



Legislation Details (With Text)

File #: 2017-0436 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/23/2017 **In control:** Transportation, Economy, and Environment Committee

On agenda: 4/16/2018 **Final action:** 4/16/2018

Enactment date: 4/18/2018 **Enactment #:** 18710

Title: AN ORDINANCE relating to permitting and zoning, and amending Ordinance 13694, Section 65, as amended, and K.C.C. 19A.16.050, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, and adding a new section to K.C.C. chapter 19A.16 and repealing Ordinance 9544, Section 18, as amended, and K.C.C. 20.22.260.

Sponsors: Rod Dembowski

Indexes: Permits, Zoning

Code sections:

Attachments: 1. Ordinance 18710.pdf, 2. AckLetter 10-17.pdf, 3. 2017-0436_SR_FinalPlat_022018.docx, 4. ATT2.Amdt1.docx, 5. 2017-0436_SR_FinalPlat_030618.docx, 6. 2017-0436_RevisedSR_FinalPlat.docx, 7. 2017-0436 hearing notice.doc, 8. 2017-0436 Affidavit of Publishing - Seattle Times 3/14/18, 9. 2017-0436 adoption notice 18710. 5-2-18, 10. 2017-0436- 18710 Acknowledgement letter from state.pdf, 11. 2017-0436 Notice of Adoption Affidavit of Pub - 18710 5-2-18.pdf

Date	Ver.	Action By	Action	Result
4/16/2018	2	Metropolitan King County Council	Hearing Held	
4/16/2018	2	Metropolitan King County Council	Passed	Pass
3/6/2018	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
2/20/2018	1	Transportation, Economy, and Environment Committee	Deferred	
1/16/2018	1	Metropolitan King County Council	Reintroduced	
10/23/2017	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/13/2017

AN ORDINANCE relating to permitting and zoning, and amending Ordinance 13694, Section 65, as amended, and K.C.C. 19A.16.050, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, and adding a new section to K.C.C. chapter 19A.16 and repealing Ordinance 9544, Section 18, as amended, and K.C.C. 20.22.260.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13694, Section 65, as amended, and K.C.C. 19A.16.050 are each hereby amended to read as follows:

The following information shall be shown on a final plat or final short plat:

- A. Name of subdivision and department file number for final plats or department file number for final short plats;
- B. Location by section, township and range, and by legal description;
- C. The signature and seal of the land surveyor;
- D. Survey map requirements as specified in chapter 332-130 WAC and chapter 58.09 RCW;
- E. Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090;
- F. Exact location, width and name of all streets within and adjoining the plat or short plat, and the exact location and widths of all alleys. The naming of a street shall conform to the county's process for naming streets;
- G. Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat;
- H. Municipal, township, county or section lines accurately tied to the lines of the plat or short plat distances and courses;
- I. All easements for rights-of-way provided for public utilities;
- J. Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility;
- K. Blocks in numbered additions to plats bearing the same name may be numbered or lettered consecutively through the several additions;
- L. Accurate location of all existing and proposed permanent control monuments at each corner of the

subdivision or short subdivision consistent with RCW 58.17.240 and at all road intersections and curve control points that fall within the pavement;

M. A traverse line established along the shore not more than twenty feet landward of the ordinary high water mark when a subdivision or short subdivision borders on a body of water. This line shall be labeled "Plat traverse line" or "Short plat traverse line", as applicable, on the final plat or short plat documents;

N. Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon; and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners;

O. The boundary description of the property being platted or short platted matching the description recorded in the most recent real estate transfer document encompassing the property. If the description is incorrect, a true and exact description shall be shown upon the plat or short plat together with the original description. The original description shall be labeled "original description" and the true and exact description shall be labeled "surveyor's corrected description." The surveyor's corrected description shall be preceded by the verbiage: "The intent of the original description is to encompass all of the property described within the surveyor's corrected description";

P. Dedication with notarized acknowledgments by all parties having an ownership interest, as required by RCW 58.17.165 and K.C.C. 19A.04.230, acknowledging the adoption of the plat and the dedication of streets and other public areas. Dedications by corporations shall include corporate acknowledgment and dedications by individuals shall include individual acknowledgment;

Q. Restrictions, title encumbrances and notes required by the conditions of approval;

R. Certification by a land surveyor to the effect that the plat or short plat correctly represents a survey made by the surveyor, or under the surveyor's direction, and that the existing monuments are located as shown on the final plat or final short plat;

S. Approval and signature blocks for the department, the department of assessments and the finance and

business operations division; and

T. (~~Approval of the county council to the extent such approval is required; and~~

~~U.~~) Recording certificate required for the signature of the records and licensing services division.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 19A.16 a new section to read as follows:

A. As authorized by and subject to the requirements of chapter 58.17 RCW, the council hereby delegates final plat approval to the director.

B. Before approval, the director shall certify that:

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

2. The public use and interest will be served by the subdivision or dedication, or both; and

3. The final plat is consistent with applicable laws, regulations and adopted policies, including, but not limited, to the requirements of this title and chapter 58.17 RCW.

C. Before recording, the director shall send electronic notice of the department's final plat approval to the councilmember in whose district the project is located and the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

SECTION 3. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether

administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

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

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

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

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

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

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

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

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.
TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit ³ ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.

TYPE 4 ^{1,4}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.
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¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the decision.

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

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

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

SECTION 4. Ordinance 9544, Section 18, as amended, and K.C.C. 20.22.260 are each hereby repealed.