Legislation Details (With Text)

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Title:	AN ORDINANCE relating to code changes to establish appropriate timelines necessary to complete the 2024 update to the King County Comprehensive Plan; and amending Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 and Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050.		
Sponsors:	Sarah Perry		
Indexes:	Comprehensive Plan, King County, King County Code		
Code sections:	20.18.060 -, 20.44.050 - *		
Attachments:	1. Ordinance 19445, 2. 2022-0155 transmittal letter, 3. 2022-0155 Code for 2024 KCCP Reglatory Note, Checklist of Criteria, 4. 2022-0155 Summary of Proposed Ordinance relating to State Environmental Policy Act review of the 2024 King County Comprehensive Plan Update, 5. 2022-0155 fiscal note, 6. 2022-0155 acknowledgment letter, 7. 2022-0155 Legislative Review Form, 8. 2022-0155_SR_2024KCCPCodeChanges, 9. Acknowledge-Letter-2022-S-4074, 10. 2022-0155 - 19445 - Invoice & Affidavit - $98.12.pdf, 11. 2022-0155 Invoice & Affidavit - $238.20 -- 05-06-22 Order 28332 KC Council - Angel Allende 1545		

Date	Ver.	Action By	Action	Result
6/7/2022	1	Metropolitan King County Council	Passed	Pass
4/26/2022	1	Local Services and Land Use Committee	Recommended Do Pass Consent	Pass
4/5/2022	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/25/2022

AN ORDINANCE relating to code changes to establish appropriate timelines necessary to complete the 2024 update to the King County Comprehensive Plan; and amending Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 and Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050.

SECTION 1. **Findings:**

A. The Washington State Growth Management Act ("the GMA") requires local jurisdictions to periodically review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the GMA. The next periodic review for the King County

Comprehensive Plan is required to occur in 2024 ("the 2024 update").

B. In 2022, the Washington state Legislature adopted Engrossed 2nd Substitute House Bill 1241 ("E2SHB 1241"), which extended the deadline for the 2024 update from June 30, 2024, to December 31, 2024.

C. The county is beginning work on the 2024 update in 2022 and anticipates concluding the review and update process by December 31, 2024.

D. As part of the process, the county will prepare an Environmental Impact Statement to evaluate environmental impacts of the plan update under the State Environmental Policy Act. This review requires establishing the scope of work for the 2024 update sooner than currently established in the King County Code.

E. Amendments to the King County Code are needed to accommodate the new state deadline and the planned environmental review for the 2024 update.

F. E2SHB 1241 also extended the future comprehensive plan periodic review cycle from eight years to ten years. The county intends to align with this new ten-year statutory review cycle. However, the necessary amendments will be substantive and will need more time to be developed. Therefore, the code amendments in this ordinance do not reflect the ten-year cycle. The Comprehensive Plan and King County Code amendments needed to align with the ten-year cycle will be addressed as part of the 2024 update.

SECTION 2. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are hereby amended to read as follows:

A. Beginning in 2022, and every eighth year thereafter, the executive shall transmit to the council ((~~by the last business day of June~~)) a proposed motion specifying the scope of work for the proposed update to the Comprehensive Plan that will occur in the following year((~~, which~~)) under subsection B. of this section.

1. The scoping motion shall include the following:

((~~1.~~)) a. ((~~T~~))topical areas relating to amendments to policies, the land use map, implementing development regulations((~~,~~)) or any combination of those amendments that the executive intends to consider for recommendation to the council; and

((~~2.~~)) b. ((~~A~~))an attachment to the motion advising the council of the work program the executive intends to follow to accomplish State Environmental Policy Act review and public participation.

((~~B.~~)) 2.a. For the eight-year update required by RCW 36.70A.130 to be completed in 2024, the executive shall transmit to the council the scoping motion required in subsection A. of this section by March 31, 2022. The council shall have until June 15, 2022, to approve the motion.

b. Beginning in 2030 and every eight years thereafter, the executive shall transmit to the council the scoping motion required in subsection A. of this section by the last business day of June. The council shall have until September 15 to approve the motion.

3. In the absence of council approval, the executive shall proceed to implement the scope of work ((~~program~~)) as proposed in the motion transmitted by the executive. If the motion is approved, the scope of work ((~~program~~)) shall proceed as established by the approved motion.

B. Except as otherwise provided in subsection C. of this section:

1. For the eight-year update required by RCW 36.70A.130 to be completed in 2024, the executive shall transmit to the council by December 29, 2023, a proposed ordinance updating the Comprehensive Plan. The transmittal shall be accompanied by a public participation note, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments. The council shall have until December 31, 2024, to adopt the update to the Comprehensive Plan, in accordance with RCW 36.70A.130; and

2. Beginning in ((~~2023~~)) 2030 and every eighth year thereafter, the executive shall transmit to the council by the last business day of June a proposed ordinance updating the Comprehensive Plan((~~, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the biennial budget transmittal and shall be adopted in conjunction with the budget. However, in those years when there is only a midbiennium review of the budget, the ordinances adopting the capital improvement plan and the school capital facility plans shall be~~

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~~transmitted by October 1 and adopted no later than the midbiennium review under K.C.C. 4A.100.010~~)). All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments. The council shall have until June 30 of the following year to adopt an update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

C. Separate from the eight-year Comprehensive Plan updates required in subsection B. of this section:

1. In years where there is a biennial budget proposed, the capital improvement program, transportation needs report and the school capital facility plans shall be:

a. transmitted by the executive to the council no later than transmittal of the biennial budget; and

b. adopted by the council in conjunction with the biennial budget; and

2. In years when there is only a midbiennium review of the budget under K.C.C. 4A.100.010, the capital improvement program and the school capital facility plans shall be:

a. transmitted by the executive to the council by October 1; and

b. adopted by the council no later than adoption of the midbiennium review.

SECTION 3. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050 are hereby amended to read as follows:

The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410 (1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county department acting as lead agency shall be responsible for preparation and content of ((~~EIS's~~)) an EIS and other environmental documents.

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The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or subconsultants selected by King County to prepare environmental documents for a private development project proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; or perform any work or provide any services for the applicant in connection with or related to the proposal.

D. The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents for project proposals. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents for project proposals, the department shall select a consultant from the lists and negotiate a contract for such services. The department director may waive these requirements as provided for in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. chapter 2.98, the department of local services shall adopt public rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications((~~,~~)) or timely production of the environmental document; and waive the consultant selection requirements of this chapter on any basis provided by K.C.C. chapter 2.93.

E. All costs of preparing the environment document shall be borne by the applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. chapter 2.98, the department of local services shall promulgate administrative rules ((~~which~~)) that establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds((~~,~~)) and develop other procedures

necessary to implement this chapter.

F. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G. The department shall only publish an ((~~environmental impact statement (~~))EIS((~~)~~)) when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within two hundred seventy days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer ((~~time~~)) period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety days unless agreed to by the applicant.

H. The following periods shall be excluded from the two-hundred-seventy-day ((~~time~~)) period for issuing a final environmental impact statement:

1. Any ((~~time~~)) period during which the applicant has failed to pay required environmental review fees to the department;

2. Any period ((~~of time~~)) during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and

3. Any period ((~~of time~~)) during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement.

SECTION 3. **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.