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Enactment date: 11/7/2003 **Enactment #:** 14788

Title: AN ORDINANCE relating to land use permit approvals amending short subdivisions, to address the division or redivision of land into nine or fewer lots, tracts, parcels or sites; and amending the approval time for preliminary short subdivisions from sixty months to eighty-four months in certain instances, and amending the application requirements for land use permits to allow for additional lots under the certificate of transportation concurrency if certain criteria are satisfied; and amending the permit issuance procedures for land use permit applications to extend the Type 3 and Type 4 land use decisions issuance time period from one hundred and twenty days to one hundred and fifty days and extend the issuance time period for state Environmental Policy Act-exempt clearing and grading from forty-five days to ninety days; making technical corrections; and amending Ordinance 13694, Section 32, and K.C.C. 19A.04.310, Ordinance 13694, Section 33, and K.C.C. 19A.04.320, Ordinance 13694, Section 55, and K.C.C. 19A.12.010, Ordinance 13694, Section 58, and K.C.C. 19.12.040, Ordinance 13694, Section 59, and K.C.C. 19A.12.050, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 and Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100.

Sponsors: Jane Hague

Indexes: DDES/DPER, Land Use, Permits

Code sections: 19A.04.310 -, 19A.04.320 -, 19A.12.010 -, 19A.12.040 -, 19A.12.050 -, 20.20.040 -, 20.20.100 -

Attachments: 1. Ordinance 14788.pdf, 2. 2003-0393 Adoption Notice.doc, 3. 2003-0393 Checklist7.24.03.doc, 4. 2003-0393 DCTED Letter 60-day Notice_SmrtGrowOrd_6.3.03.doc, 5. 2003-0393 Fiscal Note.doc, 6. 2003-0393 Fiscal Note_7.30.031.doc, 7. 2003-0393 Hearing Notice.doc, 8. 2003-0393 MetroKCCouncilHearing.SG.7.24.03.doc, 9. 2003-0393 REGULATORY NOTE_7.23.03.doc, 10. 2003-0393 REGULATORY NOTE_7.23.03.doc, 11. 2003-0393 Smart Growth Staff Report (11-03-03).doc, 12. 2003-0393 SmartGrowthOrd_7.29.03Final1.doc, 13. 2003-0393 Summary 7.23-03.doc, 14. 2003-0393 Transmittal letter.doc, 15. 2003-0393 Transmittal ltr - Smart Growth Ord1.doc

Date	Ver.	Action By	Action	Result
11/3/2003	1	Metropolitan King County Council	Passed as Amended	Pass
11/3/2003	1	Metropolitan King County Council	Hearing Held	
9/16/2003	1	Growth Management and Unincorporated Areas Committee		
9/2/2003	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to land use permit approvals amending short subdivisions, to address the division or redivision of land into nine or fewer lots, tracts, parcels or sites; and amending the approval time for preliminary short subdivisions from sixty months to eighty-four months in certain instances, and

amending the application requirements for land use permits to allow for additional lots under the certificate of transportation concurrency if certain criteria are satisfied; and amending the permit issuance procedures for land use permit applications to extend the Type 3 and Type 4 land use decisions issuance time period from one hundred and twenty days to one hundred and fifty days and extend the issuance time period for state Environmental Policy Act-exempt clearing and grading from forty-five days to ninety days; making technical corrections; and amending Ordinance 13694, Section 32, and K.C.C. 19A.04.310, Ordinance 13694, Section 33, and K.C.C. 19A.04.320, Ordinance 13694, Section 55, and K.C.C. 19A.12.010, Ordinance 13694, Section 58, and K.C.C. 19.12.040, Ordinance 13694, Section 59, and K.C.C. 19A.12.050, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 and Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13694, Section 32, and K.C.C. 19A.04.310 are each hereby amended to read as follows:

Short subdivision. Short subdivision: inside the Urban Growth Area, a division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of the sale, lease or transfer of ownership.

Outside the Urban Growth Area, a division or redivision of land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.

SECTION 2. Ordinance 13694, Section 33, and K.C.C. 19A.04.320 are each hereby amended to read as follows:

Subdivision. Subdivision: outside the Urban Growth Area, a division or redivision of land into five or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership; inside the Urban

Growth Area, a division or subdivision of land into ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership.

SECTION 3. Ordinance 13694, Section 55, and K.C.C. 19A.12.010 are each hereby amended to read as follows:

Purpose. The purpose of this chapter is to specify requirements for the segregation of land into short subdivisions(~~(, which are four or fewer lots,)~~) and subdivisions (~~((which are five or more lots))~~), in accordance with applicable Washington state and King County laws, rules and regulations, including permit processing procedures required by K.C.C. chapter 20.20.

SECTION 4. Ordinance 13694, Section 58, and K.C.C. 19A.12.040 are each hereby amended to read as follows:

Preliminary short subdivision - approval time. Preliminary approval of a short subdivision shall be effective for a period of sixty months, except the approval period shall be eighty-four months for any short plat or plats that were part of a development agreement or interlocal agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio.

SECTION 5. Ordinance 13694, Section 59, and K.C.C. 19A.12.050 are each hereby amended to read as follows:

Limitations for short subdivisions.

A. Inside the Urban Growth Area, a maximum of nine lots may be created by a single application.
Outside the Urban Growth Area, ((A)) a maximum of four lots may be created by a single application.

B. An application for further segregation may not be submitted within ~~((a period of))~~ five years after recording, except through the filing of a subdivision application ~~((;))~~ or unless the short plat contains fewer than nine lots inside the Urban Growth Area or fewer than four lots outside the Urban Growth Area, in which case an alteration application may be submitted to create a cumulative total of up to nine lots inside the Urban

Growth Area or up to four lots outside of the Urban Growth Area within the original short plat boundary.

C. A maximum of eighteen lots inside the Urban Growth Area or eight lots outside the Urban Growth Area may be created from two or more contiguous parcels with any common ownership interest.

SECTION 6. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are each hereby amended to read as follows:

Application requirements.

A. The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in K.C.C. 20.20.040B, all land use permit applications described in K.C.C. 20.20.020 Exhibit A shall include the following:

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

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

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

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

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

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by the Seattle-King County department of public health, as required by the King County board of health code title 13: or

b. for public schools and public schools facilities located in rural areas, a finding by King County that no cost-effective alternative technologies are feasible, a certificate of sewer availability, and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. A current certificate of water availability, if required by K.C.C. chapter 13.24;

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

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

7. Proof that the lot or lots to be developed are recognized as a lot under this title;

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

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

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

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

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

a. at least seventy-five percent of the lots proposed have a certificate of transportation

concurrency at the time of application for the preliminary plat;

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

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

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

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

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

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 21A to the extent known at the date of application; and

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

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

is required or substantial changes in the proposed action occur, as determined by the department.

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

1. Clearing and grading permits, K.C.C. 16.82.060.
2. Construction permits, K.C.C. 16.04.052.
3. Mobile home permits, K.C.C. 16.04.093.
4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C. 19A.08.150.

D. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

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

F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 7. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

Permit issuance.

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

B.1. Except as otherwise provided in subsection B.2 of this section, the department shall issue its ((F))final decision((s by the county on all permits and approvals subject to the procedures of this chapter shall be issued

)) on a Type 1 or Type 2 land use decision within one hundred twenty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete(~~(, provided that)~~).

2. ~~((t))~~The following shorter time periods ~~((should))~~ apply ~~((for))~~ to the type of land use permit indicated:

New residential building permits	90 days
New remodels	40 days
Residential appurtenances, such as decks garages.	15 days, or 40 days
	residential appurtenances
	((which)) <u>that</u> require
	substantial site review.
((SEPA exempt clearing and grading	45 days
SEPA e)) <u>Clearing and grading</u>	90 days
Health Department review	40 days

(for projects pending a final department review ~~((and/))~~or permit or review and permit).

C. The following periods shall be excluded from ~~((this one hundred twenty day period))~~ the times specified in subsections A and B of this section:

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

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

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

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

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

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

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

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

~~((B-))~~ D. The time limits established in this section shall not apply if a proposed development:

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

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

36.70A.200; or

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

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

~~((D-))~~ F. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within five hundred feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on

which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

30 days prior, official paper

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