



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 16, 2009

Ordinance 16552

Proposed No. 2009-0173.2

Sponsors Hague

1 AN ORDINANCE relating to providing notice of
2 applications; and amending Ordinance 13147, Section 21,
3 as amended, and K.C.C. 20.18.050, Ordinance 12196,
4 Section 10, as amended, and K.C.C. 20.20.030, Ordinance
5 12196, Section 13, as amended, and K.C.C. 20.20.060,
6 Ordinance 12196, Section 16, as amended, and K.C.C.
7 20.20.090 and Ordinance 1076, Section 7, as amended, and
8 K.C.C. 20.36.060.

9
10 SECTION 1. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are
11 each hereby amended to read as follows:

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

16 1. If initiated by council motion, the motion shall refer the proposed site-specific
17 land use amendment to the department of development and environmental services for

18 preparation of a recommendation to the hearing examiner. The motion shall also identify
19 the resources and the work program required to provide the same level of review accorded
20 to applicant-generated amendments. An analysis of the motion's fiscal impact shall be
21 provided to the council before adoption. If the executive determines that additional funds
22 are necessary to complete the work program, the executive may transmit an ordinance
23 requesting the appropriation of supplemental funds.

24 2. If initiated by executive proposal, the proposal shall refer the proposed site-
25 specific land use amendment to the department of development and environmental services
26 for preparation of a recommendation to the hearing examiner.

27 3. If initiated by property owner application, the property owner shall submit a
28 docketed request for a site-specific land use amendment. Upon receipt of a docketed
29 request for a site-specific land use amendment, the request shall be referred to the
30 department of development and environmental services for preparation of a
31 recommendation to the hearing examiner.

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

- 35 1. Name and address of the owner(s) of record;
- 36 2. Description of the proposed amendment;
- 37 3. Property description, including parcel number, property street address and
38 nearest cross street;
- 39 4. County assessor's map outlining the subject property; and
- 40 5. Related or previous permit activity.

41 C. Upon initiation of a site specific land use map amendment, an initial review
42 conference will be scheduled by the department of development and environmental
43 services. The owner or owners of record of the property shall be notified of and invited to
44 attend the initial review conference. At the initial review conference, the department will
45 review the proposed amendment's consistency with applicable county policies or
46 regulatory enactments including specific reference to comprehensive plan policies,
47 countywide planning policies and state Growth Management Act requirements. The
48 proposed amendment will be classified pursuant to K.C.C. 20.18.040 and this information
49 either will be provided at the initial review conference or in writing to the owner or owners
50 of record within thirty days.

51 D. If a proposed site-specific land use map amendment is initiated by property
52 owner application, the property owner shall, following the initial review conference, submit
53 the completed application including an application fee and an environmental checklist to
54 the department of development and environmental services to proceed with review of the
55 proposed amendment.

56 E. If a proposed site-specific land use map amendment is initiated by council
57 motion, following the initial review conference, the council shall submit an environmental
58 checklist to the department of development and environmental services to proceed with
59 review of the proposed amendment.

60 F. If a proposed site-specific land use map amendment is initiated by executive
61 proposal, following the initial review conference, the executive shall submit an
62 environmental checklist to the department of development and environmental services to
63 proceed with review of the proposed amendment.

64 G. Following the submittal of the information required by subsections D., E. or F.
65 of this section, the department of development and environmental services shall submit a
66 report including an executive recommendation on the proposed amendment to the hearing
67 examiner within one hundred twenty days. The department of development and
68 environmental services shall provide notice of a public hearing and notice of threshold
69 determination pursuant to K.C.C. 20.20.060(~~(F, G and H)~~)G., H. and I. The hearing will
70 be conducted by the hearing examiner pursuant to K.C.C. 20.24.400. Following the public
71 hearing, the hearing examiner shall prepare a report and recommendation on the proposed
72 amendment pursuant to K.C.C. 20.24.400. A compilation of all completed reports will be
73 considered by the council pursuant to K.C.C. 20.18.070.

74 H. A property-owner-initiated for a site-specific land use map amendment may be
75 accompanied by an application for a zone reclassification to implement the proposed
76 amendment, in which case administrative review of the two applications shall be
77 consolidated to the extent practical consistent with this ordinance and K.C.C. chapter
78 20.20. The council's consideration of a site-specific land use map amendment is a
79 legislative decision which will be determined before and separate from their consideration
80 of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not
81 proposed in conjunction with an application for a site-specific land use map amendment
82 and the amendment is adopted, the property shall be given potential zoning. A zone
83 reclassification pursuant to K.C.C. 20.20.020 will be required in order to implement the
84 potential zoning.

85 I. Site-specific land use map amendments for which a completed recommendation
86 by the hearing examiner has been submitted to the council by January 15 will be considered

87 concurrently with the annual amendment to the comprehensive plan. Site specific land use
88 map amendments for which a recommendation has not been issued by the hearing
89 examiner by January 15 will be included in the next appropriate review cycle following
90 issuance of the examiner's recommendation.

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

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

100 2. A waiver by the council shall be considered by motion.

101 SECTION 2. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030 are
102 each hereby amended to read as follows:

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

109 ((Exempt from this requirement are:

110 1-)) b. A preapplication conference is not required for a Type 1 decision for a
111 single family residence and its accessory buildings((;

112 ~~2.-(O))~~or for other structures where all work is in an existing building and no
113 parking is required or added.

114 2. Except as otherwise provided in this section, ((P))prior to filing a permit
115 application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department
116 to schedule a pre-application conference, which shall be held prior to filing the
117 application(~~(, except as provided herein)~~).

118 B. The purpose of the pre-application conference is to review and discuss the
119 application requirements with the applicant and provide comments on the development
120 proposal. The pre-application conference shall be scheduled by the department, at the
121 request of an applicant, and shall be held in a timely manner, within thirty days from the
122 date of the applicant's request. A project coordinator shall be assigned by the department
123 following the pre-application conference. The director may waive the requirement for a
124 pre-application conference if it is determined to be unnecessary for review of an
125 application. Nothing in this section shall be interpreted to require more than one pre-
126 application conference or to prohibit the applicant from filing an application if the
127 department is unable to schedule a pre-application conference within thirty days
128 following the applicant's request.

129 C. Information presented at or required as a result of the pre-application
130 conference shall be valid for a period of one hundred eighty days following the pre-
131 application conference. An applicant wishing to submit a permit application more than

132 one hundred eighty days following a preapplication for the same permit application shall
133 be required to schedule another preapplication conference.

134 ~~((B.))~~ D. At or subsequent to a preapplication conference, the department may
135 issue a preliminary determination that a proposed development is not permissible under
136 applicable county policies or regulatory enactments. In that event, the applicant shall
137 have the option to appeal the preliminary determination to the hearing examiner in the
138 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
139 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
140 20.20.060~~((G and))~~H. and I.

141 SECTION 3. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are
142 each hereby amended to read as follows:

143 A. A notice of application shall be provided to the public for ~~((all))~~ land use
144 permit applications ~~((requiring))~~ as follows:

- 145 1. Type 2, 3 or 4 decisions; ~~((or))~~
- 146 2. Type 1 decisions subject to SEPA; ~~((or K.C.C. 20.20.060J and K, under))~~ and
- 147 3. As provided in subsections K. and L. of this section.

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

155 C. If the county has made a determination of significance ("DS") under chapter
156 43.21C RCW before the issuance of the notice of application, the notice of the DS shall
157 be combined with the notice of application and the scoping notice.

158 D. ~~((All required))~~ Unless the mailed notice of application is by a post card as
159 provided in subsection E. of this section, the notice((s)) of application shall contain the
160 following information:

161 1. The file number;

162 2. The name of the applicant;

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

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

168 5. A site plan on eight and one-half by fourteen inch paper, if applicable;

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

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

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

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

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

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

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

184 2. The name of the applicant;

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

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

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

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

193 7. The department contact name, telephone number and e-mail address;

194 F. Notice shall be provided in the following manner:

195 1. Posted at the project site as provided in subsections ~~((F and I))~~ G. and J. of this
196 section;

197 2. Mailed by first class mail as provided in subsection ~~((G))~~ H. of this section; and

198 3. Published as provided in subsection ~~((H))~~ I. of this section.

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

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

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

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

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

211 ((and))

212 d. where it is completely visible to pedestrians; and

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

215 2. Additional notice boards may be required when:

216 a. the site does not abut a public road;

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

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

220 3. Notice boards shall be:

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

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

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

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

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

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

238 ~~(G)~~ H. Mailed notice for a proposal shall be sent by the department within
239 fourteen days after the department's determination of completeness:

240 1. By first class mail to owners of record of property in an area within five
241 hundred feet of the site, but the area shall be expanded as necessary to send mailed notices
242 to at least twenty different property owners;

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

244 3. To the state department of transportation, if the site adjoins a state highway;

245 4. To the affected tribes;

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

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

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

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

258 ~~((H))~~ I. Notice of a proposed action shall be published by the department within
259 fourteen days after the department's determination of completeness in the official county
260 newspaper and another newspaper of general circulation in the affected area.

261 ~~((I))~~ J. Posted notice for approved formal subdivision engineering plans, clearing
262 or grading permits subject to SEPA or building permits subject to SEPA shall be a
263 condition of the plan or permit approval and shall consist of a single notice board posted by
264 the applicant at the project site, before construction as follows:

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

- 267 2. Notice boards shall include the following information:
- 268 a. permit number and description of the project;
- 269 b. projected completion date of the project;
- 270 c. a contact name and phone number for both the department and the applicant;
- 271 d. a department contact number for complaints after business hours; and
- 272 e. hours of construction, if limited as a condition of the permit;

273 3. Notice boards shall be maintained in the same manner as identified above, in

274 subsection F of this section; and

275 4. Notice boards shall remain in place until final construction approval is granted.

276 Early removal of the notice board may preclude authorization of final construction

277 approval.

278 ~~((J.))~~ K. Posted and mailed notice consistent with this section shall be provided~~((5))~~

279 to property owners of record and to the council district representative in which it is

280 located~~((5))~~ for any proposed single-family residence in a higher density urban single

281 family residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of

282 floor area as defined in the Washington State Uniform Building Code.

283 ~~((K.))~~ L. Posted and mailed notice consistent with this section shall be provided to

284 any property owner of record and to the council district representative in which is locating

285 any application for building permits or other necessary land use approvals for the

286 establishment of the social service facilities classified by SIC 8322 and 8361 and listed

287 below, unless the proposed use is protected under the Fair Housing Act:

- 288 1. Offender self-help agencies;
- 289 2. Parole offices;

- 290 3. Settlement houses;
- 291 4. Halfway home for delinquents and offenders; and
- 292 5. Homes for destitute men and women.

293 SECTION 4. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090 are
294 each hereby amended to read as follows:

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

304 B. Except for shoreline permits which are appealable to the state Shorelines
305 Hearings Board, all notices of appeal to the hearing examiner of Type 2 land use
306 decisions made by the director shall be filed as provided in K.C.C. 20.24.090.

307 SECTION 5. Ordinance 1076, Section 7, as amended, and K.C.C. 20.36.060 are
308 each hereby amended to read as follows:

309 A. Notice of the time, place and purpose of a public hearing ~~((F))~~before the hearing
310 examiner~~((J*))~~ on an open space or timberland application based on land in unincorporated
311 areas of the county shall be given by one publication in the official county newspaper at
312 least ten days before the hearing.

313 B. Notice of the time, place and purpose of a public hearing before the hearing
314 examiner on an open space application based on land in unincorporated areas of the
315 county shall be provided by the following methods at least thirty days before the hearing:

316 1. By the applicant posting the property included in the application with a sign
317 provided at no charge by the department. The sign shall measure at least eighteen inches
318 by twenty-four inches, and shall include the name of the applicant, the location of the
319 subject property, the date, place and purpose of the public hearing, a reference to this
320 section and a source for additional information. The applicant must provide a declaration
321 or affidavit to the department confirming the posting and the department shall file the
322 declaration or affidavit with the clerk of the council;

323 2. By the department by mailing notice in accordance with the standards
324 provided for in K.C.C. 20.20.060.~~((G))~~H. 1, 5. and 6; and

325 3. By the clerk of the council by publishing notice in the official county
326 newspaper and another newspaper of general circulation in the affected area.

327 SECTION 6. If any provision of this ordinance or its application to any person or

328

329 circumstance is held invalid, the remainder of the ordinance or the application of the
330 provision to other persons or circumstances is not affected.

331


Ordinance 16552 was introduced on 3/9/2009 and passed as amended by the
Metropolitan King County Council on 6/15/2009, by the following vote:

Yes: 5 - Mr. Constantine, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms.
Patterson

No: 0

Excused: 4 - Ms. Hague, Ms. Lambert, Mr. von Reichbauer and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 25th day of June, 2009.


Kurt Triplett, County Executive

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2009 JUN 25 PM 4:00
KING COUNTY COUNCIL
CLERK

Attachments None