

Legislation Details (With Text)

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Title:	AN ORDINANCE establishing application requirements for land use permits, revising hearing examiner findings for reclassifications of property and shoreline redesignations; and amending Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 and Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190.		
Sponsors:	Dow Constantine, Dwight Pelz, Julia Patterson, Carolyn Edmonds, Larry Phillips		
Indexes:	Hearing Examiner, Land Use, Permits, Property, Reclassification, Shoreline Management		
Code sections:	20.20.040 -, 20.24.190 -		
Attachments:	1. Ordinance 15243.pdf, 2. 2005-0098 Adoption Notice.doc, 3. 2005-0098 transmittal letter.doc, 4. Hearing Notice.doc, 5. Revised Revised Staff Report, 6. Staff Report 4-5-05, 7. Staff Report 5-17-05		

Date	Ver.	Action By	Action	Result
7/25/2005	1	Metropolitan King County Council	Hearing Held	
7/25/2005	1	Metropolitan King County Council	Passed as Amended	Pass
7/11/2005	1	Metropolitan King County Council	Deferred	
7/11/2005	1	Metropolitan King County Council	Hearing Held	
5/17/2005	1	Growth Management and Unincorporated Areas Committee	Recommended Do Pass	Pass
4/19/2005	1	Growth Management and Unincorporated Areas Committee	Deferred	
4/5/2005	1	Growth Management and Unincorporated Areas Committee	Deferred	
3/7/2005	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/02/2005

AN ORDINANCE establishing application requirements for land use permits, revising hearing examiner findings for reclassifications of property and shoreline redesignations; and amending Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 and Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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. 20.20.040.B, 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. If the development proposal requires a source of potable water, a current certificate of water availability((, if required by)) consistent with K.C.C. chapter 13.24 or documentation of an approved well by the Seattle-King County department of public health;

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 resumes 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 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((7)) 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 2. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190 are each hereby amended to read as follows:

Additional examiner findings - reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

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

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

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

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the subarea plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate((;)). For the purposes of this subsection, "changed conditions or circumstances" does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services((;)) or changing property ownership;

3. For proposals to increase rural residential density, that the proposal meets the criteria in Comprehensive Plan policies R-205 through R-209;

4. For proposals to increase urban residential density, that the proposal meets the criteria in Comprehensive Plan policies ((U-118)) U-120 through ((U-123)) U-125;

and

5. The requested reclassification or redesignation is in the public interest.

publish 30 days prior official and area papers

post outside chambers

newspapers: Seattle Times/Woodinville Weekly/King County Journal/Snoqualmie Valley Record/Enumclaw

Courier Herald/Issaquah Press/Federal Way News/Highline/Des Moines News/Vashon Island Beachcomber

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June 8 in Seattle Times and other area papers

Public Hearing: July 11, 2005

