ord. 11166 § 2, 1993).

20.12.340 East Sammamish community plan. A. The East Sammamish Community Plan Update, as revised in Appendix A attached to Ordinance 10847, 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.

B. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B attached to Ordinance 10847, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. Ordinance 4035, previously adopting the King County Sewerage General Plan, is hereby amended in accordance with Subsection A.

D. Should any section, subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this section.

E. The King County Comprehensive Plan Map, adopted by Ordinance 7178, is amended within the East Sammamish community planning area to redesignate the transitional areas, to redesignate portions of rural areas, and to redesignate portions of urban areas, as indicated on the map attached to Ordinance 10847 as Map A. These designations shall be implemented by the adoption of the East Sammamish Community Plan Update and Area Zoning. (Ord. 10847, 1993).

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

20.12.345 Snoqualmie Valley Community Plan. A. The Snoqualmie Valley Community Plan and Area Zoning, a bound and published document attached to Ordinance 9118 as Appendix A*, is adopted as an amplification and augmentation of the King County Comprehensive Plan and as such constitutes official county policy and zoning for the geographic area defined therein.

B. Pursuant to Ordinance 7178, Section 3(D) and King County Comprehensive Plan policy PI-105; the King County Comprehensive Plan map is hereby amended as shown in Appendix A*.

C. The King County Sewerage General Plan attached as an addendum to Ordinance 4035 is hereby amended as shown in Appendix A* attached to Ordinance 9118.

D. Ordinance 1913, Ordinance 1992 and Ordinance 3503 which previously adopted zoning for the Snoqualmie Valley planning area are each hereby repealed.

E. The zoning and "P" suffix conditions contained in the executive proposed Snoqualmie Community Plan and area zoning for the properties shown on Attachment A* and as further amended by Attachment B* are hereby adopted. (Ord. 9118, 1989; Ord. 9110, 1989).

20.12.350 Newcastle Community Plan. A. The Newcastle Community Plan, attached to Ordinance 6422 as Appendix A*, 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.

B. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B*, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. Ordinance No. 4035, previously adopting the King County Sewerage General Plan, is hereby amended in accordance with K.C.C. 20.12.350A.

D. Resolution No. 31816, previously adopting area zoning for Newcastle on May 9, 1966, is hereby amended in accordance with K.C.C. 20.12.350B.

E. Amendment to the Newcastle Community Plan, attached to Ordinance 7845 as Attachment A*, is adopted as an amplification of the Comprehensive Plan for King County. An amendment to the Newcastle Community Plan Area Zoning, attached to Ordinance 7845 as Attachment B*, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

F. The Newcastle Plan Revision Study - Primark, attached to Ordinance 10191 as Appendix A*, is adopted as an amendment to the Newcastle Community Plan and to the Newcastle area zoning as the official zoning control for that portion of unincorporated King County defined therein. (Ord. 10191 § 1, 1991; Ord. 7845, 1986; Ord. 6422, 1983).

20.12.360 Tahoma/Raven Heights Community Plan¹. A. The Tahoma/Raven Heights Community Plan, attached to Ordinance 6986 as Appendix A, 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.²

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

¹Appendix A to Ordinance 8806 establishes planning area. Available in the office of the clerk of the council.

²Ordinance 6986, Appendix is amended by Ordinance 9195, which changes the public water service area boundary and by Ordinance 9513 which changes the sewer Local Service Area Boundary.

B. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

C. Ordinance 4035, previously adopting the King County Sewerage General Plan, is hereby corrected in accordance with subsection A.

D. Ordinance 1913, previously adopting area zoning for Tahoma/Raven Heights on February 4, 1974, is hereby corrected in accordance with subsection B.

E. The King County planning division, as directed by Motion 7121, has studied the Lake Webster area of the Tahoma/Raven Heights Community Plan and Area Zoning pursuant to K.C.C. 20.12.070 - 20.12.080 and determined the need to amend the area zoning. The amendment to the area zoning as described in the Lake Webster Plan Amendment Report, attached to Ordinance 8732 as Appendix A, is consistent with the intent of the Tahoma/Raven Heights Community Plan and King County Comprehensive Plan policies. The amendment to the Tahoma/Raven Heights Area Zoning, attached to Ordinance 8732 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

F. The King County Comprehensive Plan map as adopted by Ordinance 7178 is hereby amended in accordance with K.C.C. 20.12.030, subsection C as follows:

The Lake Webster area as described in the Lake Webster Plan Amendment Report, attached to Ordinance 8738 as Appendix A, is designated Rural consistent with the intent of King County Comprehensive Plan policies.

G. The Tahoma/Raven Heights Communities Plan Amendment and Area Zoning attached to Ordinance 10200 as Appendix A¹ are adopted as an amendment to the Tahoma/Raven Heights Communities Plan and to the Tahoma/Raven Heights Area Zoning as official zoning control for that portion of unincorporated King County defined therein.

H. The King County Comprehensive Plan Map, adopted by Ordinance 7178, is amended within the Tahoma/Raven Heights community planning area to redesignate portions of urban areas to rural, as indicated on the map attached to Ordinance 10201 as Map A.* These designations shall be implemented by the adoption of the Executive Proposed Tahoma/Raven Heights Communities Plan Amendment and Area Zoning. (Ord. 10316, 1992: Ord. 10201 § 1, 1991: Ord. 10200 § 1, 1991: Ord. 8806 § 2, 1989: Ord. 8738, 1988: Ord. 8732, 1988: Ord. 6986 §§ 1-4, 1984).

*Available in the planning and community development division.

¹Amended by Attachment A to Ordinance 10316. 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 1¹, and Addendum 2¹, 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).

20.12.390 Resource Lands Area Zoning.² A. The resource lands area zoning, attached to Ordinance 8848 as Appendix A, the King County Resource Lands Proposed Area Zoning, as amended by Attachment 1, which is to be made a part of Appendix A, is adopted as an amplification and augmentation of the comprehensive plan in East King County and is adopted as the official zoning control for that portion of unincorporated King County shown on the maps on pages 9-37 and pages 83-119 of Appendix A: The King County Resource Lands: Proposed Area Zoning.

B. The resource lands area zoning is further adopted as the official zoning control for the designated resource areas of unincorporated King County in Soos Creek, Northshore and Lower Green River until such time as those community plans are next reviewed and updated. (Ord. 8848 §§ 1, 6-8, 1989).

20.12.400 Agricultural Land Variance. An agricultural land variance from the zoning and uses permitted by K.C.C. 21.23 may be granted by the King County council where the applicant owner of land designated agricultural by this section can demonstrate the following:

1. Compliance with the zoning and uses permitted by K.C.C. 21.23 will deny all economically viable use of the property or constitute a significant and substantial economic deprivation. The extent of the economic deprivation is to be determined by an analysis of K.C.C. 21.23 compared to the reasonable investment-backed expectations under the zoning, regulations and relevant policies in effect immediately prior to its adoption. Mere diminution in value is not significant economic deprivation;

¹ Attachments available in clerk of council's office.

² Ordinance 2169, previously adopting the area zoning for Upper Skykomish, is hereby repealed and replaced by Ordinance 8848. Resolution 30981, previously adopting area zoning in unincorporated King County in the vicinity of Auburn, is hereby amended as shown in Appendix A as amended by Appendix B of Ordinance 8848. Resolution 31360, previously adopting area zoning in unincorporated King County in the vicinity of Kent, is hereby amended as shown in Appendix A as amended by Appendix B of Ordinance 8848.

2. The property was reasonably adaptable both economically and functionally to a legitimate economically viable use prior to enactment of K.C.C. 21.23;

3. The variance granted will be consistent with the general purposes and intent of K.C.C. 21.23 and the public welfare and interest in protecting agricultural uses within the agricultural production district; and

4. The use requested will meet the following criteria:

a. The use is permitted by the agricultural zone, K.C.C. 21.23 or the zoning designation in effect on the property immediately prior to the adoption of the agricultural zoning; and

b. The use requested and placement on the site is based on the agricultural zone, K.C.C. 21.23, or the zoning designation in effect immediately prior to adoption and will have minimal impacts consistent with the current agricultural uses in the district and degradation of agricultural soils on the site.

B. The applicant shall have the burden of proving that all economically viable use of the property will be denied or there is significant and substantial economic deprivation. In determining economic viability the zoning and subdivision examiner shall consider potential agricultural, residential, and other uses compatible with K.C.C. 21.23. In addition, the zoning and subdivision examiner should consider the applicant's efforts to sell or lease the property for resource and other permitted uses; the availability of property tax relief for the resource use; the potential net return and the rate of return necessary to attract capital for investment in the permitted uses of the site.

C. Variance applications shall be made initially to the manager of King County's building and land development division and shall be heard by the zoning and subdivision examiner in accordance with the procedures in Chapter 20.24.070. Recommendations of the examiner to grant the variance shall include conditions to ensure that the permitted use meets the criteria set forth in Section 20.12.400 A.4. (Ord. 8848 § 2, 1989).

20.12.405 Economic Development Plan. The goals, policies and action program contained in the Economic Development Plan 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 economic and business development programs, land use and capital improvement plans and actions, human resources programs and other county activities related to economic development. (Ord. 8862, 1989).

20.12.410 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remainder of this chapter. (Ord. 8848 § 9, 1989).

20.12.421 Exemption. Notwithstanding the application of the interim AR-5 zoning or the P-suffix conditions contained in K.C.C. 20.12.420, the following property is exempt from the conditions of K.C.C. 20.12.420 and shall be granted a building permit for a single family dwelling: The west 350 feet of the East 1,056 feet of the NE 1/4 of the SE 1/4 of Section 24, T22N, R5E, W.M., in King County, Washington. Less the North 10 acres and the South 660 feet of said East 1,056 feet. Together with an easement for road and utilities over the North 30 feet of the South 45 feet of the West 1,026 feet of the East 1,056 feet of said subdivision, and over the west 20 feet of the East 1,056 feet of the North 615 feet of the South 660 feet of said subdivision. (Ord 9772 § 3, 1991)

20.12.422 Special Circumstances. The King County council recognizes that there may be properties that exist within the Soos Creek Interim Zoning Area that constitute special circumstances that are not now recognized by the council. The council hereby directs the building and land development division, the planning and community development division, and the surface water management division to treat these properties in a way consistent with the treatment accorded other similar properties addressed elsewhere in K.C.C. 20.12. (Ord 9772 § 4, 1991).

20.12.430 King County Transportation Plan. A. The King County Transportation Plan consists of the following elements:

1. Policy element, consisting of the transportation-related policies from the King County Comprehensive Plan 1985, and the transit/ridesharing/rail policy actions.

2. The arterial functional classification report changes [Exhibit A to Ordinance 11170].

3. The transportation priority process.

4. The annual transportation needs report.

5. The implementation strategy report, as amended.

B. The council finds that the King County Transportation Plan environmental impact statement is adequate to support adoption of the King County Transportation Plan.

C. The King County Transportation Plan, dated October 1989, is adopted as the functional plan implementing the transportation policies established by the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface transportation issues.

D. The King County Transportation Plan's elements dealing with "Transportation Needs Report" and "Arterial Functional Classification" shall be subject to an annual review and update process preparatory to the capital improvement program budgeting process. Updates shall incorporate community plan revisions, additional functional plan elements, other local and regional transportation plans and studies, and other information available to the county road engineer, and shall include public review and information in the annual review of the updates. The department of public works shall provide an update report to the executive and council on these elements before finalization of the roads capital improvement program budget identifying possible changes to the needs lists or arterial classifications, and why these changes are needed.

E. The Transportation Plan shall be implemented through:

1. Adoption of an annual six year capital improvement program.

2. Application of the Road Adequacy Standards, K.C.C. Chapter 21.49.

3. Application of the mitigation payment system.

4. Mitigation of transportation impacts as required and authorized under the State Environmental Policy Act.

5. Road maintenance and traffic operating improvements.

6. Pursuit of additional funding sources at the local, state and federal levels whenever possible.

7. Participation by the county in regional efforts to enhance bus transit usage and development of a rail/high capacity transit system.

8. Establishment of a system for reviewing proposed developments for their impacts on equestrian, pedestrian and bicycle traffic and requiring mitigation when adverse impacts will occur.

9. Development of transportation system management techniques, zoning code changes, and road improvements to enhance the use of transit and increase vehicle occupancy.

10. Coordination of plans, projects, programs and policies with other governments. (Ord. 11170 § 1, 1993; Ord. 10593 § 1, 1992; Ord. 10229, 1992; Ord. 9709, 1990; Ord. 9153, 1989).

20.12.432 King County Nonmotorized Transportation Plan. A. The King County Nonmotorized Transportation Plan's determination of non-significance is adequate to support the adoption of the plan.

B. 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 the King County Transportation Plan, and constitutes an amplification and augmentation of official county policy with regard to surface transportation issues.

C. 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 of 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 plan and system. (Ord. 10812, 1993).

20.12.434 King County Arterial HOV Transportation Plan. A. ADOPTION. The King County Arterial HOV Transportation Plan's determination of non-significance is adequate to support adoption of the plan.

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 the King County Transportation Plan, and constitutes an amplification and augmentation of official county policy with regard to surface transportation issues.

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

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

2. Updating of the King County Road Standards.

3. County road maintenance and 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, and

5. Providing an overall guide for the coordination, development and implementation of the nonmotorized element of the county transportation plan and system. (Ord. 10983 § 1-3, 1993).

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

20.12.440 Enumclaw community plan.^{**} A. The Enumclaw community plan and area zoning attached to Ordinance 9499 is adopted as an augmentation and implementation of the comprehensive plan and as such constitute official county policy, for the geographic area defined therein. The Enumclaw Area Zoning text and maps constitute an official control for the geographic area defined herein.

B. The King County Comprehensive Plan map, adopted by Ordinance 7178 is amended within the Enumclaw community planning area to redesignate portions of the forest production district as rural area, as discussed in Exhibit A^{**} and as indicated on the map attached hereto as Exhibit B.^{**} These designations shall be implemented by the adoption of the Enumclaw Community Plan and Area Zoning.

C. The King County Comprehensive Plan map, adopted by Ordinance 7178 is amended within the Enumclaw community planning area to redesignate portions of the rural area as forest production district, as discussed in Exhibit A^{**} and as indicated on the map attached hereto as Exhibit B.^{**} These designations shall be implemented by the adoption of the Enumclaw Community Plan and Area Zoning. (Ord. 9499, 1990).

20.12.450 Designation of Urban Growth Areas on an Interim Basis for Purposes of Implementing the 1990 Growth Management Act. Notwithstanding provisions of K.C.C. 20.16.020, the areas designated as urban by the 1985 King County Comprehensive Plan as implemented by the adopted community plans policies and maps and the rural activity expansion areas for those plans adopted since 1985, including the amendments to the comprehensive plan adopted as part of the actions adopting the Snoqualmie, Enumclaw, Soos Creek, Tahoma/Raven Heights, and Northshore Community Plans, and as shown on Attachments 1 through 6,^{*} are the urban growth areas for King County for purposes of evaluating potential annexations and implementing the Growth Management Act pending adoption of urban growth areas as required by RCW 36.70A.110. These designations shall remain in effect for fifteen months from the effective date of Ordinance 10779 (July 19, 1994) or until the King County council designates urban growth areas and amends the King County Comprehensive Plan in accordance with Section 4 of the Growth Management Act (RCW 36.70A.040), whichever occurs first. (Ord. 10779 § 1, 1993: 10304, 1992).

20.12.455 Designating Interim Urban Growth Areas. The interim urban growth areas for King County are shown on the map in Attachments A^{*}, A-1^{*}, and A-2^{*} provided that, upon completion of the planning committed to in the 1990 agreement between the city of Snoqualmie and the county, the county will designate as part of the city of Snoqualmie's UGA any area in the Joint Planning Area agreed to be urban by the county and the City.

A. Interim residential development controls in "Areas Under Interim Controls." The subdivision and short subdivision of land within the "Areas Under Interim Controls" as shown in Attachment A^{*} shall be limited to the creation of lots no smaller than five acres in size except for the GR-5 and GR-2.5 zones. In the GR-5 and GR-2.5 zones, the subdivision and short subdivision of properties in the "Areas Under Interim Controls" shall be limited to the creation of lots no smaller than 5 acres or to clustered subdivisions or short subdivisions at a density of one home per 5 acres subject to the provisions of K.C.C. 21.21A.080. Common open space created by clustering shall be designated a permanent rural open tract pursuant to K.C.C. 21.21A.070. Planned unit developments shall not be permitted.

^{*} Available in the office of the clerk of the council.

^{**} Available in the offices of the clerk of the council, planning and community development division and department of development and environmental services.

B. King County shall not approve or support applications for new sewer or water district franchises or sewer service extensions which include any properties within the "Areas Under Interim Controls" as shown in Attachment A.

C. Limit of interim controls. The controls specified in 20.12.455 A. shall expire December 31, 1994 unless earlier repealed by the King County council upon its adoption of permanent urban growth areas and development regulations as part of the comprehensive plan required by the growth management act. (Ord. 11110 § 1-3, 1993).

20.12.460 Tahoma School District Capital Facilities Plan. The Tahoma School District Capital Facilities Plan 1993-94 to 1998-99, dated May, 1993 which is included in Attachment A and incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 11037 § 2, 1993: Ord. 10122 § 3, 1991).

20.12.461 Federal Way School District Capital Facilities Plan. The Federal Way School District 1992/93 Capital Facilities Plan which is included in Attachment B (to Ordinance 11037) and incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 11037 § 3, 1993: Ord. 10470 § 2, 1992).

20.12.462 Riverview School District Capital Facilities Plan. The Riverview School District Capital Facilities Plan, April 1, 1993, revised June 10, 1993, which is included in Attachment C (to Ordinance 11037) and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 11037 § 4, 1993: Ord. 10472 § 2, 1992).

20.12.463 Issaquah School District Capital Facilities Plan. The Issaquah School District 1993 Capital Facilities Plan, March 24, 1993, revised May 28, 1993, which is included in Attachment D (to Ordinance 11037) and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 11037 § 5, 1993: Ord. 10633 § 2, 1992).

20.12.464 Snoqualmie Valley School District Capital Facilities Plan. The Snoqualmie Valley School District No. 410 Capital Facilities Plan, amended November 12, 1992, which is included in Attachment A (to Ordinance 10722)* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 10722 § 2, 1993).

20.12.465 Highline School District Capital Facilities Plan. The Highline Public Schools District No. 401 Capital Facilities Plan 1991/92, revised November 1992, which is included in Attachment B (to Ordinance 10722)* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 10722 § 3, 1993).

20.12.466 Lake Washington School District Capital Facilities Plan. The Lake Washington School District No. 414 Capital Facilities Plan, 1992/1993 -

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

** Available in the office of the clerk of the council, planning and community development division and department of development and environmental services. (King County 12-93)

1997/1998, as amended January 7, 1993, which is included in Attachment A (to Ordinance 10790)* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 10790 § 2, 1993).

20.12.467 Kent School District Capital Facilities Plan. The Kent School District No. 415 Capital Facilities Plan, 1993-94 - 1998-99, revised May 1993, which is included in Attachment A (to Ordinance 10982)* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 10982 § 2, 1993).

20.12.468 Northshore School District Capital Facilities Plan. The Northshore School District No. 417 Capital Facilities Plan, dated August 30, 1993, revised September 16, 1993, which is included in Attachment A (to Ordinance 11148)* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the Comprehensive Plan for King County, and augments and amplifies the Plan. (Ord. 11148 § 2, 1993).

20.12.480 King County Flood Hazard Reduction Plan Policies. The King County Flood Hazard Reduction Plan policies, as shown in Attachment A* and incorporated herein by reference, are adopted as operating principles to guide King County's flood hazard reduction programs and to meet the intent of the water and natural resource policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, the policies constitute official county policy with regard to flood hazard reduction and flood plain management in King County. (Ord. 11112 § 1, 1993).

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

Chapter 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.

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).

20.14.020 Soos Creek Basin Plan. The Soos Creek Basin Plan, dated June 7, 1990, Attachment A to Ordinance 10238*, is adopted as a functional plan implementing 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. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface water management in the Soos Creek Basin. (Ord. 10238, 1992).

20.14.025 Covington Master Drainage Plan. A. Adopted. The Covington Master Drainage Plan dated January 1992 and attached as Attachment A to Ordinance 10293* 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 surface water management division is hereby authorized to revise the 1990 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 shall have the option to submit plans for regional or subregional surface water management facilities, as defined in the Covington Master Drainage Plan, that treat and dispose of the runoff from more than one development, provided that the proposed regional or subregional surface water management facilities provide the same level of control and treatment of surface water as required by the 1990 King County Surface Water Design Manual and relevant sections of this section. Developers that propose to use the regional or subregional facilities shall submit plans with facility design and agreements with adjacent landowners for the construction and operation of these facilities. The design and construction of such facilities shall be reviewed and approved by King County. King County will assume the maintenance of regional and subregional facilities upon satisfactory completion of a final inspection by the county and release of all performance bonds.

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

2. Development in the Covington Master Drainage Plan area that proposes to infiltrate stormwater generated by the project (as authorized in core requirement three of the 1990 King County Surface Water Design Manual) must submit a plan which addresses off-site analysis (core requirement two of the 1990 King County Surface Water Design Manual) and includes:

- a. an identification of the location of domestic water supply wells within a one mile radius of the proposed infiltration facilities,
- b. an assessment of human health risks from infiltration, and
- c. 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 provide stormwater detention of four acre inches of detention storage volume per impervious acre developed.

4. Development proposed in the areas designated on Attachment C to Ordinance 10293* shall submit a detailed subbasin drainage analysis demonstrating that the stormwater generated by development does not discharge directly or indirectly to Little Soos Creek. The plans shall be reviewed and approved by King County.

5. 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. The plan shall be reviewed and approved by King County.

6. 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.

7. 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 | Buffer Width |
|--------------------|--------------|
| <u>% Forest</u> | <u>Feet</u> |
| 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.

8. 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.

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

9. 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.

10. Surface water management facilities for developments or redevelopments with greater than 5,000 square feet of impervious surface which propose to infiltrate storm water shall be required to have lined wetpond and biofiltration swale treatment prior to infiltration. Developments of less than three single family residences are exempt from this requirement.

11. 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.

12. Erosion and sedimentation controls shall be required for all building sites within the Covington Master Drainage Plan area including single family building sites. Approved erosion and sedimentation control plans shall be required before initiating construction and an additional site inspection by the department of development and environmental services is required at the time of site preparation.

C. Conditions authorized. The surface water management 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, and the flood flow standard established in the Soos Creek Basin Plan, are met.

D. Conditions North of SR 18. For the portion of the Covington Master Drainage Plan lying north of SR 18, applications for development approval submitted between March 31, 1993 and September 30, 1993 shall be conditioned as necessary to preclude clearing of land for or construction of infrastructure or structures prior to completion of the retrofit facilities which are necessary to reduce copper loadings in Little Soos Creek, those retrofit facilities being referred to in the Covington Master Drainage Plan as Kentwood High School, Mattson Junior High School, and Emerald Downs Subdivision.

E. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of Ordinance 10293 be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this section. (Ord. 10732 § 1, 1993; Ord. 10293 §§ 1, 2, 6, 7, 9, 1992).

20.14.030 Bear Creek Basin Plan. The Bear Creek Basin Plan, dated July 1990 as amended by the Utilities Committee on July 2, 1992 as shown in Attachment A to Ordinance 10513* is adopted as a functional plan that implements the surface water management and environmental policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface water management in the Bear Creek Basin. (Ord. 10513, 1992).

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, is adopted as a functional plan implementing surface water management and environmental policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface water management in the Hylebos Creek and Lower Puget Sound Basins. (Ord. 11087, 1993).

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

20.14.050 East Lake Sammamish Basin Plan and Non-Point Action Plan. The East Lake Sammamish Basin Plan and Non-Point Action Plan consisting of Volume 1, dated May 11, 1992 and Volume 2 dated December 1992 as shown in Attachment A, as amended in Attachment B, is adopted as a functional plan that implements the surface water management and environmental policies of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface water management in the East Lake Sammamish Basin. (Ord. 11111, 1993).

Available in the office of the clerk of the council.

**Chapter 20.16
PLANNING AND COMMUNITY DEVELOPMENT DIVISION**

Sections:

- 20.16.010 Created.
- 20.16.020 Comprehensive plan duties.
- 20.16.030 Advising and coordinating planning with agencies.
- 20.16.040 Cooperation with agencies.
- 20.16.050 Referral procedure-Reports.
- 20.16.060 Relating projects to comprehensive plan.
- 20.16.070 Departmental assistance in capital programs.
- 20.16.080 Official controls.
- 20.16.090 Public hearing.
- 20.16.100 Area zoning.
- 20.16.110 Reclassifications.
- 20.16.120 Subdividing and platting.

20.16.010 Created. The planning and community development division is created under 920 of the King County charter and K.C.C. 2.16.050 as an executive department of the executive branch. (Ord. 263 Art. 3 (part), 1969).

20.16.020 Comprehensive plan duties. The division shall, with the assistance of the commission, prepare and present to the county council comprehensive plans and/or amendments thereto as the needs of the county require for adoption by ordinance.

A. PUBLIC HEARING REQUIRED. Before adopting any amendment, extension or addition to the comprehensive plan, the council shall hold at least one public hearing thereon;

B. NOTICE OF PUBLIC HEARING. Notice of the time, place and purpose of any such public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least twenty days before the hearing;

C. FILING OF COPIES. After adoption the division may file copies of the comprehensive plan, or any addition or amendment thereto, with any adjoining jurisdiction for purposes of information to such adjoining jurisdiction;

D. ANNUAL REPORT. The planning and community development division shall render an annual report on the status of the plan and accomplishments thereunder;

E. PROMOTION OF PUBLIC INTEREST IN PLAN. The division shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related thereto. (Ord. 263 Art. 3 § 1, 1969).

20.16.030 Advising and coordinating planning with agencies. The division shall advise all agencies of the county on planning and shall coordinate planning of the county with other governmental agencies. (Ord. 263 Art. 3 § 2 (part), 1969).

20.16.040 Cooperation with agencies. The division shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan. (Ord. 263 Art. 3 § 2(a), 1969).

20.16.050 Referral procedure - Reports. Whenever the council has approved all or a part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be vacated, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning and community development division. The report by the division shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the council, such officer or governmental body shall report the project to the planning and community development division and the division shall render its report to such officer or governmental body. In both cases the report of the division shall be advisory only. Failure of the division to report on such matter so referred to within forty days or such longer time as the council or other governmental officer or body may indicate, shall be deemed to be approval. (Ord. 263 Art. 3 § 2(b) 1969).

20.16.060 Relating projects to comprehensive plan. After the council has approved all or part of the comprehensive plan, the division shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the planning and community development division on any such project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the division finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the council on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated. (Ord. 263 Art. 3 § 2(c), 1969).

20.16.070 Division assistance in capital programs. The division shall assist the office of financial management in developing capital improvement programs and capital budgets. (Ord. 263 Art. 3 § 2(d), 1969).

20.16.080 Official controls. From time to time, the division, with the assistance of the commission, may cause to be prepared official controls which when adopted by ordinance by the council will further the objectives and goals of the comprehensive plan. The division may also draft such plans, regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the planning and community development division may recommend such plans, regulations, programs and legislation to the council for adoption. (Ord. 263 Art. 3 § 3, 1969).

20.16.090 Public hearing. Before the council adopts an official control, or any amendment thereto, the council, or its examiner as hereinafter provided, shall conduct a public hearing after which the council may adopt or reject said official control or amendment. (Ord. 263 Art. 3 § 4, 1969).

20.16.100 Area zoning. The division, with the assistance of the commission, shall consider and make recommendations to the county council concerning proposed area zoning. Area zoning to implement community plan policies and guidelines shall be proposed at the same time the community plan is proposed. The county shall make a reasonable effort to notify all affected property owners. Such notice shall include publication in the official county

newspaper and another newspaper of general circulation in the area for which the area zoning is proposed and mailed notice to all property owners whose names appear on the rolls of the King County assessor in the area for which area zoning is proposed. The publication and mailed notice required herein shall be given at least twenty days prior to the public hearing on the proposed area zoning. Failure to notify any specific property owner shall not invalidate an area zoning proceeding or any resulting reclassification of land. (Ord. 6183 § 1, 1982; Ord. 3669 § 5, 1978; Ord. 263 Art. 3 § 5, 1969).

20.16.110 Reclassifications. The division shall receive, consider and make recommendations to the examiner acting in behalf of the county council, concerning reclassifications to assure conformance to the comprehensive plan, community plan and other standards and official controls enacted by the county council. Adoption of reclassifications shall be as provided in Chapter 20.24. (Ord. 3669 § 6, 1978; Ord. 263 Art. 3 § 6, 1969).

20.16.120 Subdividing and platting. The division shall review all

proposed land plats and subdivisions and make recommendations thereon with reference to approving or denying same, or it may recommend such modifications thereto as are necessary to ensure conformance to the comprehensive plan, community plan, and other standards enacted and official controls by the county council. (Ord. 3669 § 7, 1978; Ord. 263 Art. 3 § 7, 1969).

**Chapter 20.20
POLICY DEVELOPMENT COMMISSION**

Sections:

- 20.20.010 Creation and purpose.
- 20.20.020 Location.
- 20.20.030 Authority of board of directors.
- 20.20.040 Rules adoption.
- 20.20.050 Policy development commission and board of directors Composition.
- 20.20.060 Policy development commission and board of directors Appointment and terms.
- 20.20.070 Vacancies.
- 20.20.080 Policy development commission staff services.
- 20.20.090 Powers limited.

20.20.010 Creation and purpose. A policy development commission is created involving citizens of King County in an advisory capacity to assist in planning for land use, transportation systems, utilities, public facilities, recreation, housing, community development, conservation, human services and capital improvements.

The basic purpose of the policy development commission is to provide effective opportunities for the citizens of King County to participate in the policy making processes of county government. The policy development commission is authorized to collect information on public policy issues of concern, to assist in the dissemination to the public of information pertinent to county government, and to undertake programs designated to enhance citizen participation in county government. (Ord. 3786 § 1, 1978; Ord. 2208 § 3, 1974).

20.20.020 Location. The policy development commission and its administrator are to be located within the executive branch. (Ord. 5238 § 1, 1980).

20.20.030 Authority of board of directors. The Board of Directors may make recommendations to the executive based on conclusions of its own and of its committees. It may also:

A. Advise regarding the adoption or modification of the comprehensive plan of the county;

B. Advise regarding comprehensive land use policy, concerns of local or special areas, and provide guidelines or framework for consideration of area zoning matters;

C. Advise regarding official controls for the proper implementation of the comprehensive plan;

D. Investigate and make recommendations on matters suggested by the county council, or upon the initiative of the board of directors;

E. Establish a steering committee for the purpose of evaluating and advising the board of directors on the current and anticipated work program of the commission and its committees, advising on the agendas for board of directors meetings, advising on the operating policies and procedures of the commission and the administrative functions of the policy development commission administrator. The chairperson of the board of directors shall serve as the chairperson of the steering committee. The vice-chairperson of the board of directors shall serve as the vice-chairperson of the steering committee;

F. Establish study committees on selected issues, set time periods for the life of the committees, make assignments to and receive reports and recommendations from the committees.

The chairperson of the board of directors shall designate committee membership from the membership of the commission, and shall name the committee chairpersons who shall be members of the commission. In the event that a committee requires special resources in order to carry out a particular assignment effectively, the chairperson may, with the consent of the board, name individuals who are not members of the commission to serve, up to a maximum of one fifth of the total membership of such committee;

G. Establish a work program to be reviewed by the county executive and coordinated with the work priorities of the executive. (Ord. 5238 § 2, 1980; Ord. 3786 § 3, 1978; Ord. 2208 § 4, 1974).

20.20.040 Rules adoption. The board of directors and committees shall adopt rules for the transaction of their business and each shall keep a public record of their transactions, findings and determinations. Official recommendations to the executive and council shall be by the affirmative vote of not less than a majority of the total members of the board. Such recommendations shall be by a recorded motion which shall incorporate the findings of the board and the reasons for its action. (Ord. 5238 § 3, 1980; Ord. 3786 § 4, 1978; Ord. 2208 § 5, 1974).

20.20.050 Policy development commission and board of directors - Composition. The policy development commission shall consist of:

A. A board of directors of eighteen members appointed as provided in Section 20.20.050 A; and

B. One hundred citizens appointed as provided in Section 20.20.050 B, of this chapter. (Ord. 3786 § 2, 1978).

20.20.060 Policy development commission and board of directors - Appointment and terms. A. Appointments and terms of members of the board of directors shall be as follows:

1. A chairperson and a vice-chairperson of the board of directors shall be appointed from the board members by the county executive and subject to council confirmation. The term of the incumbent chairperson shall end June 30, 1979, and that of the incumbent vice-chairperson shall end June 30th, 1978. Thereafter the terms of the chairperson and vice-chairperson shall be for a two-year period commencing July 1st, of each second year following that determined herein. The chairperson and vice-chairperson shall be eligible for reappointment only once.

2. Nine members of the board of directors shall be appointed by the county executive and subject to council confirmation. Other than the chairperson and vice-chairperson, members presently serving on the commission shall continue as members of the board but shall draw lots to determine three

members whose terms shall end June 30, 1978 and four members whose terms shall end June 30, 1979. Thereafter the terms for directors shall be for a two-year period commencing July 1st, of each second year following that determined by lots. Board members shall be eligible for reappointment only twice.

3. Nine members of the board of directors shall be appointed by the county executive from nominees of county councilmembers and subject to council confirmation. The council shall nominate one director from each council district. Members presently serving on the commission shall continue as members of the board, but shall draw lots to determine five members whose terms shall end June 30, 1978, and four members whose terms shall end June 30, 1979. Thereafter the terms of office for members shall be for a two-year period commencing July 1st, of each second year following that determined by lots. Board members shall be eligible for reappointment only twice.

B. Appointment and terms of the other members of the policy development commission shall be as follows:

One hundred citizens resident in the county shall be appointed by the county executive as members of the policy development commission. Such appointments shall be effective upon confirmation of the county council. One-half of the appointments by the county executive shall be made from nominees of the county council members. Citizens of the county presently serving as committee members shall continue in that capacity, but shall draw lots to determine the one-half whose terms shall end June 30, 1979, and the one-half whose terms shall end June 30, 1981. Thereafter the terms of these commission members shall be for a four-year period commencing July 1st, or each fourth year following that determined by lots. These commission members shall be eligible for reappointment only once, but may also be eligible for appointment to the board of directors as provided in subsection A. of this section.

C. Consideration should be given to selecting members from as broad a geographic and demographic representation as possible and who have demonstrated interest and knowledge of the issues to be considered. (Ord. 3786 § 5, 1978).

20.20.070 Vacancies. A. Vacancies on the commission shall be filled by appointment in the same manner in which the members are initially appointed as provided in Section 20.20.060. Nominations to fill vacancies caused by the expiration of terms shall be filed at least thirty days preceding the expiration of the terms, and nominations to fill other vacancies shall be filed within thirty days of the creation of the vacancy. Appointment to a vacated position shall be for the unexpired portion of the term.

B. A member of the commission who misses three consecutive regular meetings, or at least one-half of the meetings during any six-month period of the board or committee of which he or she is a member, without prior approval of the appropriate chairperson, may be removed by recommendation of board declaring the position vacant. (Ord. 5238 § 4, 1980; Ord. 3786 § 10, 1978; Ord. 2208 § 10, 1974).

20.20.080 Policy development commission staff services. A. The board of directors and its committees shall receive staff service from the appropriate agencies of county government. These staff services shall be coordinated by the policy development commission administrator.

B. With regard to all commission assignments, the administrator shall receive direction from the chairperson and vice-chairperson of the board. The administrator shall be appointed by the county council in consultation with

the chairperson and vice-chairperson of the board. The administrator shall provide administrative support for the commission and shall be responsible for the efficient flow of all commission work and direction of the policy development commission staff with the approval of the chairperson and vice-chairperson.

C. Administrative support shall consist of, but not be limited to the following:

1. Prepare commission agendas and maintain records of commission activities;
2. Coordinate staff support services provided by the appropriate agencies of county government;
3. Assure the proper preparation of policy reports and motion reports for board of directors consideration;
4. Transmit policy reports and motion reports adopted by the board of directors to the county executive;
5. Prepare an annual report of the work of the commission;
6. Establish and maintain effective communication channels with the public and the media;
7. Coordinate the work of the commission with the policy development priorities of the county executive;
8. Advise the county executive and county council on the membership needs of the commission;
9. Facilitate public involvement in issues of interest to the commission. (Ord. 5238 § 4, 1980; Ord. 3786 § 10, 1978; Ord. 2208 § 10, 1974).

20.20.090 Powers limited. Nothing in this chapter shall be construed to mean that the commission and the board of directors created in this chapter, or any committees which may be established pursuant to the chapter, are delegated any executive or legislative power, authority or responsibility. (Ord. 3786 § 12, 1978; Ord. 2262 § 2, 1974; Ord. 2208 § 12, 1974).

Chapter 20.24 ZONING AND SUBDIVISION 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.
- 20.24.070 Recommendations to the council.
- 20.24.080 Final decisions by the examiner.
- 20.24.090 Notice of appeal to examiner-Contents.
- 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.
- 20.24.150 Report by department.
- 20.24.160 Notice.
- 20.24.170 Rules and regulations.
- 20.24.195 Additional examiner findings - preliminary plats.
- 20.24.230 Council action.
- 20.24.235 Council findings - preliminary plats.

- 20.24.180 Examiner findings.
- 20.24.190 Additional examiner findings-Reclassifications and shoreline redesignations.
- 20.24.200 Reclassification and proposed plat review guidelines.
- 20.24.210 Written recommendation or decision.
- 20.24.220 Appeal to council.
- 20.24.230 Council action.
- 20.24.240 Review of final decisions.
- 20.24.250 Reconsideration of final action.

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 zoning and subdivision examiner is created. The examiner shall act in behalf of the council in considering and applying regulatory enactments to the land as provided herein. (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 deputy may be removed from office at any time by the affirmative vote of not less than six members of the council for just cause. (Ord. 263 Art. 5 § 4, 1969).

20.24.050 Qualifications. The examiner and his deputy shall be appointed solely with regard to their qualifications for the duties of their office and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them, and shall hold no other appointive or elective public office or position in the county government except as provided herein. (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 him by ordinance and shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the examiner. The deputy may also serve in other capacities as an employee of the council. (Ord. 263 Art. 5 § 6, 1969).

20.24.070 Recommendations to the council. A. The examiner shall receive and examine available information, conduct public hearings and prepare records and reports thereof and issue recommendations to the council based upon findings and conclusions in the following cases:

1. Applications for reclassifications of property;
2. Applications for unclassified use permits;

3. Applications for planned unit developments;
4. Applications for preliminary plats; including those variance decisions made by the road engineer pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject preliminary plat proposal;
5. Applications for shoreline environment redesignations;
6. Applications for boundary adjustments of local sewer service areas in accordance with the county sewerage general plan, Ordinance 4035, Chapter 6, required for development proposals including but not limited to short subdivisions and building permits, which seek or need sewer service but are located outside of existing designated local sewer service areas;
7. Applications for agricultural land variances;
8. Applications for review of designations of agricultural lands of county significance of King County agricultural districts;
9. Applications to revise the boundaries of agricultural lands of county significance;
10. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands except as provided in Section 20.36.090;
11. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;
12. Appeals from decisions regarding residential condominium binding site plan applications pursuant to Section 19.34.050;
13. Applications for a public agency exception pursuant to K.C.C. 21.54.050;
14. Applications for the vacation of county roads;
15. Appeals of a recommendation by the department of public works to deny the petition for vacation of a county road;
16. Appeals of a recommendation by the department of public works of the compensation amount to be paid for vacation of a county road;
17. Other applications or appeals which 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 make the application reasonably compatible with the environment and carry out applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code and other official laws, policies and objectives of King County. (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).

20.24.080 Final decisions by the examiner. A. The examiner shall receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue final decisions based upon findings and conclusions in the following cases:

1. Appeals from the decisions of the administrator for short subdivisions, including those variance decisions of the road engineer made pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject short divisions;
2. Appeals of threshold determinations;
3. Appeals from notices and orders issued pursuant to Title 23 of this code or the Rules and Regulations VII of the King County department of public health;
4. Appeals from decisions to require sensitive areas studies or to condition or deny pursuant to chapter 21.54 development proposals which do not otherwise have an appeal process available;
5. Appeals from conditions imposed on final approvals of subdivisions receiving extensions pursuant to Section 19.28.050.E. or F.;
6. Appeals from decisions of the zoning adjustor on administrative conditional use permits, conditional use permits or variances;
7. Appeals from decisions regarding site plan approvals pursuant to Section 21.46.180 and pursuant to Ordinance 4122;
8. Appeals from decisions regarding the abatement of nonconforming uses;
9. Applications for shoreline substantial development permits when combined with other land use applications pursuant to Section 25.32.080;
10. Appeals from decisions regarding modification of landscaping requirements pursuant to Section 21.51.050;
11. Appeals from decisions of the director of the department of public works on requests for rate adjustments to surface and storm management rates and charges;
12. Appeals from decisions regarding the reuse of public schools pursuant to Section 21.08.040.H.;
13. Appeals from decisions to condition or deny applications pursuant to RCW 43.21C.060, as provided in Section 20.44.120 2.C.;
14. Appeals from 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;
15. Appeals from decisions of the manager of building and land development division on variances;
16. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in Chapter 23.10;
17. Applications for a reasonable use exception pursuant to K.C.C. 21.54.050;
18. Appeals from denials under K.C.C. 23.08.120;
19. Appeals from decisions of the director of the department of development and environment services on commercial site development permits.
20. Other applications or appeals which the council may prescribe 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 and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code and other official laws, policies and objectives of King County. (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).

ZONING AND SUBDIVISION EXAMINER

20.24.090 Notice of appeal to examiner - Contents. regarding any decision being appealed to the zoning and pursuant to this chapter shall be filed with the county clerk issuing the original decision within ten calendar days from the date of such decisions except as follows:

A. Notices of appeal of State Environmental Planning Act determinations shall be filed within fifteen days from the date of determination; and

B. Notices of appeal of the recommendation to deny a road by the department of public works shall be filed along with a one hundred dollar administrative fee with the clerk of the county within thirty days of an issuance of said denial.

All notices of appeal shall state with specificity the decision appealed and the reasons why the appealed decision should be modified. (Ord. 10691 § 4, 1992; Ord. 6949 § 18, 1984; Ord. 4461 § 4, 1979)

20.24.100 Condition, modification and restriction exemptions. but not limited to, the kinds of conditions, modifications and restrictions that may be imposed are additional setbacks, screenings in the front yard, fencing, covenants, easements and dedications of additional land. Performance bonds may be required to insure compliance with the conditions, modifications and restrictions. (Ord 263 Art. 5 § 7(part))

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

20.24.120 Freedom from improper influence. Individual zoning officials or any other person, shall not interfere with or obstruct the zoning examiner or deputy examiner in the performance of his or her duties. (Ord. 263 Art. 5 § 9, 1969).

20.24.130 Public hearing. When it is found that an applicant is unable to meet the filing requirements of the responsible county department or the filing rules of the examiner, it shall be accepted and a date for a public hearing. For purposes of proceedings identified in Section 20.24.130 a hearing by the examiner shall constitute the hearing by the examiner in rendering a recommendation or decision on any application or appeal. There shall hold at least one public hearing thereon; provided, that for the review of appeals regarding variances and conditional use permits there shall be upon the record before zoning adjustor as provided by Section 4461 § 4, 1979).

20.24.140 Consolidation of hearings. Whenever a project is pending for one county permit or approval, the zoning examiner may in his or her discretion a consolidation of and conduct the required public hearings to avoid the costs or delays. Decisions of the examiner to order and conduct public hearings shall be final in all cases. (Ord. 4461 § 5, 1979)

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 subject 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. 4461 § 6, 1979: Ord. 263 Art. 5 § 11, 1969).

20.24.160 Notice. Unless otherwise provided by ordinance, the responsible county department shall cause notice of the time and place of the public hearing to be mailed to all persons of record at least fourteen calendar days prior to the scheduled hearing. Additional notice shall be given as provided in the ordinance governing the particular type of application or appeal. (Ord. 4461 § 7, 1979: Ord. 263 Art. 5 § 12, 1969).

20.24.170 Rules and regulations. The examiner shall have the power to prescribe rules and regulations for the conduct of hearings before him subject to confirmation of the council; and also to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the examiner. (Ord. 4461 § 8, 1979: Ord. 263 Art. 5 § 13, 1969).

20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he shall make and enter findings of fact and conclusions from the record which support his 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, the community plans, the sewerage general plan, the zoning code, the subdivision 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. 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 which support the conclusion that at least one of the following circumstances applies:

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

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

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

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;
2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and
3. The requested reclassification or redesignation is required in the public interest. (Ord. 4461 § 10, 1979).

20.24.195 Additional examiner findings - preliminary plats. When the examiner issues a recommendation regarding an application for a proposed preliminary plat, the recommendation 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 schoolgrounds 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. 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, PUD's, or actualization of potential multi-family zoning, 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. 21.56.050 if the development were approved, the examiner shall remand to BALD 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 the provisions of this chapter. The examiner shall prepare findings to document the facts which 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 in the alternative 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 such phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with the phasing of an impact mitigation fee if such 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. 9785 § 10, 1991).

20.24.200 Reclassification and proposed plat review guidelines. A. The Northshore community plan constitutes official county policy for its geographic area. Until such time as the area zoning based on this community plan has been adopted, the guidelines set forth in subsections B and C of this section shall apply to the review of reclassifications and proposed plats.

B. The following guidelines shall apply to the review of applications for reclassification:

1. In case of conflict between the use and density designations indicated in the comprehensive plan and the community plan, the community plan governs; provided that within the White Center subarea of the Highline community plan, as shown in the White Center development plan map, a reclassification may be approved where the council determines that:

a. The use and density applied for is similar to or less intensive than the use and density designation for the property indicated by the community plan; and

b. The use and density applied for complies with the policies of the community plan; and

c. The applicant has established that, because of exceptional circumstances, the proposed use and density better achieves and implements the policies of the community plan than the use and density designated in the community plan.

2. In case of conflict between the permitted use specified, if any, in the community plan and the present zoning, the community plan governs.

C. The following guidelines shall apply to the review of proposed plats and short plats:

1. Plats and short plats in those areas where the adopted community plan and the present area zoning conflict, the community plan shall govern. (Ord. 5453 § 3, 1981; Ord. 5006 § 1, 1980; Ord. 3747 §§ 1-3, 1978).

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.

B. Recommendations of the examiner in cases identified in Section 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. A copy of the notice shall also be delivered to the examiner.

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 zoning and subdivision 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 in cases identified in Section 20.24.080 shall be final and reviewable pursuant to Section 20.24.240. (Ord. 9306, 1990; Ord. 4461 § 11, 1979).

20.24.220 Appeal to council.¹ If an appeal has been filed pursuant to Section 20.24.210 B, the appellant shall file 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 which implements the examiner's recommended action on the agenda of the next available

¹ [See 27.24.020D. for appeal fee.]

council meeting. 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 thereto may be submitted to the clerk within fourteen calendar days of the date of such notification by the clerk.

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; provided, the council also may allow parties a period of time for oral argument based on the record. 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, provided, that the deputy examiner who conducted the public hearing on the proposal may not conduct the conference. Such conference shall be informal and shall not be part of the public record.

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

A. 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

B. 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; 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 when determined necessary prior to the council's taking final action thereon. (Ord. 4461 § 12, 1979).

20.24.230 Council action. The council shall take final action on any recommendation of the examiner by ordinance and when so doing, it shall make and enter findings of fact and conclusions from the record which support its action. Said 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 sewerage general plan, 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 RCW 82.02.

Any ordinance also may contain reasonable conditions which must be satisfied before the ordinance becomes effective and the official zoning maps shall not be amended until said 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 said 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 said 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 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. 9544 17, 1990; Ord. 4680 § 2, 1980; Ord. 4461 § 13, 1979; Ord. 263 Art. 5 § 18, 1969).

20.24.235 Council findings - preliminary plats. A. In addition to the provisions of K.C.C. 20.24.230 the council 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 schoolgrounds 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. 9544 § 18, 1990).

20.24.240 Review of final decisions. A. Decisions of the council in cases identified in Section 20.24.070 shall be final and conclusive action unless within twenty calendar days, or within thirty calendar days for decisions approving or denying plats, from the date of the council's adoption of an ordinance an aggrieved person applies for a writ of certiorari from the Superior Court in and for the county of King, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during said twenty-day, or thirty-day for plat approvals, appeal period.

B. Decisions of the examiner in cases identified in Section 20.24.080 shall be a final and conclusive action unless within twenty calendar days from the date of issuance of the examiner's decision an aggrieved person applies for a writ of certiorari from the Superior Court in and for the county of King, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during said twenty-day appeal period. (Ord. 4461 § 15, 1979).

20.24.250 Reconsideration of final action. The council may reconsider any action after it has become final if:

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

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

C. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the action. 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 Section 20.24.220. (Ord. 4461 § 14, 1979).

Chapter 20.28
VARIANCES AND CONDITIONAL USES

Sections:

- 20.28.010 Decision-Appeal.
- 20.28.020 Zoning adjustor established.
- 20.28.030 Qualifications.
- 20.28.040 Meetings.
- 20.28.050 Authority.
- 20.28.060 Rules.
- 20.28.070 Inclusion of finding of fact.

20.28.010 Decision - Appeal. The department shall make the initial decision concerning all applications for zoning variances and conditional use permits and its decisions shall be final unless appealed to the zoning and subdivision examiner. (Ord. 4462 § 4, 1979; Ord. 263 Art. 6 (part), 1969).

20.28.020 Zoning adjustor established. The manager of the building and land development division with the approval of the county executive may appoint a zoning adjustor to hear and decide variances and conditional use permits. (Ord. 4462 § 5, 1979; Ord. 263 Art. 6 § 1, 1969).

20.28.030 Qualifications. The zoning adjustor shall be appointed solely with regard to ability and training as will qualify him to conduct quasi-judicial hearings on zoning matters. (Ord. 263 Art. 6 § 2, 1969).

20.28.040 Meetings. The zoning adjustor or deputy shall hold such public hearings as are necessary to keep the case load of variances and conditional use permits reasonably current. (Ord. 263 Art. 6 § 3, 1969).

20.28.050 Authority. The zoning adjustor, subject to the provisions of this title and the provisions of the zoning code of King County shall hear and decide:

A. Applications for conditional use or other permits when the zoning code sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

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

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning code is found to deprive property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification,

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated. (Ord. 263 Art. 6 § 4, 1969).

20.28.060 Rules. The zoning adjustor shall adopt rules for the transaction of business and shall keep a public record of his actions, findings, and determinations. (Ord. 263 Art. 6 § 5, 1969).

20.28.070 Inclusion of finding of fact. The zoning adjustor in making his written decision shall incorporate findings of fact; an analysis of wherein the proposal meets or fails to meet the criteria set forth in the zoning code or the comprehensive plan if applicable. (Ord. 263 Art. 6 § 6, 1969).

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

Sections:

- 20.36.010 Purpose and intent.
- 20.36.020 Zoning and subdivision examiner.
- 20.36.030 Applications.
- 20.36.040 Fees.
- 20.36.050 Time to file.
- 20.36.060 Notice of public hearing for open space and timber land applications.
- 20.36.070 Application filed after October 1st.
- 20.36.080 Effect of approval.
- 20.36.090 Open space and timber land applications in incorporated areas.
- 20.36.100 Criteria for approval-public benefit rating system for open space lands.
- 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 form and agricultural appeals and removal appeals.
- 20.36.140 Pending applications.
- 20.36.150 Public benefit rating system report adopted.
- 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.

20.36.010 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).

20.36.020 Zoning and subdivision examiner. The office of zoning and subdivision examiner as established by Chapter 20.24 as amended, shall act in 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 herein. All such applications and appeals shall be processed pursuant to the procedures established in this chapter and Chapter 20.24. (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 RCW Chapter 84.34 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 of development and environmental services. 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 RCW Chapter 84.34 with a notarized verification of the truth thereof. (Ord. 10778 § 2, 1993: Ord. 10511 § 5, 1992: Ord. 1886 § 3, 1974: Ord. 1076 § 3, 1971).

20.36.040 Fees. A. The applicant shall pay a filing fee as provided in K.C.C. 27.36.030, payable to the King County office of finance, for each open space, farm and agricultural, or timber land application filed in calendar year 1973 or thereafter.

B. 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, fees as set forth in K.C.C. 27.36.030 shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected; provided, that in no event shall the amount paid to the city exceed the fee established by the city. (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 open space and timberland applications. Notice of the time, place and purpose of any such public hearing on an open space or timber land application based on land in unincorporated areas of the county shall be given by one publication in the official county newspaper at least twenty days before the hearing. (Ord. 4462 § 6A, 1979: Ord. 1886 § 7, 1974: Ord. 1076 § 7, 1971).

20.36.070 Applications filed after October 1st. In the case of open space and timber applications filed after October 1st 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 such land in the event of approval of such applications. (Ord. 4462 § 7, 1979).

20.36.080 Effect of approval. Any ordinance approving an application shall constitute authorization for the chairman of the council or his/her designee to sign the open space taxation agreement. (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 of development and environmental services shall promptly transmit a copy of the application to the affected city.

B. Such an application shall be acted upon by a determining authority composed of three county council members designated by the county council and three city council members designated by the applicable city legislative body. The application shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearings. (Ord. 11195 § 2, 1994: Ord. 1886 § 10, 1974).

20.36.100 Criteria for approval - public benefit rating system for open space lands.

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

1. High priority resources - five points each.
 - a. Active or passive recreation areas.
 - b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
 - c. Aquifer protection areas.
 - d. Shoreline: "Conservancy" environment.
 - e. Scenic resources, viewpoints and view corridors.
 - f. Surface water quality buffer area.
 - g. Open space within or close to urban growth areas.
 - h. Significant plant, wildlife or salmonid habitat area.
 - i. Significant aquatic ecosystems.
 - j. Historic landmarks/archaeological sites: designated sites.
 - k. Trail linkages.
 - l. Urban area open space.
2. Medium priority resources - three points each.
 - a. Public lands and right-of-way buffers.
 - b. Special native plant sites.
 - c. Natural shoreline environments.
 - d. Geological features.
 - e. Eligible historic landmarks or archaeological sites.
 - f. Buffers to designated historic landmarks/archaeological sites.
 - g. Special animal sites.
3. Low priority resources - one point each.
 - a. Buffers to eligible historic/archaeological sites.

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

1. Resource restoration - five points.
2. Bonus surface water quality buffer - three or five points.
3. Contiguous parcels under separate ownership - two points.
4. Conservation/historic/trail easement in perpetuity - five points.
5. Bonus public access points.
 - a. Unlimited public access - five points.
 - b. Limited public access - sensitive area - five points.
 - c. Limited public access - three points.

C. Super bonus system. Properties with at least one high priority resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at 10% of market value. (Ord. 10778 § 3, 1993; Ord. 10511 § 7, 1992).

20.36.110 Current use taxation of timber land. Classification of timber land for current use taxation under the provisions of RCW 84.34 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; and
- B. The property must be within an established FR (forestry recreation), F (forest resource), A (agricultural) or A-R (rural area) zone. (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).

20.36.140 Pending applications. All applications for current use assessments made to the county during the first four calendar months of 1973, which have not been approved or disapproved by the county council prior to July 16, 1973, shall be treated as applications made under RCW Chapter 84.34, as amended in 1973 by Chapter 212, Laws of 1973 Ex. Sess. The applicant shall be required to supplement his original application, if necessary, in order to

provide the county with the information required by forms prepared by the State Department of Revenue for applications made after July 16, 1973. (Ord. 1886 § 13, 1974).

20.36.150 Public benefit rating system report adopted. The summary report dated December, 1993 detailing the public benefit rating system and attached to Ordinance 11195* is hereby approved and adopted and by this reference made a part hereof. (Ord. 11195 § 3, 1994).

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:

| <u>Public Benefit Rating</u> | <u>Current Use Value</u> |
|------------------------------|--------------------------|
| 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. Open space property which has been previously approved for current use assessment will be reassessed under the public benefit rating system, pursuant to the procedures outlined in this chapter. If this determination results in an assessment at 100% of market value for the property or a portion thereof, the property owner may request removal from open space classification of the property or that portion thereof, within thirty days of notification, without monetary penalty. (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 the date of adoption of this ordinance to assess the progress of the program. (Ord. 10511 § 9, 1992).

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

Chapter 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.
- 20.44.050 Environmental impact statements and other environmental documents.
- 20.44.060 Comments and public notice.
- 20.44.070 Use of existing environmental documents.
- 20.44.080 Substantive authority.
- 20.44.090 On going actions.
- 20.44.100 Responsibility as consulted agency.
- 20.44.120 Appeals.
- 20.44.130 Department procedural rules.
- 20.44.140 Severability.
- 20.44.145 Effective date.

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. Pursuant to WAC 197-11-055(4), the building and land development division shall adopt rules and regulations pursuant to K.C.C. 2.98 establishing a process for environmental review at the conceptual stage of permit applications which require detailed project plans and specifications (i.e., building permits and PUD's). This process shall not become effective until it has been reviewed by the council.

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

C. 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.

D. The manager of the building and land development division 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. 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 determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for such proposal.

2. Sensitive area maps adopted by K.C.C. 21.54.130 are designated as maps of environmentally sensitive areas for purposes of WAC 197-11-908. The following categorical exemptions shall not apply should the proposal site be within areas designated as environmentally sensitive pursuant to the sensitive area maps and K.C.C. 21.54.070: WAC 197-11-800 (6)(a).

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. 9103, 1989: Ord. 8236 § 2, 1987: Ord. 6949 § 6, 1984).

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 Section 20.44.145 and pursuant to K.C.C. 2.98, the building and land development division shall promulgate administrative rules prior to the effective date of this section 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 Section 20.44.145 and pursuant to K.C.C. 2.98, the building and land development division 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 environmental documents when it believes that the documents 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. (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 consist of:

1. For project-specific proposals, posting of a notice board, K.C.C. 19.26.070 A., on or adjacent to the subject property at a place conspicuous and likely to be seen by persons passing the property. The division may require additional notice boards when a site does not abut a public road, when a large site abuts more than one public road or in any other instance when the division deems additional boards to be necessary. The notice board shall be posted for fifteen days. Notice shall contain:

- a. The name of the applicant, the description of the proposed action, the proposed use of the property, and the file number;
- b. A plot plan and general location description in non-legal language;
- c. The procedures and deadline for submitting comments;
- d. A form to request subsequent department reports or decisions;
- e. Identification of the responsible county official; and
- f. A description of the appeal procedure.

A notarized affidavit of posting which certifies the location of a notice board on a vicinity map shall be submitted to the department within fifteen days of publication pursuant to this section.

2. Publication of notice in a newspaper of general circulation in the area where the proposal is located.

C. Additional notice.

1. For project-specific proposals, the department shall mail to property owners within five-hundred feet of the proposal's property boundaries: the threshold determination, or the decision to condition the permit pursuant to RCW 43.21C.060 if notice has not been previously mailed. Failure of any specific property owner to receive notice shall not invalidate the determination or decision to condition.

2. 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. 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).

20.44.080 Substantive authority. A. The procedures and standards of WAC 197-11-650 through 197-11-660 are adopted regarding substantive authority and mitigation.

B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations are designated as potential bases for the exercise of King County's authority under SEPA:

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

2. The King County Comprehensive Plan, its addenda, and revisions and community and middle plans and housing report, and surface water management program basin plans, as specified in King County Code chapter 20.12.

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

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

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

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

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

8. The King County Road Standards, 1986 Update, as adopted in King County Code chapter 14.42.

C. 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 order shall contain facts and conclusions based on the proposals 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 which supports the SEPA decision.

D. 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. 10293 § 3, 1992; Ord. 9142, 1989; Ord. 8380 § 2, 1988; Ord. 6949 § 10, 1984).

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 parks, planning and resources. 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. 6949 § 12, 1984).

20.44.120 Appeals. A. Appeals of threshold determinations shall be conducted by the zoning and subdivision examiner pursuant to K.C.C. 20.24.080, subject to the following:

1. Only one appeal of each threshold determination shall be allowed on a proposal.

2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

B. Consideration of the adequacy of the final EIS shall be consolidated in all cases with the public hearing, if any, on the proposal. Administrative appeals regarding adequacy of the EIS shall be consolidated with the administrative appeal, if any, on the proposal. If no public hearing process exists for a proposal, review of final EIS adequacy shall only be by writ of certiorari in King County Superior Court.

C.1. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal.

2. If no administrative appeal is otherwise authorized for a proposal, a decision denying or conditioning an application pursuant to RCW 43.21C.060 may be appealed to the zoning and subdivision examiner pursuant to K.C.C. 20.24.080. Such appeals shall be limited to issue of whether or not the application was properly conditioned or denied pursuant to RCW 43.21C.060 and the regulations and ordinances implementing that statute.

3. Appeals of the adequacy of a final EIS shall be filed within the time periods for appeals of the proposal. Appeals of threshold determinations must be filed within fifteen days of the lead agency determination. (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. 2.98 for the implementation of SEPA WAC ch. 197-11 and this chapter.

B. The rules and regulations prepared by the department of parks, planning and resources, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by council motion. (Ord. 6949 § 15, 1984).

20.44.140 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 8998 § 7, 1989; Ord. 6949 § 19, 1984).

20.44.145 Effective date. K.C.C. 20.44.030, .060, .120, .140 and .145 of this chapter shall become effective 10 days after enactment. K.C.C. 20.44.050 and K.C.C. 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).

Chapter 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.
- 20.54.140 Severability.

[*Attachments A-1, A-2 and B through G, attached to Ordinance 3064 as adopted on February 4, 1977, and amended by Ordinances 3760 and 3761, are on file and may be inspected in the office of the clerk of the council.]

[*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).

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).

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 the effective date of the ordinance codified in this chapter. (Ord. 3110 § 2, 1977; Ord. 3064 § 7, 1977).

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 G. (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 zoning and subdivision 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 21.60, 21.62 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 zoning and subdivision 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. 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).

20.54.130 Duration. Continued application of the provisions of Section 20.54.070 beyond eighteen months from the effective date of the ordinance codified in this chapter 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).

20.54.140 Severability. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances shall not be affected. (Ord. 3064 § 14, 1977).

Chapter 20.58 CONDOMINIUM CONVERSIONS

Sections:

PART I. GENERAL PROVISIONS

- 20.58.010 Application.
- 20.58.020 Definitions.
- 20.58.030 Relocation assistance.
- 20.58.040 Mandatory residential inspection.

PART II. PROTECTION OF TENANTS

- 20.58.050 Warranty of repairs and escrow fund.
- 20.58.060 Enforcement.
- 20.58.070 Authorization to implement procedures.
- 20.58.080 Severability.

PART I. GENERAL PROVISIONS

20.58.010 Application. This chapter applies to all conversion condominiums created in unincorporated areas of King County after the effective date of Ordinance 9587 (September 3, 1990). (Ord. 9587 § 3, 1990).

20.58.020 Definitions. For the purposes of this chapter, the following terms shall have the meanings set forth below:

A. "Condominium" means real property, including but not limited to residential buildings and mobile home parks, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to the Horizontal Property Regimes Act (RCW 64.32) or the Condominium Act (RCW 64.34).

B. "Condominium conversion notice" means the notice of conversion required by RCW 64.34.440 to be given to residential tenants and subtenants in real property converted to condominium ownership.

C. "Conversion condominium" means a condominium that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied; or a condominium that at any time before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which before the effective date of Ordinance 9587 (September 3, 1990), any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

D. "Declarant" means any person or group of persons acting in concert who executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34, or who reserves or succeeds to any special declarant rights under such a document.

E. "Director" means the director of the King County parks, planning and resources department and his or her designees.

F. "Division" means the King County building and land development division.

G. "Owners association" means the association of condominium unit owners, organized in accordance with RCW 64.34, for the purpose of managing a condominium.

H. "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

I. "Public offering statement" means a document offering condominium units for sale, and providing descriptions and disclosures relating to the condominium pursuant to RCW 64.34.

J. "Residential inspection" means inspection of real property to be converted to condominium ownership for compliance with the Uniform Housing Code as adopted by King County and other land use or public health codes and ordinances as determined by the director.

K. "Tenant" means any person who is entitled to occupy a rental unit primarily for living or dwelling purposes under a rental or lease agreement, written or oral, express or implied. The term "tenant" also includes a subtenant who is in occupancy with the consent of the owner.

L. "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(D). (Ord. 9587 § 2, 1990).

20.58.030 Relocation assistance. Relocation assistance of five hundred dollars per unit shall be paid by the declarant to tenants and subtenants who elect not to purchase a unit and who are in lawful occupancy for residential purposes of a unit and whose monthly household income from all sources, on the date of the condominium conversion notice, was less than an amount equal to eighty percent of the monthly median income for comparably sized households in the Seattle-Everett Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development. The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit on the date of the condominium conversion notice.

B. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

C. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

D. This section shall not apply to mobile home park tenants who otherwise receive relocation assistance pursuant to the Mobile Home Park Relocation Act (RCW 59.21). (Ord. 9587 § 4, 1990).

20.58.040 Mandatory residential inspection. A. The declarant shall, at his or her expense, obtain a residential inspection by the building and land development division of the premises subject to conversion. Inspection shall be made within forty-five days of a declarant's written request. A written residential inspection report shall be issued by the division within fourteen days following completion of the residential inspection.

B. Any public offering statement issued with respect to a conversion condominium shall include a copy of the written residential inspection report from the division.

C. Prior to the conveyance of any residential unit within a conversion condominium, the declarant shall repair all violations disclosed in the residential inspection report and shall obtain certification from the division that such have been properly made. Certification of repairs by the division shall be based upon a reinspection of the conversion condominium premises, to be performed within seven days of the declarant's written request. Certification shall be issued within seven days following reinspection if property is then determined to be in compliance.

D. Certification by the division shall state that only those defects discovered by the residential inspection have been corrected and that the certification does not guarantee that all relevant code violations have been corrected. No declarant shall use the division's certification in any advertising, nor shall a declarant indicate or imply to anyone, for the purpose of inducing a person to purchase a condominium unit, that King County or any of its departments has "approved" the premises or any unit for sale. (Ord. 9587 § 5, 1990).

20.58.050 Warranty of repairs and escrow fund. A. The repairs required to be made in K.C.C. 20.58.040 shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs.

B. Prior to conveyance of any residential unit within a conversion condominium, the declarant shall establish and maintain an account with a bank or other financial institution of the declarant's choosing, containing a sum equal to ten percent of the actual cost of making repairs required in K.C.C. 20.58.040. During the one year warranty period, funds contained in the account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made under the warranty. The declarant shall, in writing, notify the owners' association and the division of the location of the account and of any disbursements therefrom. Following expiration of the warranty period, any funds remaining in the account shall be disbursed to the declarant.

C. Depletion of the funds contained in the account shall not relieve the declarant of his or her obligations under this section. (Ord. 9587 § 6, 1990).

20.58.060 Enforcement. The director is authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. No provision contained in this chapter is intended to limit any private right of action against the declarant which may be available to persons or classes of persons adversely affected by the declarant's to comply with the provisions of this chapter, the Condominium Act (RCW 64.34), the condominium declaration or by-laws, or other applicable law. (Ord. 9587 § 7, 1990).

20.58.070 Authorization to implement procedures. The director is authorized to promulgate and adopt administrative rules and regulations under the procedures specified in K.C.C. 2.98, for the purpose of implementing and enforcing the provisions of this chapter. Such rules and regulations may include, but shall not be limited to, a procedure for checklists which can be signed by the developer, purchaser or tenant, as appropriate, to indicate that the various requirements of this chapter have been met. (Ord. 9587 § 8, 1990).

20.58.080 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 9587 § 9, 1990).

**Chapter 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 and heritage 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 Finding.
- 20.62.130 Penalty for violation of Section 20.62.080.
- 20.62.140 Special valuation for historic properties.
- 20.62.200 Severability

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 the heritage of King County 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 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 the preservation, exhibition and interpretation of King County's heritage;

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (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 and heritage commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to Section 20.62.040 of this chapter but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Council" is the King County council.

G. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

H. "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.

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 history, ethnic history, traditional cultures, folklore, archaeology and historic preservation.

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 American and/or local history, architecture, archaeology, and culture.

M. "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(s) 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.

N. "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.

O. "Landmark" is an historic resource designated as a landmark pursuant to Section 20.62.060 of this chapter.

P. "Manager" is the manager of the King County building and land development division or his or her designee.

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 hereunder.

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. 10474 § 2, 1992; Ord. 4828 § 2, 1980).

20.62.030 Landmarks and heritage commission created-Membership and organization. A. There is created the King County landmarks and heritage commission ("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 King 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 King 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. below, 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 King 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 set forth in paragraph B, an appointment for a one or a two year term shall be deemed an appointment for an unexpired term.

D. For appointments made in 1992 the King 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 set forth in paragraph B, an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

E. The chairman shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt per 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. Ch. 3.04 as hereafter amended. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the council clerk.

F. 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.

G. 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.

H. 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.

I. The director of the King County parks, planning and resources department shall provide staff support to the commission and shall assign a professionally qualified member of the department's staff to serve as a full-time historic preservation officer. The historic preservation officer shall be an employee of the parks, planning and resources division of cultural resources. 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.

J. 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 chairman 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.

K. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically 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 thereof shall be furnished to any person upon request and payment of the reasonable expense thereof.

L. The commission is authorized, subject to the availability of funds for that purpose, to expend monies 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 such technical assistance imposes an unreasonable financial hardship on such property owner.

M. Commission records, maps, or other information identifying the location of archaeological sites and potential sites shall be exempt from public access as specified in RCW 42.17.310(1.c.), as amended, in order to avoid looting and depredation of such sites. (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 an 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 1. whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in Section 20.62.040 of this chapter and merits designation as a landmark or community landmark and, 2. the significant features of the landmark. The hearing may be continued from time to time in the discretion of the commission. In the event 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 set out in Section 20.62.040. Such 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 such action with the manager and mail copies of the same, certified mail/return receipt requested, to the owner, the person submitting the nomination and interested persons of record. Such notice shall include:

1. A copy of the commission's preliminary determination;

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 set out in Section 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 an 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 set forth in Section 20.62.040;

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 pursuant to the provisions of Section 20.62.080, a copy of which shall be included in the designation report. This subsection shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of an 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 set forth in Section 20.62.040 have not been met. If an historic resource has been nominated as a landmark and the commission designates such historic resource as a community landmark, such 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 manager 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 such nomination, it shall include in the notice to the manager a statement that the provisions of Section 20.62.080 no longer apply to the subject historic resources.

E. If the commission approves, or amends a landmark designation, the provisions of Section 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be filed with the division of records and elections together with a legal description of the

designated resource and notification that the provisions of Sections 20.62.080 and 20.62.130 apply. If the commission terminates the designation of an historic resource, the provisions of Section 20.62.080 shall no longer apply to said historic resource. (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 manager 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 manager, 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 manager for a permit for any action which affects a landmark, the manager shall promptly refer such application to the historic preservation officer and such application shall be deemed an application for a certificate of appropriateness. The manager may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the manager 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 manager 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 manager.

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. 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 infeasibility 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 infeasibility 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 archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies. The commission shall establish rules and regulations consistent with K.C.C. 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 and King County department of parks, planning and resources, review proposals submitted to that department for funds made available for grants to be made by the department through the Housing and Community Development Act of 1974, 42 U.S.C., § 5301 et seq., the State and Local Fiscal Assistance Act of 1972, 31 U.S.C., § 1221 et seq., the Museum Assistance Program and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission shall make recommendations to the department 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. 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 221, 1986 Laws of Washington and Chapter 84.26 RCW.

B. The King County landmarks and heritage commission is hereby designated as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, and is authorized to perform all functions required by Chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter 254.20 WAC.

C. All King County landmarks designated and protected under authority of Ordinance 4828 and K.C.C. 20.62 shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW. (Ord. 10474 § 12, 1992; Ord. 9237, 1989).

20.62.200 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 10474 § 14, 1992).