

ORDINANCE NO. 00263

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KING COUNTY COUNCIL

An ordinance relating to County Planning, prescribing the means of carrying out the provisions of the King County Charter with particular reference to Article 920.20.70.

BE IT ORDAINED BY THE KING COUNTY COUNCIL:

PREAMBLE

The experience gained by King County in Planning and Zoning now spans a period in excess of thirty years. During this time many aspects of urban living have been completely changed by technological advances. King County now faces the challenge of providing the best living environment that can be achieved in a highly mechanized and complex society. To meet this challenge, the processes and procedures of planning and zoning must be adopted to fit the need.

As heretofore conceived and applied, planning and zoning has been regarded and treated as a legislative process made up of a series of political or policy type decisions ultimately regulating the public and private use of property. This approach has resulted, in some cases, in subjecting the use of property to political pressures which have not always achieved the best result.

The objective sought to be achieved in this ordinance is a proper balance between the needs of the public in guiding development of land in such a manner as will best promote and carry out the objectives of the comprehensive plan, and thus further promote the general welfare, while at the same time recognizing the rights of the private property owner to achieve the highest and best use of his property which is consistent with the needs of the public in promoting the general welfare.

To achieve these ends, the County recognizes that the development of those long-range goals, policies, objectives and criteria which make up the comprehensive plan, and which create new law, are purely legislative in nature.

The County also recognizes that application of these goals,

1 policies, objectives and criteria to the land on an area zoning basis is
2 also largely legislative in nature and should, therefore, be applied to
3 the land after a legislative hearing.

4 However, individual applications for zone change - herein defined
5 as reclassification of property - do not alter the zoning text or goals,
6 policies, objectives or criteria which make up the comprehensive plan.
7 After the comprehensive plan and the text portion of the zoning ordin-
8 ance have been adopted and the area zoning enacted pursuant thereto
9 such reclassifications are concerned only with application of the estab-
10 lished policies and are therefore not considered as legislative in nature
11 but rather as administrative or quasi-judicial.

12 Therefore, in order to maximize and achieve the fair applica-
13 tion of the comprehensive plan to the ground in the "reclassification"
14 of properties, or in order to insure that the goals, policies, objectives
15 and criteria of the comprehensive plan are carried out and applied in
16 a fair and equitable manner, isolated as nearly as possible from poli-
17 tical pressures, it is necessary that the "reclassification" of property
18 be removed, as much as practicable, from the legislative arena.

19 To achieve this objective, King County shall hereafter separate,
20 in a procedural way only, the development, creation and enactment of
21 the comprehensive plan, the zoning text, and the "area zoning" from
22 the reclassification of properties.

23 Accordingly, the enactment of the comprehensive plan and zoning
24 ordinance text and the "area zoning" of properties shall be by the County
25 Council after development and recommendation by the Department of
26 Planning as herein set forth. The enactment of "reclassification" of
27 properties shall be by the County Council after a quasi-judicial public
28 hearing conducted by the Zoning and Subdivision Examiner as herein-
29 after set forth.

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1 ARTICLE 1. DEFINITIONS.

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3 SECTION 1. "Adjustor" means the Zoning Adjustor as estab-
4 lished by Article 6 herein.

5 SECTION 2. "Approval by motion" is a means by which the
6 Council, through other than by ordinance, approves an action of the
7 Examiner.

8 SECTION 3. "Area Zoning" as used in this ordinance is syn-
9 onymous with the terms of "rezoning or original zoning" as used in the
10 King County Charter and means:

11 The procedures initiated by King County which result in the
12 adoption or amendment of zoning maps on an area-wide basis.
13 This type of zoning is characterized by being comprehensive
14 in nature, deals with natural homogeneous communities, dis-
15 tinctive geographic areas and other types of district having
16 unified interests within the County. Area zoning, unlike a
17 reclassification, usually involves many separate properties
18 under various ownerships and utilizes several of the zoning
19 classifications available to express the County's current land
20 use policy in zoning map form.

21 SECTION 4. "Council" means the King County Council.

22 SECTION 5. "Certification" means the affixing on any map or
23 any portion of a comprehensive plan or official control, a record of
24 the date of action thereon, together with the signatures of the officer
25 or officers authorized by ordinance to so sign.

26 SECTION 6. "Commission" means the eighteen member
27 Environmental Development Commission of King County as created
28 herein.

29 SECTION 7. "Comprehensive Plan" means the principles,
30 goals, objectives, policies and criteria approved by the Council,

1 (a) as a beginning step in planning for the development of the County;
 2 (b) as the means for coordinating County programs and services; (c)
 3 as a source of reference to aid in developing, correlating, and coor-
 4 dinating official regulations and controls; and (d) as a means for pro-
 5 moting the general welfare. Such plan shall consist of the elements set
 6 forth in Article 2, section 2 and may also include the optional elements
 7 set forth in Article 2, section 4 hereof which shall serve as a policy
 8 guide for the subsequent public and private development and official con-
 9 trols so as to present all proposed developments in a balanced and orderly
 10 relationship to existing physical features and governmental functions.

11 SECTION 8. "Conditional Use" means a use listed among those
 12 classified in any given zone but permitted to locate only after review
 13 by the Zoning Adjustor and the granting of a conditional use permit
 14 imposing such design and performance standards as will make the use
 15 compatible with other permitted uses in the same vicinity and zone and
 16 assure against imposing excessive demands upon public utilities.

17 SECTION 9. "Department" means the Department of Planning
 18 as organized and functioning as provided in the King County Charter.

19 SECTION 10. "Element" means one of the various categories
 20 of subjects, each of which constitutes a component part of the comprehen-
 21 sive plan.

22 SECTION 11. "Examiner" means the Zoning and Subdivision
 23 Examiner as established by Article 5 herein.

24 SECTION 12. "Ex officio member" means a non-voting member
 25 of the Commission who serves by virtue of his official position speci-
 26 fied in the ordinance creating the Commission.

27 SECTION 13. "Official Controls" means legislatively-defined
 28 and enacted policies, standards, detailed maps and other criteria, all
 29 of which control the physical development of a county or any part
 30 thereof or any detail thereof, and are the means of translating into

1 regulations and ordinances all or any part of the general objectives of
2 the comprehensive plan. Official controls may include:

3 1) Maps showing boundaries of zones within each of which sep-
4 arate controls over the type and degree of permissible land uses are
5 defined;

6 2) Maps for existing or proposed streets showing the alignment,
7 gradients, dimensions and other pertinent features, and including con-
8 trols with reference to protecting such defined future rights of way
9 against encroachment by buildings, other physical structures or facilities.

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

15 4) Regulations and controls pertaining to other subjects incor-
16 porated in the comprehensive plan or establishing standards and
17 procedures to be employed in land development including, but not
18 limited to, subdividing of land and the approval of land plats and the
19 preservation of streets and lands for other public purposes requiring
20 future dedication or acquisition and general design of physical impro-
21 vements.

22 SECTION 14. "Ordinance" means a legislative enactment by
23 the Council.

24 SECTION 15. "Reclassification" means a change in the zoning
25 classification by procedures initiated by an individual or a group of
26 individuals who, during the intervals between Area Zoning map adoptions,
27 wish to petition for a change in the zoning classification which currently
28 applies to their individual properties.

29 SECTION 16. "Short Subdivision" is the division of land into
30 four or less lots, tracts, parcels, sites or divisions for the purpose

1 of sale, lease or transfer.

2 SECTION 17. "Subdivision" is the division of land into five or
3 more lots, tracts, parcels, sites or divisions for the purpose of sale,
4 lease or transfer and shall include all resubdivision of land.

5 SECTION 18. "Variance". A variance is the means by which
6 an adjustment is made in the application of the regulations of a zoning
7 ordinance to a particular piece of property, in a situation where the
8 property, because of special circumstances found to exist on the land,
9 is deprived, as a result of the imposition of the zoning regulations, of
10 privileges commonly enjoyed by other properties in the same vicinity
11 and zone. The adjustment in the application of the regulations shall
12 remedy the disparity in privilege. It shall not be used to convey
13 special privileges not enjoyed by other properties in the same vicinity
14 and zone.

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16 ARTICLE 2. COMPREHENSIVE PLAN

17

18 SECTION 1. Existing Comprehensive Plan Readopted:

19 Under the provisions of Article 990, King County Charter, the Com-
20 prehensive Plan as adopted and certified October 12, 1964, by the
21 King County Board of Commissioners is hereby readopted and declared
22 to be the Comprehensive Plan for King County until amended, repealed
23 or superseded. In no case shall the Comprehensive Plan, whether in
24 its entirety, or area by area, or subject by subject, be considered to
25 be a regulatory ordinance. It shall serve only as a guide and state-
26 ment of policy.

27 SECTION 2. Elements of the Comprehensive Plan:

28 The Comprehensive Plan shall consist of a map and descriptive text
29 covering goals, principles, objectives, policies and criteria, including
30 each of the following elements:

1 1) A land use element which designates the proposed general
2 location and extent of the uses of land for agriculture, housing, com-
3 merce, industry, recreation, education, public buildings and land, and
4 other categories of public and private use of land, including a statement
5 of the standards of population density and building intensity recommended
6 for the various areas in the jurisdiction and estimates of future population
7 growth in the area covered by the Comprehensive Plan.

8 2) A circulation element consisting of the general location,
9 alignment and extent of major thoroughfares, major transportation
10 routes, trunk utility lines, and major terminal facilities, all of which
11 shall be correlated with the land use elements of the Comprehensive Plan.

12 3) Supporting maps, diagrams, charts, descriptive material
13 and reports necessary to explain and supplement the above elements.

14 SECTION 3. Amplification of Elements: The Comprehensive
15 Plan may thereafter be progressively amplified and augmented in scope
16 by expanding and increasing the general provisions and proposals for
17 all or any one of the elements set forth herein and by adding provisions
18 and proposals for the optional elements set forth in section 4 of this
19 Article. The Comprehensive Plan may also be amplified and augmented
20 in scope by progressively including more completely planned areas
21 consisting of natural homogeneous communities, distinctive geographic
22 areas, or other types of districts having unified interests within the
23 total area of the County.

24 SECTION 4. Optional Elements: A Comprehensive Plan may
25 include:

26 a) a conservation element for the conservation, development
27 and utilization of natural resources, including water and its hydraulic
28 force, forests, watersheds, soils, rivers and other waters, harbors,
29 fisheries, wild life, minerals and other natural resources.

30 b) a recreation element showing a comprehensive system of

1 areas and public sites for recreation, natural reservations, parks,
2 parkways, beaches, playgrounds and other recreational areas, including
3 their locations and proposed development.

4 c) a transportation element showing a comprehensive system
5 of transportation, including general locations of rights-of-way, terminals,
6 viaducts, and grade separations. This element of the plan may also
7 include port, harbor, aviation and related facilities.

8 d) a transit element as a special phase of transportation, show-
9 ing proposed systems of transit lines, including rapid transit in any
10 form, and related facilities.

11 e) a public services and facilities element showing general
12 plans for sewerage, solid waste disposal, drainage and local utilities,
13 and rights-of-way, easements and facilities for such services.

14 f) a public buildings element, showing general locations, design
15 and arrangements of civic and community centers, and showing locations
16 of public schools, libraries, police and fire stations and all other public
17 buildings.

18 g) a housing element, consisting of surveys and reports upon
19 housing conditions and needs as a means of establishing housing stand-
20 ards to be used as a guide in dealings with official controls related to
21 land subdivision, zoning traffic, and other related matters.

22 h) a renewal and/or redevelopment element comprising surveys,
23 locations, and reports for the elimination of slums and other blighted
24 areas and for community renewal and/or redevelopment, including
25 housing sites, business and industrial sites, public building sites and
26 for other purposes authorized by law.

27 i) a plan for financing a capital improvement program.

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ARTICLE 3. DEPARTMENT OF PLANNING

The Department of Planning is created under 920 of the King County Charter as an Executive Department of the Executive Branch.

SECTION 1. Comprehensive Plan: The Department 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 Department 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 Department of Planning shall render an annual report on the status of the plan and accomplishments thereunder.

e) Promotion of Public Interest in Plan. The Department shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related thereto.

SECTION 2. The Department shall advise all agencies of the County on planning and shall coordinate planning of the County with other governmental agencies.

a) Cooperation with Agencies. The Department shall, to the extent it deems necessary, cooperate with officials and agencies, public

1 utility companies, civic, educational, professional and other organiza-
2 tions and citizens generally with relation to carrying out the purpose
3 of the comprehensive plan.

4 b) Referral Procedure - Reports. Whenever the Council has
5 approved all or a part of a comprehensive plan, no street, square,
6 park or other public ground or open space shall be acquired by dedi-
7 cation or otherwise, no street shall be vacated, closed or abandoned,
8 and no public building or structure shall be constructed or authorized
9 to be constructed in the area to which the comprehensive plan applies
10 until its location, purpose and extent has been submitted to and reported
11 upon by the Department of Planning. The report by the Department
12 shall set forth the manner and the degree to which the proposed project
13 does or does not conform to the objectives of the comprehensive plan.
14 If final authority is vested by law in some governmental officer or body
15 other than the Council, such officer or governmental body shall report
16 the project to the Department of Planning and the Department shall render
17 its report to such officer or governmental body. In both cases the
18 report of the Department shall be advisory only. Failure of the Depart-
19 ment to report on such matter so referred to within forty days or such
20 longer time as the Council or other governmental officer or body may
21 indicate, shall be deemed to be approval.

22 c) Relating Projects to Comprehensive Plan. After the
23 Council has approved all or parts of the comprehensive plan, the
24 Department shall use such plan as the basic source of reference and
25 as a guide in reporting upon or recommending any proposed project,
26 public or private, as to its purpose, location, form, alignment and
27 timing. The report of the Department of Planning on any such project
28 shall indicate wherein the proposed project does or does not conform
29 to the purpose of the comprehensive plan and may include proposals
30 which, if effected, would make the project conform. If the Department

1 finds that a proposed project reveals the justification or necessity for
2 amending the comprehensive plan or any part of it, it may institute
3 proceedings to accomplish such amendment, and in its report to the
4 Council on the project shall note that appropriate amendments to the
5 comprehensive plan, or part thereof, are being initiated.

6 d) Departmental Assistance in Capital Programs. The Depart-
7 ment shall assist the office of budgets and accounts in developing cap-
8 ital improvement programs and capital budgets.

9 SECTION 3. Official Controls. From time to time, the
10 Department, with the assistance of the Commission, may cause to be
11 prepared official controls which when adopted by ordinance by the
12 Council will further the objectives and goals of the comprehensive plan.
13 The Department may also draft such plans, regulations, programs and
14 legislation as may, in its judgment, be required to preserve the integ-
15 rity of the comprehensive plan and assure its systematic execution,
16 and the Department of Planning may recommend such plans, regulations,
17 programs and legislation to the Council for adoption.

18 SECTION 4. Public Hearing. Before the Council adopts an
19 official control, or any amendment thereto, the Council, or its Exam-
20 iner as hereinafter provided, shall conduct a public hearing after which
21 the Council may adopt or reject said official control or amendment.

22 SECTION 5. Area Zoning. The Department with the
23 assistance of the Commission shall consider and make recommendations
24 to the County Council concerning proposed area zoning.

25 SECTION 6. Reclassifications. The Department shall receive,
26 consider and make recommendations to the Examiner acting in behalf
27 of the Council, concerning reclassifications. Adoption of reclassifica-
28 tions shall be as proved in Article 5 herein.

29 SECTION 7. Subdividing and Platting. The Department shall
30 review all proposed land plats and subdivisions and make recommend-

1 ations thereon with reference to approving or denying same, or it may
 2 recommend such modifications thereto as are necessary to assure con-
 3 formance to the general purposes of the comprehensive plan and other
 4 specifications established by State Law or local controls.

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6 ARTICLE 4. ENVIRONMENTAL DEVELOPMENT COMMISSION

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8 SECTION 1. Creation. An Environmental Development
 9 Commission is hereby created involving citizens of King County in an
 10 advisory capacity to assist in environmental planning for: land use;
 11 transportation systems, utilities, public facilities, recreation, housing,
 12 community development, conservation, and capital improvements.

13 SECTION 2. Authority. The Commission may make reco-
 14 mmendations to the Executive, Council and Department based on con-
 15 clusions of its own and of the named committees. It may also:

16 a) Advise regarding the adoption or modification of the Com-
 17 prehensive Plan of the County.

18 b) Advise regarding comprehensive land use policy, concerns
 19 of local or special areas, and provide guide lines or framework for
 20 consideration of area zoning matters.

21 c) Advise regarding official controls for the proper implementa-
 22 tion of the Comprehensive Plan.

23 d) Make recommendations regarding programs to provide
 24 improved or integrated transportation, solid waste disposal, utilities,
 25 parks and school, operating and capital programs.

26 e) Establish special ad hoc subcommittees for no longer than
 27 six months duration for a single purpose of interest to the Commission.

28 SECTION 3. Composition.

29 a) The Commission shall be made up of eighteen members as
 30 follows:

1 1) The Director of the Department of Planning who will serve
2 as Vice-Chairman of the Commission.

3 2) The Chairman of each of the nine citizen committees herein
4 created.

5 3) Eight citizens for the County-at-large, who shall have back-
6 grounds which include, but are not limited to, urban planning, or
7 economics, or environmental conservation, or architecture, or educa-
8 tion, or small city government, or engineering for public improvements,
9 or pollution control, or housing, or storm water and flood control, or
10 sewage, sanitation, water services, airport facilities or other utilities,
11 or transportation systems. The County Executive shall designate one
12 of the above members as Chairman of the Commission.

13 b) The following named officers of government or their desig-
14 nated representatives shall be ex-officio members of the Commission
15 and shall be available to the Commission as required for advice and
16 consultation:

17 1) The County Executive

18 2) The Director of the Department of Public Works, Utilities
19 and Transportation.

20 3) The Director of the Parks and Recreation Department.

21 4) The Zoning and Subdivision Examiner.

22 5) The Executive Director of the King County Housing Authority.

23 6) The Director of the Department of Assessments.

24 7) The Chief Clerk of the Boundary Review Board.

25 Members of the County Council and the chairman of other County
26 Boards and Commissions shall also be ex-officio members.

27 SECTION 4. Citizen Committees. Nine citizen committees
28 are hereby created for advisory study of the matters herein defined
29 and assigned to them.

30 Committees herein established shall receive staff services from

1 the appropriate agencies of County Government. Minutes of each com-
2 mittee meeting shall be kept and distributed to the committee and Com-
3 mission members.

4 The committees and their designated areas of assignment are
5 as follows:

6 a) Land Use: A committee consisting of a chairman plus
7 sixteen members, shall be responsible for creating and submitting
8 proposals to the Commission regarding proposed general distribution,
9 general location and extent of the uses of land for agriculture, housing,
10 commerce, industry and other categories of public and private use of
11 land, including a statement of the standards of population density and
12 building intensity recommended for the various areas in the County
13 and estimates of future population growth in the area covered by the
14 Comprehensive Plan.

15 b) Conservation: A committee consisting of a chairman plus
16 fourteen members, responsible for proposals to the Commission
17 regarding the conservation, development and utilization of natural
18 resources, including water and its hydraulic forces, flood and storm
19 water control, forests, watersheds, soils, rivers and other waters,
20 harbors, fisheries, wildlife, minerals and other natural resources.
21 The committee shall be responsible for advice on matters relating to
22 air, water, noise and land pollution as well.

23 c) Transportation: A committee consisting of a chairman plus
24 eight members, shall be responsible for proposals to the Commission
25 regarding the general location, alignment and extent of major trans-
26 portation routes, thoroughfares, transit facilities, terminal facilities
27 and all other aspects of a balanced transportation plan.

28 d) Recreation & Parks: A committee consisting of a chairman
29 plus eight members, shall be responsible for proposals to the Commis-
30 sion regarding a comprehensive system of areas and public sites for

1 recreation, natural reservations, parks, beaches, playgrounds, and
2 other recreational areas, including their locations, proposed develop-
3 ment and operating programs.

4 e) Housing: A committee consisting of a chairman plus eight
5 members shall be responsible for proposals to the Commission resulting
6 from surveys and reports upon housing conditions and needs as a guide
7 in dealings with official controls related to land subdivision, zoning,
8 traffic and other related matters.

9 f) Community Development: A committee consisting of a
10 chairman plus eight members shall be responsible for proposals to the
11 Commission regarding community development or redevelopment of
12 areas of the County including proposals for the elimination of sub-
13 standard or blighted areas and for community renewal or redevelopment.

14 g) Public Facilities: A committee consisting of a chairman plus
15 eight members, shall be responsible for proposals to the Commission
16 regarding public building, showing general locations, design and arran-
17 gements of civic and community centers, and showing locations of
18 public schools, libraries, police and fire stations, and all other public
19 buildings.

20 h) Public Utilities: A committee consisting of a chairman plus
21 eight members shall be responsible for proposals to the Commission
22 regarding public services showing general plans for sewage, refuse
23 disposal, drainage, local utilities, rights-of-way, easements, and
24 facilities for such services.

25 i) Capital Financing: A committee consisting of a chairman
26 plus eight members shall be responsible for proposals to the Commis-
27 sion for the development of plans for the financing of capital improve-
28 ments.

29 SECTION 5. Commission - Appointment and Terms:

30 Members of the Commission termed citizens-at-large will be appointed

1 by the County Executive and confirmed by a majority of the County
2 Council. Citizens-at-large members will serve for two-year terms or
3 until their successor is named and confirmed, and shall be eligible
4 for reappointment. All other members of the Commission shall serve
5 for the period of their appointive or elective office. The Chairman of
6 the Commission shall be designated at time of appointment by the County
7 Executive.

8 SECTION 6. Committees - Appointment and Terms: Committee
9 members shall be appointed by the County Executive, one-half being
10 selected independently by the Executive and subject to Council confir-
11 mation and one-half being selected from nominees of the County Council
12 as provided herein. Terms of all committee members shall be four
13 years in length, with initial appointments of half the members of each
14 committee being for two years and half the members for four years.

15 Committee Chairmen shall be appointed by the County Executive
16 from Council nominees for each Chairmanship, except that should the
17 Executive choose to appoint a committee chairman other than a nominee
18 of the Council he may do so, providing that one of the Council nominees
19 for that chairmanship shall be appointed as a citizen-at-large member
20 of the Commission. Nominations for committee chairmen and members
21 shall be filed with the County Executive within thirty days from the
22 effective date of this ordinance. The Council shall nominate at least
23 three persons for every available position. In the event there are less
24 than three nominees for any position, the Executive may appoint the
25 member for that position independently. If no appointment for a position
26 has been made within seventy-five (75) days of the effective date of
27 this ordinance, that position may be filled by the majority vote of the
28 County Council. Committee Chairmen shall serve for two-year terms
29 or until their successor is named and confirmed, and shall be eligible
30 for reappointment.

1 Consideration should be given to selecting members from as
2 broad a geographic and demographic representation as possible and who
3 should demonstrate interest in or knowledge of the field(s) to be con-
4 sidered. Attention shall be given to the inclusion of persons from
5 disadvantaged low income and minority groups.

6 SECTION 7. Vacancies Vacancies in the Commission or
7 committees shall be filled by appointment in the same manner in which
8 the members are initially appointed as provided in Sections 5 and 6.
9 Nominations to fill vacancies caused by the expiration of terms shall
10 be filed at least thirty days preceding the expiration of the terms, and
11 nominations to fill other vacancies shall be filed within thirty days of
12 the creation of the vacancy. Appointment to a vacated position shall
13 be for the unexpired portion of the term. If no appointment for a posi-
14 tion has been made within seventy-five (75) days of the effective date
15 of the vacancy, that position may be filled by majority vote of the
16 County Council.

17 SECTION 8. Removal. After public hearing any appointed
18 member of the Commission or any committee thereof may be removed
19 by a two-thirds vote of the County Council for inefficiency, neglect of
20 duty, or malfeasance in office. Removal proceedings may be initiated
21 by the County Council or County Executive.

22 SECTION 9. Rules. The Commission and committees shall
23 adopt rules for the transaction of their business and each shall keep
24 a public record of their transactions, findings and determinations;
25 provided that official recommendations to the Executive, Council and
26 Department shall be by the affirmative vote of not less than a majority
27 of the total members of the Commission. Such recommendation shall
28 be by a recorded motion which shall incorporate the findings of the
29 Commission and the reasons for its action.

30 SECTION 10. Nothing herein shall be construed to

1 mean that the Commission and committees created herein are delegated
 2 any Executive or Legislative power, authority or responsibility.

3
 4 ARTICLE 5.

ZONING & SUBDIVISION EXAMINER

5
 6 SECTION 1. Purpose. Recognizing three basic needs,

7 1) the need to separate the application of regulatory controls
 8 to the land from planning; and

9 2) the need to better protect and promote the interests of the
 10 public and private elements of the community; and

11 3) the need to expand the principles of fairness and due process
 12 in public hearings.

13 The purpose of this Article is to provide a system of considering
 14 and applying regulatory devices which will best satisfy these needs.

15 SECTION 2. Zoning and Subdivision Examiner -- Creation and
 16 Purpose. The office of Zoning and Subdivision Examiner is hereby

17 created. The Examiner shall act in behalf of the Council in considering
 18 and applying regulatory enactments to the land as provided herein.

19 SECTION 3. --Appointment and Terms. The Council

20 shall appoint the Examiner and his deputy to serve in said office for
 21 a term which shall expire on June 1, 1971 and on June 1 of every
 22 fourth year thereafter.

23 SECTION 4. --Removal. The Examiner or his deputy

24 may be removed from office at any time by the affirmative vote of
 25 not less than six (6) members of the Council for just cause.

26 SECTION 5. --Qualifications. The Examiner and his deputy

27 shall be appointed solely with regard to their qualifications for the
 28 duties of their office and shall have such training or experience as will
 29 qualify them to conduct administrative or quasi-judicial hearings on
 30 regulatory enactments and to discharge the other functions conferred

1 upon them, and shall hold no other appointive or elective public office
2 or position in the County Government except as provided herein.

3 SECTION 6. --Deputy Examiner-Duties. The deputy shall
4 assist the Examiner in the performance of the duties conferred upon
5 him by ordinance and shall, in the event of the absence or the inability
6 of the Examiner to act, have all the duties and powers of the Examiner.
7 The Deputy may also serve in other capacities as an employee of the
8 Council.

9 SECTION 7. --Powers. The Examiner shall receive and
10 examine available information, conduct public hearings and prepare a
11 record thereof, and enter findings and conclusions which contain a
12 recommendation to the Council for the adoption or rejection of:

- 13 1) applications for reclassification of property,
- 14 2) applications for unclassified use permits,
- 15 3) applications for planned unit developments,
- 16 4) applications for preliminary plat approval, and
- 17 5) appeals from the decision of the administrator for "short
18 plats", provided that decisions of the Examiner regarding "short plats"
19 shall be final.

20 The Examiner's recommendation may be to grant or deny the
21 application, or the Examiner may recommend that the Council adopt
22 the application with such conditions, modifications and restrictions as
23 the Examiner finds necessary to make the application compatible with
24 its environment and carry out the objectives and goals of the compre-
25 hensive plan, the zoning code, the subdivision code and other official
26 policies and objectives of King County.

27 Examples of, but not limited to, the kinds of conditions,
28 modifications and restrictions which may be imposed are additional
29 setbacks, screenings in the form of landscaping or fencing, covenants,
30 easements and dedications of additional road right-of-way and perfor-

1 mance bonds may be required to insure compliance with the conditions,
2 modifications and restrictions.

3 SECTION 8. --Quasi-Judicial Powers. The Examiner
4 may also exercise administrative powers and such other quasi-judicial
5 powers as may be granted by County ordinance.

6 SECTION 9. Freedom from Improper Influence. Individual
7 Councilmen, County officials or any other person, shall not interfere
8 with or attempt to interfere with the Examiner or deputy examiner in
9 the performance of his designated duties.

10 SECTION 10. Public Hearing. Application for a reclassification,
11 unclassified use permit, planned unit development or subdivision of land
12 shall be presented to the Department. When it is found that an application
13 meets the filing requirements of the Department and the rules of the
14 Examiner, it shall be accepted and a date assigned for public hearing.
15 Before rendering a decision on any such application the Examiner shall
16 hold at least one public hearing thereon.

17 SECTION 11. Report by Department. When such application
18 has been set for public hearing, the Department shall coordinate and
19 assemble the reviews of other departments and governmental agencies
20 having an interest in subject application and shall prepare a report
21 summarizing the factors involved and the Department findings and
22 recommendation. At least seven (7) days prior to the scheduled hearing
23 the report shall be filed with the Examiner and copies thereof shall
24 be mailed to the applicant and shall be made available for use by any
25 interested party.

26 SECTION 12. Notice. Notice of the time and place of the
27 public hearing shall be given as provided in the ordinance governing
28 the application.

29 SECTION 13. Rules and Regulations. The Examiner shall
30 have the power to prescribe rules and regulations for the conduct of

1 hearings before him subject to confirmation of the Council; and also
2 to issue summons for, and compel the appearance of witnesses, to
3 administer oaths, and to preserve order. The privilege of cross-
4 examination of witnesses shall be accorded all interested parties or
5 their counsel in accordance with the rules of the Examiner.

6 SECTION 14. Examiner's Findings. When the Examiner
7 renders a decision of recommendation, he shall make and enter findings
8 from the record and conclusions thereof which support his decision and
9 the findings and conclusions shall set forth and demonstrate the manner
10 in which the decision recommended carries out and helps to implement
11 the goals and objectives of the Comprehensive Plan, the Zoning Code,
12 the Subdivision Code and other official policies and objectives for the
13 growth of King County and that the granting of the requested reclassi-
14 fication will not be unreasonably incompatible with or detrimental to
15 affected properties and the general public; provided that in any case
16 where a reclassification is recommended at least one of the following
17 circumstances shall be found to apply:

18 1) That substantial evidence was presented demonstrating the
19 subject reclassification appears not to have been specifically considered
20 at the time of the last previous area zoning of the subject property; or

21 2) That the property is potentially zoned for the reclassification
22 being requested and conditions have been met which would indicate the
23 change is appropriate; or

24 3) That since the last previous area zoning of the subject pro-
25 perty, authorized public improvements, permitted private development
26 or other circumstances affecting the subject property have undergone
27 significant and material change.

28 SECTION 15. Reconsideration. Any aggrieved person feeling
29 that the decision of the Examiner is based on errors of procedure
30 or fact may make a written request for review by the Examiner within

1 fourteen (14) days of the conclusion of the hearing. This request shall
2 set forth the alleged errors and the Examiner may, after a review of
3 the record, take such further action as he deems proper and may
4 render a revised decision.

5 SECTION 16. Written Decision. Within five (5) days of the
6 conclusion of a hearing, the Examiner shall render a written decision
7 and shall transmit a copy of his decision by registered mail to the
8 applicant and other parties of record in the case requesting same. At
9 the expiration of the fourteen (14) day period provided for a rehearing
10 or within five (5) days of the conclusion of a rehearing, if one is
11 conducted, the Examiner shall file his decision, together with the
12 recommended supplementary ordinance if required, with the Clerk of
13 the Council. Thereupon the Clerk shall place the proposed ordinance
14 on the agenda of the next Council meeting on second reading. The
15 concurrence in any other decisions of the Examiner shall be accom-
16 plished by motion of the Council.

17 SECTION 17. Council Hearing. The hearing by the Examiner
18 as provided for by Section 10 of this Article, shall constitute the
19 hearing by the Council; however, an aggrieved party may submit an
20 appeal in writing to the Council requesting additional consideration.

21 If, after examination of the written appeal and the record, the
22 Council determines that, (1) an error in fact may exist in the record,
23 it shall remand the proceeding to the Examiner for reconsideration as
24 provided in Section 15 of this Article; or if the Council determines
25 that, (2) the decision of the Examiner is based on an error in judgment
26 or conclusion, it may modify or reverse the decision of the Examiner.

27 The Council's consideration shall be based upon the record only;
28 however, the Council may publicly request additional information of the
29 appellant and the Examiner at its discretion.

30 SECTION 18. Council's Action. The Council shall take final

1 action on any decision of the Examiner by motion of concurrence or
 2 by adoption of an ordinance, and when so doing, it shall make and
 3 enter findings of fact from the record and conclusions therefrom
 4 which support its action. Said findings and conclusions shall set forth
 5 and demonstrate the manner in which the action carries out and helps
 6 to implement the goals and objectives of the Comprehensive Plan, the
 7 Zoning Code, the Subdivision Code and other official policies and ob-
 8 jectives for the development of King County. The Council may adopt
 9 all or portions of the Examiner's findings and conclusions.

10 SECTION 19. Action of the Council Final. The action of the
 11 Council approving or rejecting a decision of the Examiner shall be final
 12 and conclusive unless within twenty (20) days from the date of the action
 13 an aggrieved party or person obtains a writ of certiarari from the
 14 Superior Court in and for the County of King, State of Washington, for
 15 the purpose of review of the action taken.

16

17 ARTICLE 6. VARIANCES AND CONDITIONAL USES

18

19 The Department shall make the initial decision concerning all
 20 applications for zoning variances and conditional use permits and its
 21 decisions shall be final unless appealed to the Board of Appeals.

22 SECTION 1. Zoning Adjustor Established. The Director of
 23 Planning with the approval of the County Executive may appoint a
 24 Zoning Adjustor to hear and decide variances and conditional use
 25 permits. The Examiner may be appointed as Zoning Adjustor.

26 SECTION 2. Qualifications. The Zoning Adjustor shall be
 27 appointed solely with regard to ability and training as will qualify him
 28 to conduct quasi-judicial hearings on zoning matters.

29 SECTION 3. Meetings. The Zoning Adjustor or deputy shall
 30 hold such public hearings as are necessary to keep the case load of

1 variances and conditional use permits reasonably current.

2 SECTION 4. Authority. The Zoning Adjustor, subject to the
3 provisions of this ordinance and the provisions of the Zoning Code of
4 King County shall hear and decide:

5 1) applications for conditional use or other permits when the
6 Zoning Code sets forth the specific uses to be made subject to condi-
7 tional use permits and establishes criteria for determining the conditions
8 to be imposed.

9 2) Applications for variances from the terms of the Zoning
10 Code, provided that any variance granted shall be subject to such con-
11 ditions as will assure that the adjustment thereby authorized shall not
12 constitute a grant of special privilege inconsistent with the limitations
13 upon other properties in the vicinity and zone in which subject property
14 is situated and that the following circumstances are found to apply:

15 (a) because of special circumstances applicable to subject pro-
16 perty, including size, shape, topography, location or surroundings, the
17 strict application of the Zoning Code is found to deprive property of
18 rights and privileges enjoyed by other properties in the vicinity and
19 under identical zone classification;

20 (b) that the granting of the variance will not be materially
21 detrimental to the public welfare or injurious to the property or imp-
22 rovements in the vicinity and zone in which subject property is situated.

23 SECTION 5. Rules. The Zoning Adjustor shall adopt rules
24 for the transaction of business and shall keep a public record of his
25 actions, findings, and determinations.

26 SECTION 6. Inclusion of Finding of Fact. The Zoning Adjustor
27 in making his written decision shall incorporate findings of fact; an analysis
28 of wherein the proposal meets or fails to meet the criteria set forth
29 in the Zoning Code or the Comprehensive Plan if applicable.

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ARTICLE 7. BOARD OF APPEALS

SECTION 1. Creation and Purpose. The Board of Appeals is created under Article 7 of the King County Charter as an appeal-lant body to consider appeals from decisions of the Zoning Adjustor. In deciding appeals from the Zoning Adjustor, the Board of Appeals shall be limited to the same considerations and required findings as the Adjustor as provided by this ordinance.

ARTICLE 8. GENERAL PROVISIONS

SECTION 1. Section Captions not part of Law. Section captions as used in this ordinance do not constitute any part of the law.

SECTION 2. Severability. If any provision of this ordinance 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.

SECTION 3. Procedural Conflicts. In case of conflict provisions of this ordinance takes precedence over procedures presently contained in the two Zoning Codes (Resolution 25789 and Resolution 18801) and the Subdivision Regulations (Resolution 11048).

INTRODUCED and read for the first time this 1st day of December, 1969.

PASSED this 8th day of December, 1969.

KING COUNTY COUNCIL
KING COUNTY WASHINGTON

John T. O'Brien
Chairman

ATTEST:

Ralph R. Stender
Clerk of the Council

APPROVED this 17th day of December, 1969.

[Signature]
King County Executive

ORDINANCE READINGS
1st 12-1-69
2nd 12-8-69
3rd 12-8-69
Effective Date.....

ORDINANCE

File No. 263

Before the
King County Council
of King County, Washington

SUBJECT:

Ordinance relat to:
County Planning, describing
means of carrying out the
provisions of King County
Charter with particular
reference to Article 20, 20.70.

Zoning

ACTION:

Adopted

See also # 525 +
627.

See Ord 1621 # 7311307
and 2481

Article 2 Section 3 see 2401 and
Article 2 " 3 see 2429
Chapter E " 3 " 2707
see art. 2 " 3 " 2991
Chapter E - Sect 3 see 2991
Article 2, 1969

amendments to Ord. 263

Article 2, Sect. 3 - see 1683
Article 2 Sec. 3 see Ord #
1838

Article 2 Sec 3 Ord # 1839

Article Sec 2 Ord # 1840

Article 1 Sec 6 Ord 5208

Repealing art 4 " 2208

amending art 2 " 3384

Amended by Ord # 3649 +
adding a new section on
energy conservation

amended: art 1, 2, + 3 by
Ord. # 3669

This Ordinance / amended to
the Proceedings
City's 9/13/85
Again to Ann Wilson 7/21/86
and 7/28/98

Ord. 263