

ORDINANCE NO. 00263

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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.

30

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.

15

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.

28

29

30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

