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NO. 1043031

SUPREME COURT OF THE STATE OF WASHINGTON

FALL CITY SUSTAINABLE GROWTH,
Appellant,

v.

KING COUNTY; MT. SI INVESTMENTS, LLC; CEDAR 17
INVESTMENTS, LLC; CHA CHA 15 INVESTMENTS, LLC;
TAYLOR DEVELOPMENT, INC.,
Respondents.

**KING COUNTY'S ANSWER TO
PETITION FOR REVIEW**

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I. INTRODUCTION

Respondent King County (“County”) respectfully requests this Court deny Appellant Fall City Sustainable Growth’s (“FCSG”) Petition for Review (“PFR”) of the published Court of Appeals decision in *Fall City Sustainable Growth v. King County*, et. al (“Decision”), issued on May 19, 2025. This case involves the approval of three small subdivisions that complied with local development regulations and consistent with well-settled legal principles. The Decision is entirely consistent with long-standing appellate precedent and does not present an issue of substantial public interest.

In seeking review before this Court, FCSG does not dispute well-settled state law that provides that absent regulations, comprehensive plans do not have regulatory effect on site-specific plans. Nor does FCSG dispute the Decision’s conclusion that there *are* applicable development regulations that directly control the three subdivision applications in this case. Rather, FCSG contends the Decision conflicts with

appellate precedent, including *Cingular Wireless LLC v. Thurston County*¹ (“*Cingular*”), which holds that a comprehensive plan has regulatory effect, even when there are applicable regulations, if the local code itself *expressly requires* that site-specific projects meet the comprehensive plan (“code mandate”).

However, the Decision correctly distinguishes *Cingular*, concluding that none of the state law provisions and local county regulations for subdivision applications expressly require all comprehensive plan policies to have regulatory effect. Additionally, FCSG’s suggestion that a ‘code mandate’² may be implicit or discretionary is in direct conflict with appellate precedent. Thus, the Decision is consistent with *Cingular*.

¹ 131 Wn. App. 756 (2006); *See also Weyerhaeuser v. Pierce Cnty*, 124 Wn.2d 26, 43, 873 P.2d 498 (1994); *West Main Assocs. V. Bellevue*, 49 Wn. App. 513, 742 P.2d 1266 (1987), and *Woods v. Kittitas Cnty*, 162 Wn.2d 597, 614, 174 P.3d 25 (2007).

² For convenience and consistency, the County adopts the same terminology used by FCSG.

This case also does not present an issue of substantial public interest. The County correctly followed Washington’s established land use statutes and county regulations in approving the three modest subdivisions. FCSG has not met its burden to show that this case merits review under RAP 13.4(b).

II. STATEMENT OF THE CASE

A. GMA Project-permitting System Framework

King County’s well-established land-use planning and project-permitting system is rooted in the Growth Management Act, ch. 36.70A RCW (“GMA”). The GMA establishes fifteen nonprioritized planning goals to guide counties and cities when adopting comprehensive plans and development regulations.³ The goals are broad and often mutually competitive (e.g., economic development vs. retaining open and green spaces) such that each individual governmental decision could never

³ RCW 36.70A.020.

fully satisfy every individual goal.⁴ The GMA also recognizes the importance of rural lands and rural character.⁵

The GMA requires most counties to adopt, and to update periodically, a comprehensive plan.⁶ The GMA also establishes mandatory elements for comprehensive plans, one of which is that the plan must include a rural element. The rural element allows a broad range of uses and densities in the rural area:

Rural Development The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.⁷

⁴ *Thurston Cnty. v. W. Washington Growth Mgmt. Hearings Bd.*, 164 Wn.2d 329, 336, 190 P.3d 38, 41 (2008).

⁵ RCW 36.70A.011.

⁶ RCW 36.70A.130 (establishing mandatory review and update schedule).

⁷ RCW 36.70A.070(5)(b).

“GMA does not dictate a specific manner of achieving a variety of rural densities. Local conditions may be considered and innovative zoning techniques employed to achieve a variety of rural densities.”⁸ RCW 36.70A.070(5)(a) states that “[b]ecause circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances...”.

In addition to the mandatory elements, the GMA authorizes local governments to adopt optional elements to a comprehensive plan, including subarea plans.⁹ Subarea plans address smaller geographies within King County and establish policies specific to the needs of those communities. Subarea plans must be consistent with the comprehensive plan, development regulations and land use map.¹⁰

To implement the comprehensive plan, the GMA

⁸ Decision at 8 (citing *Thurston County*, 164 Wn.2d at 359-60).

⁹ RCW 36.70A.080(2).

¹⁰ RCW 36.70A.080.

requires counties and cities to adopt development regulations.¹¹ State law mandates that local development regulations directly control local land use decisions, and that comprehensive plans have no regulatory effect unless there is an absence of applicable regulations.¹² A local regulation or ordinance itself can give a comprehensive plan regulatory effect in addition to applicable regulations at the project level, but only if the local code “expressly requires that a proposed use comply with a comprehensive plan.”¹³

B. King County’s Project Permit Process

In compliance with the GMA, King County adopted the King County Comprehensive Plan (“KCCP”), including a

¹¹ RCW 36.70A.040(3)-.040(5) (setting forth requirements regarding development regulations); RCW 36.70A.130(1)(e) (regarding amendments to development regulations).

¹² RCW 36.70B.030(2)(a), RCW 36.70B.030(1), RCW 36.70B.040(1); See also *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 947 P.2d 1208 (1997).

¹³ *Woods v. Kittitas County*, 162 Wn.2d at 614 (citing *Cingular Wireless, LLC v. Thurston County*, 131 Wn. App. at 770); *Weyerhaeuser v. Pierce County*, 124 Wn.2d at 43, 498 (1994).

Subarea Plan specifically for Fall City, as well as regulations that implement and are consistent with the KCCP and Subarea Plan.¹⁴

1. King County Comprehensive Plan

The KCCP, first adopted in 1994,¹⁵ provides that “[t]he Comprehensive Plan guides land use over the long term by applying specific land use designations throughout the unincorporated portion of King County and by *providing guidelines for implementing regulations used to evaluate specific development proposals.*”¹⁶ It further provides that implementation is “through regulations adopted as part of the King County Code” and that “[a]ll development proposals in King County must meet the requirements of the Code.”¹⁷

¹⁴ The administrative record is formatted with KC####. To comply with RAP 10.4(f) and for consistency with the record, the following identifier will be used in this brief: AR-KC####.

¹⁵ Because comprehensive plans must be updated periodically, the KCCP version applicable to this case is the 2016 update.

¹⁶ AR-KC01525 (KCCP at 12-2) (*italics added*).

¹⁷ AR-KC01004 (KCCP at 1-26).

KCCP establishes the geographic scope of the Rural Area and includes policies describing the range of uses allowed and a map that assigns a land use designation to all areas of the county.¹⁸ KCCP recognizes that the rural area “will contain diverse housing opportunities through a mix of large lots, clustering, existing smaller lots and higher densities in Cities in the Rural Area and Rural Towns, as services permit.”¹⁹ As to rural character, KCCP states that the “use of land and the density of development (measured as the number of homes or other structures per acre or per square mile of land) are key determinants and contributors to the character of the Rural Area.”²⁰

KCCP establishes several land use designations, including Rural Towns. King County currently has three designated Rural Towns, one of which is Fall City.²¹ The Rural

¹⁸ RCW 36.70A.070; WAC 365-196-400, -405.

¹⁹ AR-KC01068 (KCCP at 3-17).

²⁰ *Id.*

²¹ AR-KC01084-85 (KCCP at 3-33 to 3-34).

Town designation recognizes the historical development in these rural areas which include commercial centers and higher density residential settlement patterns than the rest of rural parts of the County.²² KCCP Policies R506 and 507 state that “Rural Towns may contain higher density housing than permitted in the surrounding Rural Area...” and “may include... residential development, including single-family housing on small lots.”

2. 1999 Fall City Subarea Plan

As an additional element of the KCCP, the Council adopted the 1999 Fall City Subarea Plan (“Subarea Plan”) on June 12, 2000.²³ The Subarea Plan implements and is consistent with the KCCP.²⁴

²² AR-KC01085 (KCCP R506-507 at 3-34).

²³ King County Ordinance 13875 (2000); 1999 Fall City Subarea Plan (“Subarea Plan”) (June 12, 2000).a (<https://kingcounty.gov/en/dept/executive/governance-leadership/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/subarea-plans>) (accessed July 21, 2025).

²⁴ KCC 20.08.060.

One of the many objectives of the Subarea Plan included limiting Fall City’s potential growth and protecting rural character. This was addressed, in part, through various policies and a map change to the boundaries of Fall City that significantly reduced its geographic size.²⁵

The majority of the residential area within Fall City is zoned R-4, which typically requires a minimum density of three dwelling units per acre and allows up to six dwelling units per acre if certain criteria are met.²⁶ The Subarea Plan reduced the overall boundaries of the Rural Town of Fall City and amended the R-4 zoning regulations to eliminate the required minimum density while reducing the maximum density from six to four.²⁷

The Subarea Plan specifically recognizes that the reduced boundaries to Fall City was to protect “rural character:”

²⁵ *Staff Report, King County 2012 Comprehensive Plan Review Committee*, 2012-0103 (Sept. 12, 2012) (accessed Apr. 2, 2024).

²⁶ AR-KC18057.

²⁷ AR-KC18053-58; KC18026-29 (Subarea Plan).

*The Rural Town boundaries of Fall City are showing on the map...and reflect the community's strong commitment to its rural character, recognize existing development patterns and respect natural features.*²⁸

The KCCP was also amended for consistency with the 1999

Fall City Subarea Plan in regard to rural character:

The zoning for Fall City adopted in the 1999 Fall City subarea Plan reflects the community's strong commitment to its rural character, recognizes existing uses, provides for limited future, commercial development, and respects natural features.²⁹

Two weeks after adoption of the Subarea Plan, on June 26, 2000, the Council adopted regulations implementing the 1999 Fall City Subarea Plan,³⁰ which is codified at KCC 21A.12.030. The code reduces the maximum density for R-4 zone within the boundaries of Fall City to four dwelling units per acre.³¹

Unlike

²⁸ AR-KC18053 (Subarea Plan Policy RT-1) (italics added).

²⁹ AR-KC04505 (italics added).

³⁰ King County Ordinance 13881(2000) (codified at KCC 21A.12.030).

³¹ *Id.*, KCC 21A.12.030(B)(22), -.030(B)(23).

the modified lower density in Fall City, other rural areas of the County with R-4 zoning allowed up to eight dwelling units per acre.³²

C. Preliminary Plat Approval

In 2021, the King County Department of Local Services (“DLS”) reviewed Taylor Development’s three of seven preliminary applications for residential subdivisions within the Rural Town of Fall City.³³ After completing its review DLS transmitted its recommendation for approval to the King County Hearing Examiner (“Examiner”).

After conducting a quasi-judicial public hearing process, the Examiner approved each of the preliminary plat applications subject to numerous conditions.³⁴ With regard to each proposed subdivision, the Examiner made findings in her Report and Decision reflecting compliance with King County’s

³² KCC 21A.12.030(A).

³³ AR-KC09807-08; AR-KC05737; AR-KC00006.

³⁴ AR-KC13189-13227 (Mt. Si); AR-KC07379-07411 (Cedar 23); AR-KC03013-48 (Cha Cha).

development regulations pursuant to KCC 20.22.180.A and RCW 58.17.110(1) (finding 3).³⁵

While the Examiner “decline[d] to conclude as a matter of law that the plats were consistent with rural character,” the Examiner properly determined that the only tool the legislative authority chose to allow for meeting rural character was through modifying the minimum and maximum densities under the development regulations. Applying the applicable regulations, she correctly concluded that the project met applicable development regulations, met state requirements, and will serve the public use and interest.³⁶

D. Appeal Process:

FCSG appealed the Examiner’s decisions to the King County Council, and on October 3, 2023, the Council affirmed the Examiner’s decisions and adopted ordinances approving the

³⁵ AR-KC16250-51 (Cha Cha); AR-KC17521-22 (Cedar 23); AR-KC18141 (Mt. Si).

³⁶ AR-KC16250-52 (Cha Cha), AR-KC 17520-22 (Cedar 23), AR-KC 18140-141 (Mt. Si).

three subdivision applications.³⁷ FCSG appealed the Council's decision under the Land Use Petition Act ("LUPA"), Ch. 36.70C RCW. The matter was transferred to Division One pursuant to RCW 36.70C.150.

III. ARGUMENT

Under the Rules of Appellate Procedure (RAP) a petition for review will be accepted by the Supreme Court only:

- (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
- (2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or
- (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
- (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b). FCSG identify RAP 13.4(b)(1), (2), and (4) as grounds for acceptance of review. As demonstrated below, the

³⁷ See King County Ordinance 19673 (2023); King County Ordinance 19674 (2023); King County Ordinance 19675 (2023).

Decision is consistent with appellate precedent and does not involve an issue of substantial public interest.

A. RAP 13.4(b)(1) and (2) Have Not Been Met Because the Decision Is Consistent With Appellate Precedents.

The Decision does not conflict with *Cingular*

Wireless LLC v. Thurston County (“*Cingular*”),³⁸

Weyerhaeuser v. Pierce Cnty,³⁹ (“*Weyerhaeuser*”), *West*

Main Assocs. V. Bellevue,⁴⁰ (“*West Main*”), and *Woods v.*

Kittitas Cnty,⁴¹ (“*Woods*”). While the forementioned cases

involved various local regulations that mandated regulatory effect of comprehensive plans when approving certain site-specific projects, none of them specifically address the state law provisions or County regulations FCSG relies on. Further, the regulations in those cases are distinguishable from the provisions here.

³⁸ 131 Wn. App. 756 (2006).

³⁹ 124 Wn.2d 26, 43, 873 P.2d 498 (1994).

⁴⁰ 49 Wn. App. 513, 742 P.2d 1266 (1987).

⁴¹ 162 Wn.2d 597, 614, 174 P.3d 25 (2007).

1. Local regulations in *Cingular, Weyerhaeuser, West Main, Woods* expressly required the regulatory effect of comprehensive plan policies.

Unlike the statutory provisions and local regulations in this case, the regulations in the above appellate precedent expressly required certain site-specific projects to meet both development regulations and comprehensive plans. Thus, local jurisdictions were required to give comprehensive plans regulatory effect during the permit review process.

Cingular involved a proposed cell tower in the rural residential area of Thurston County, which required a special use permit under the Thurston County Code (“TCC”). Division Two found that the comprehensive plan had regulatory effect in review of the permit application because the TCC expressly requires a special use be denied unless both “specific” and “general standards” were met:⁴²

- Even if a proposed special use meets all the special standards for that particular use, the use must also meet the general standards of this title for special uses, and

⁴² *Cingular*, 131 Wn. App. at 775.

shall be denied if the special and general standards are not met. TCC 20.03.040

- A special use must comply with both specific requirements “and those of other applicable chapters of this title.” TCC 20.54.030
- In addition to the specific standards...with regard to particular special uses, all uses authorized as special uses *shall meet the following standards: ... The proposed use* at the specified location *shall comply* with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.” TCC 20.54.040

*See also, Lakeside Industries v. Thurston County,*⁴³

(Division Two holding the same TCC codes expressly required a proposed asphalt plant, a special use, to meet standards in the comprehensive plan).

Weyerhaeuser involved an application for a proposed sanitary landfill project as a conditional use in Pierce County. This Court found that the county’s regulations applicable for solid waste facilities expressly provided that they must comply with the comprehensive plan land use policies, thereby giving

⁴³ 119 Wn. App. 886, 894-896, 83 P.3d 433 (2004).

them regulatory effect: “[s]olid waste facilities that require a Solid Waste Permit shall indicate on a site plan that the facility meets... any...comprehensive land use plan.”⁴⁴

In *West Main*, Division One held that the City of Bellevue could rely on the city’s comprehensive plan environmental policies to deny the design application for proposed development because the city was exercising its authority under State Environmental Policy Act, chapter 43.21C RCW (“SEPA”). Because SEPA empowers local jurisdiction to deny subdivisions based on environmental impacts, SEPA allows for the regulatory use of comprehensive plans:

[C]onditions or denials shall be based upon policies identified by the appropriate governmental authority and incorporated into regulations, plans, or codes which are formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of authority pursuant to this chapter.⁴⁵

⁴⁴ *Weyerhaeuser*, 124 Wn.2d at 43 (citing former PCC 18.10.560), (Italics in original).

⁴⁵ RCW 43.21C.060.

Thus, “if standards in a comprehensive plan are adopted locally as SEPA policies or standards, they become enforceable standards for exercising SEPA authority.”⁴⁶ Because the city enacted an ordinance expressly adopting the city’s comprehensive plan as the local environmental policy, the court held that the city could rely on the plan to deny the project.⁴⁷

Woods, which involved Kittitas County’s approval of a rezone application of 251 acres of land from Forest and Rural to Rural-3 in Kittitas County, did not directly address the code mandate issue. Even so, some of the appellant’s LUPA claims remained before the Court, and the Court applied both regulations and comprehensive plan policies in analyzing the site-specific project, citing the former Kittitas County Code 17.98.020:

A petition requesting a change on the zoning map from one zone to another *must demonstrate that the following criteria are met*...The subject property is suitable for development in general

⁴⁶ *West Main*, 49 Wn. App. at 526.

⁴⁷ *Id.* at 525.

conformance with zoning standards for the proposed zone.⁴⁸

In summary, *Cingular*, *Weyerhaeuser*, *West Main*, and *Woods* all involve regulations in the context of environmental impacts under SEPA authority and/or review of discretionary uses – such as special, conditional, or rezones – that had mandatory language such as “shall meet the following standards” “shall indicate...that the facility meets...” and “must demonstrate that the following criteria is met.” Whereas here, subdivisions are an outright permitted use in King County and the applicable regulations either do not specifically mention the comprehensive plan or do so without mandatory language.

2. State law and King County regulations do not mandate regulatory effects for comprehensive plan on subdivisions.

In distinguishing the development regulations in *Cingular*, the Decision correctly concluded that “FCSG fail[ed] to demonstrate that there is an express requirement that plat

⁴⁸ 162 Wn.2d at 622.

applications must comply with the comprehensive plan in addition to the development regulations.”⁴⁹

a. Planning Enabling Act, RCW 36.70.970(3).

The Decision correctly concluded that RCW 36.70.970(3) does not “expressly require compliance with comprehensive plan” for the approval of a subdivision applications. The Decision correctly noted that RCW 36.70.970(3), which was adopted prior the GMA, “did not define what it means to ‘conform’ to the county’s comprehensive plan.”⁵⁰ Indeed, post-GMA, conformance with the comprehensive plan at the project level is generally achieved through development regulations.

When looking at related provisions in the Local Project Review Act, ch. 36.70B RCW (“LPRA”), the Decision correctly concluded that:

the legislature explained what ‘consistency’ or ‘conformity’ with a post-GMA comprehensive

⁴⁹ Decision at 23.

⁵⁰ *Id.* at 18.

plan meant. The legislature stated that RCW 36.70B.030(1) and RCW 36.70B.040(1) were intended to “establish a mechanism for implementing the provisions of [GMA] regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations.” LAWS OF 1995, ch. 347 §§ 404, 405. The legislature explained that where there are adopted development regulations, project conformity with the GMA is determined by the development regulations where they exist, and the comprehensive plan only in the absence of applicable development regulations. RCW 36.70B.030(1); .040(1).

The Decision also noted that the Planning Enabling Act (“PEA”) specifically provides that “[i]n no case shall the comprehensive plan...be considered to be other than in such a form as to serve as a guide to the later development and adoption of official controls.”⁵¹

In its analysis, the Decision properly recognized statutory interpretation rules, including rendering no language

⁵¹ RCW 36.70.340.

“superfluous or meaningless.”⁵² Applying these statutory rules, the Decision correctly concludes that, while both statutes provide the procedure a hearing examiner must follow during project review, “[w]hen read with RCW 36.70B.030(1) and .040(1), conformity is determined by compliance with the applicable development regulations where they exist.”⁵³

As the Decision properly reasoned:

This reading allows RCW 36.70B.970(3) flexibility to provide procedure in the various circumstances under which a hearing examiner may be authorized to act, including circumstances where development regulations are absent and where local regulations require consistency with both a comprehensive plan and regulations. To read RCW 36.70B.970(3) as requiring consistency with a comprehensive plan under all circumstances would render superfluous or meaningless the portions of RCW 36.70B.030 and .040 which state that projects are reviewed for consistency with

⁵² Decision at 19 (citing *Wash. State Ass’n of Counties v. State of Washington*, 199 Wn.2d 1, 12-14, 502 P.3d 825 (2022)); *See also State v. Chapman*, 140 Wn. 2d at 455 (2000) (Statutes relating to the same subject will be read as complementary, instead of in conflict with each other).

⁵³ Decision at 23.

development regulations, or in the absence of such regulations, the comprehensive plan.”⁵⁴

“The purpose of interpreting statutory provisions together with related provisions is to achieve a harmonious and unified statutory scheme that maintains the integrity of the respective statutes.”⁵⁵ Consistent with this rule, Division One’s interpretation of RCW 36.70B.970(3) properly achieves a harmonious and unified statutory scheme that maintains the integrity of all applicable statutes.

Further, and contrary to FCSG’s assertion, the Examiner set out the manner in which the decision conforms with the KCCP by indicating that the density regulations were the only applicable tool for conformance with rural character and appropriately applied those density regulations when approving the plat application.

b. State Subdivision Statute.

⁵⁴ *Id.* at 19-20.

⁵⁵ *State v. Chapman*, 140 Wn.2d 436, 448, 998 P.2d 282 (2000) (citing *In re Estate of Kerr*, 134 Wn.2d 328, 336, 949 P.2d 810 (1998)).

FCSG also argued that the State subdivision statute, ch. 58.17 RCW, requires a hearing examiner to give regulatory effect to the comprehensive plans on all subdivision applications. Consistent with *Cingular*, the Decision correctly concluded that neither RCW 58.17.100 nor 58.17.110(2) requires preliminary plat applications to meet the comprehensive plan in addition to regulations for approval.

The fundamental objective when interpreting a statute is to ascertain the Legislature’s intent in enacting it.⁵⁶ “When statutory language is plain on its face, [this Court] give[s] effect to that plain meaning as an expression of legislative intent.”⁵⁷ “A statute’s plain meaning may be discerned from ‘all that the Legislature has said in the statute and related statutes.’”⁵⁸ Courts “look to the language of a statute, the context in which

⁵⁶ *Housing Authority of County of King v. Knight*, 4 Wn.3d 324, 331, 563 P.3d 1058 (2025).

⁵⁷ *Id.* at 331 (citing *Dep’t of Ecology v. Campbell & Gwinn, LLC*, (“*Campbell*”) 146 Wn.2d 1, 9-10, 43 P.3d 4 (2002).

⁵⁸ *Id.* (quoting *Campbell*, 146 Wn.2d at 11).

the provision is found, related provisions, and the statutory scheme as a whole.”⁵⁹ That is what Division One did here.

When looking at RCW 58.17.100 and its context, related provisions, and the statutory scheme as a whole, the Decision correctly concluded that:

RCW 58.17.100 only addresses ‘recommendations’ by the hearing examiner and ‘advisory’ reports. Nothing in RCW 58.17.100 mandates a hearing examiner deny a plat application that it determines fails to conform to the general purpose of a comprehensive plan. In contrast, the next provision of the statute, RCW 58.17.110(2), addresses factors to be considered, authority to condition, and findings necessary, before a plat application may be approved.⁶⁰

RCW 58.17.110(2) states:

A proposed subdivision and dedication ***shall not be approved unless*** the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and

⁵⁹ *Id.* (citing *State v. Engel*, 166 Wn.2d 573, 578, 210 P.3d 1007 (2009)).

⁶⁰ Decision at 16.

recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication.

As the Decision correctly noted, “missing is a requirement that the proposed plat application conform with the general purpose of the comprehensive plan.”⁶¹

The Decision also correctly concludes that RCW 58.17.110(2)’s “general welfare” requirement does not equate to a code mandate:

While FCSG is correct that the comprehensive plan provides “a means” of promoting the general welfare, nothing in KCC 20.08.070 states that conformity or consistency with the comprehensive plan is the only means. Here, the hearing examiner found that plats, as conditioned, served the general welfare and satisfied the public interest based on compliance with the long list of specific topics

⁶¹ *Id.* at 17.

identified in RCW 58.17.110, as well as compliance with the applicable development regulations.⁶²

To interpret RCW 58.17.110(2) as essentially having an *implicit* rather than an *express* comprehensive plan mandate, as FCSG invites, would be directly in conflict with the established rule that the code must “*expressly require*” that a site-specific project meet the comprehensive plan to have regulatory effect.

Contrary to FCSG’s argument, the Decision’s interpretation of RCW 58.17.100’s “assure conformance” does not render it meaningless. Similar to the PEA, the statute’s broad language provides flexibility to provide procedure in various circumstances where development regulations are absent and where local regulations give a comprehensive plan regulatory effect. The same reasoning holds true for the subdivision statute’s statement of purpose in RCW 58.17.010: “The purpose of this chapter is...to provide expeditious review

⁶² *Id.* at 17, fn 11.

and approval of proposed subdivisions which conform to zoning standards and local plans and policies...”

FCSG’s assertion that the Decision’s analysis of RCW 58.17.100 ignores that in King County the Examiner has authority for final approval is also incorrect.⁶³ The requirements for approval are listed in RCW 58.17.110, not .100. Thus, whomever has final decision-making authority under 58.17.110 is not determinative of whether the comprehensive plan is regulatory. FCSG also mischaracterizes the Decision’s reliance on *W. Hill Citizens for Controlled Dev.*

⁶³ FCSG reliance on *Buchseib/Danard Inc. v. Skagit County*, 31 Wn. App. 489, 643 P.2d 460 (1982) (“*Buchseib*”) as support that RCW 58.17.110 contains a “code mandate” is misplaced because that issue was not addressed in that case. The issue in that case was whether Skagit County Code (“SCC”) divested the Skagit County Board of Commissioners (“Board”) of final authority to deny preliminary plats if the Planning Commission made a recommendation for approval. *Id.* at 491-92. Within that context, Division One looked to RCW 58.17.100 only as an analogy, noting that “state law is to the same effect.” *Id.* Because *Buchseib* is inapplicable to the issues presented here, it does not render the Decision inconsistent with appellate precedent.

*Density v. King County Council*⁶⁴ (“*W. Hill*”). The Decision cited *W. Hill* to illustrate that Division One has recognized for over 40 years that “the recommendations in RCW 58.17.100 do not carry over into the requirements for plat or subdivision approval in RCW 58.17.110(2) for the very reasons stated above.”⁶⁵ The Decision properly read the statutory provisions together and construed the statute as a whole as required under the rules of statutory interpretation.

c. County Codes

The Decision found that “[o]n its face, KCC 20.12.010 requires only that the comprehensive plan *guide* land development decisions such as plat decisions and does not expressly require plat decisions comply with the comprehensive plan.”⁶⁶ Further, the Decision correctly concluded that KCC 20.22.030 does not expressly require a hearing examiner to give

⁶⁴ 29 Wn. App. 168, 171-72, 627 P.2d 1002 (1981).

⁶⁵ Decision at 17.

⁶⁶ *Id.* at 24.

regulatory effect to the comprehensive plan to approve a plat application.⁶⁷

FCSG argues that the Decision’s “rationales ignore that even if the examiner only had discretion, and not a duty, to assure conformance, the examiner did not recognize that she had discretion.”⁶⁸ While acknowledging the narrow ‘code mandate,’ FCSG nonetheless suggests that a hearing examiner has discretion to determine whether a comprehensive plan has regulatory effect when reviewing land use permit applications, which is in direct conflict with *Cingular*, *Weyerhaeuser*, *West Main*, and *Woods*.

Because a regulation must *expressly require* that a site-specific project meet the comprehensive plan, whether a comprehensive plan has regulatory effect at the project level is not left to the hearing examiner’s discretion. Indeed, if the comprehensive plan does not have regulatory effect, then the

⁶⁷ *Id.*

⁶⁸ PFR at 31.

hearing examiner lacks a basis to deny or condition a subdivision application based on that non-regulatory comprehensive plan. Further, FCSG's suggestion that the hearing examiner has discretion to apply comprehensive plan provisions to project applications would promote neither clarity nor certainty.

KCC 19A.08.060 grants the hearing examiner discretion to approve, approve with conditions, or deny a plat application based on a list of 16 rules, regulations, plans, and policies, including the comprehensive plan. The Decision correctly found that “[n]othing in KCC 19A.08.060 expressly requires denial of a plat application if it does not comply with every element or policy of the comprehensive plan.”

FCSG argues that the Decision should have found that the Examiner erred for failing to recognize that she had authority to condition or deny the subdivision applications

based on the KCCP.⁶⁹ But as discussed above, the Examiner does not have discretion to give the comprehensive plan regulatory effect at the project level.

In affirming the Examiner, the Decision properly found that the only tools the legislative authority chose to allow for meeting ‘rural character’ was maximum densities under the development regulations. The Decision further found that the subdivision applications met all required state law and applicable local regulations.

Because the Decision correctly applied the rules of statutory interpretation and the ‘code mandate’ consistent with appellate precedent, the criteria under RAP 13.4(b)(1) and (2) have not been met and the Court should decline review.

B. Petition for Review Does Not Present an Issue of Substantial Public Interest.

The Decision involves the approval of small subdivisions in Fall City that are all consistent with local regulations and

⁶⁹ PFR at 30.

state law. As discussed above, RCW 58.17.110 specifically provides the factors that must be considered as well as the required findings and conditions to approve a proposed subdivision in the state of Washington. None lists the comprehensive plan. Further, nothing in RCW 36.70.970(3) and 58.17.100 expressly requires the regulatory effect of all comprehensive plans on all site-specific land use decisions within the state of Washington.

While the state provides mandatory subdivisions rules, it is the local jurisdiction that implements the local comprehensive plan through the adoption of local regulations that ultimately control the site-specific land use project. The well-settled rule that regulations can provide regulatory effect to comprehensive plans if the code itself expressly requires so provides local jurisdictions with discretion and certainty in regulating land use at the local level.

Because state requirements for subdivisions are well-settled, and because the Decision's interpretation of the

County's land use code for a site-specific project is unique to these three subdivisions, this case does not present an issue of substantial public interest.

IV. CONCLUSION

This subdivision case involves local development regulations and well-settled legal principles. The Decision is entirely consistent with long-standing appellate precedent and does not present an issue of substantial public interest. Accordingly, the County respectfully requests this Court deny review.

Certificate of Compliance

This document contains 4,500 words, excluding the parts of the document exempted from the word count by RAP 18.17.

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DATED this 23rd day of July, 2025.

LEESA MANION
King County Prosecuting Attorney

Respectfully submitted

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CERTIFICATE OF SERVICE

I Monica Erickson, certify under the penalty of perjury of the laws of the state of Washington that I am over the age of eighteen, not a party to this lawsuit, and am competent to testify herein.

On July 23, 2025, I caused the foregoing document to be filed via the Washington State Appellate Court's Electronic Filing Portal, which automatically causes a copy of the same to be transmitted to the following:

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Appendix A

King County Code

KCC 19A.08.060 Review for conformity with other codes, plans and policies.

Applications for approvals under this title shall be reviewed in accordance with the applicable procedures of any combination of this title and K.C.C. chapters 20.20 and 20.22. Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted county and state rules, regulations, plans and policies including, but not limited to:

- A. Chapter 43.21C RCW (SEPA);
- B. Chapter 58.17 RCW (Subdivisions);
- C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
- D. K.C.C. Title 9 (Surface Water Management);
- E. K.C.C. Title 13 (Sewer and Water);
- F. K.C.C. Title 14 (Roads and Bridges);
- G. K.C.C. Title 17 (Fire Code);
- H. K.C.C. chapter 20.44 (SEPA);
- I. K.C.C. Title 21A (Zoning);
- J. K.C.C. Title 23 (Code Enforcement);
- K. Administrative rules adopted under K.C.C. chapter 2.98;
- L. King County board of health rules and regulations;
- M. King County approved utility comprehensive plans;
- N. King County Comprehensive Plan;
- O. Countywide Planning Policies; and
- P. This title.

KCC 20.08.060 Subarea plan.

"subarea plan" means a detailed local land use plan that implements, is consistent with, and is an element of the Comprehensive Plan, containing specific policies, guidelines, and criteria adopted by the council to guide development and capital improvement decisions

within specific subareas of the county. Subarea plans are used for distinct communities, specific geographic areas, community service areas, potential annexation areas, or other types of districts having unified interests or similar characteristics within the county.

KCC 20.08.070 Comprehensive plan.

"Comprehensive plan" means the principles, goals, objectives, policies and criteria approved by the council to meet the requirements of the Washington State Growth Management Act, and,

- A. as a beginning step in planning for the development of the county;
- B. as the means for coordinating county programs and services;
- C. as policy direction for official regulations and controls; and
- D. as a means for establishing an urban/rural boundary;
- E. as a means of promoting the general welfare.

KCC 20.12.010 Comprehensive Plan adopted.

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

20.22.030 Examiner - powers, duties.

A. The examiner shall receive and examine available information, conduct open record hearings, and prepare records and reports, including findings and conclusions, and, based on the issues and evidence:

1. Make decisions, as set forth in K.C.C. 20.22.040;
2. Make recommendations to the council, as set forth in K.C.C. 20.22.060;
3. Take other actions as prescribed by this chapter; and
4. Take other actions as directed by ordinance or council motion.

B. The examiner's determination may grant, remand, or deny the application or appeal, and may include any conditions, modifications, and restrictions necessary to carry out applicable laws, regulations, and adopted policies.

C. For the purposes of proceedings identified in K.C.C. 20.22.060, the public hearing by the examiner shall constitute the hearing required by the King County Charter by the council.

D. The examiner shall have the power to issue a summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

E. To avoid unnecessary delay and to promote hearing process efficiency, the examiner shall limit testimony, including cross-examination, to that which is relevant to the matter being heard, in light of adopted county policies and regulations, and shall exclude evidence and cross-examination that is irrelevant, cumulative or unduly repetitious. The examiner may establish reasonable time limits for presenting direct testimony, cross examination, and argument.

F. Written submittals may only be admitted when authorized by the examiner.

G. The examiner shall use reasonable case management techniques, including:

1. Limiting testimony and argument to relevant issues and to matters identified in the prehearing order or appeal
2. Prehearing identification and submission of exhibits, if applicable;
3. Stipulated testimony or facts;
4. Prehearing dispositive motions, if applicable;
5. Prehearing conferences;
6. Voluntary mediation; and
7. Other methods to promote efficiency and to avoid delay.

KCC 20.22.180 Examiner duties - preliminary subdivision.

For a proposed preliminary subdivision, the examiner decision shall include findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;

KCC 21A.12.030

will be subject to any applicable parenthetical footnote following the standard. (Ord. 10870 § 339, 1993).

21A.12.030 Densities and dimensions - residential and rural zones.

A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/ ac	du/ ac	du/ac	du/ac	du/ac (21)	du/ ac	du/ ac (6)	du/ ac	du/ ac	du/ ac	du/ ac	du/ ac	du/ ac
Maximum Density:	0.4						6	9	12	18	27	36	72
Dwelling Unit/Acre (1)	du/ ac (20)						du/ ac (22) 8 du/ ac (27)	du/ ac 12 du/ ac (27)	du/ ac 16 du/ ac (27)	du/ ac 24 du/ ac (27)	du/ ac 36 du/ ac (27)	du/ ac 48 du/ ac (27)	du/ ac 96 du/ ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.8 75 ac	3.7 5 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft	35 ft 45 ft	60 ft	60 ft 80 ft	60 ft 80 ft	60 ft 80 ft

								(14) (25)	(14) (25)		(14)	(14)	(14)
Maximum Impervious	25 %	20 %	15%	12.5%	30%	30%	55%	70%	75%	85%	85%	85%	90%
Surface:	(11)	(11)	(11)	(11)	(11)	(11)	(26)	(26)	(26)	(26)	(26)	(26)	(26)
Percentage (5)	(19)	(19)	(19)	(19)	(26)	(26)							
	(26)	(26)	(24)	(26)									

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(1) a floodplain;

(2) a critical aquifer recharge area;
(3) a regionally or locally significant resource area;
(4) existing or planned public parks or trails, or connections to such facilities;
(5) a category type S or F aquatic area or category I or II wetland;
(6) a steep slope; or
(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 zoned parcels receiving density from rural forest focus areas through a transfer of density credit pursuant to K.C.C. chapter 21A.37.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence that predates 1959.

22. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.

23. The minimum density requirement does not apply to properties located within the Rural Town of Fall City.

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808* on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808*, by more than ten percent.

25. For cottage housing developments only:

- a. The base height is twenty-five feet.
 - b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to thirty feet at the ridge of the roof.
26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.
27. Only in accordance with K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2.
28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.
29. Height and setback requirements shall not apply to regional transit authority facilities. (Ord. 19146 § 48, 2020: Ord. 18791 § 168, 2018: Ord. 18671 § 4, 2018: Ord. 17841 § 31, 2014: Ord. 17539 § 33, 2013: Ord. 17420 § 99, 2012: Ord. 16267 § 25, 2008: Ord. 15245 § 6, 2005: Ord. 15051 § 126, 2004: Ord. 15032 § 17, 2004: Ord. 14808 § 4, 2003: Ord. 14807 § 7, 2003: Ord. 14429 § 2, 2002: Ord. 14190 § 33, 2001: Ord. 14045 § 18, 2001: Ord. 13881 § 1, 2000: Ord. 13571 § 1, 1999: Ord. 13527 § 1, 1999: Ord. 13274 § 10, 1998: Ord. 13086 § 1, 1998: Ord. 13022 § 16, 1998: Ord. 12822 § 6, 1997: Ord. 12549 § 1, 1996: Ord. 12523 § 3, 1996: Ord. 12320 § 2, 1996: Ord. 11978 § 4, 1995: Ord. 11886 § 5, 1995: Ord. 11821 § 2, 1995: Ord. 11802 § 3, 1995: Ord. 11798 § 1, 1995: Ord. 11621 § 41, 1994: Ord. 11555 § 5, 1994: Ord. 11157 § 15, 1993: Ord. 10870 § 340, 1993).

***Available in the King County Archives.**

21A.12.040 Densities and dimensions - resource and commercial/industrial zones.

A. Densities and dimensions - resource and commercial/industrial zones.

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE		F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L
STANDARD S		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac (2)	48 du/ac (2)	36 du/ac (2) 48 du/ac (1)	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre						12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					

Maximum Lot Depth/Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

B. Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones.

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This base height allowed only for mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining rural area and residential zones.

8. Required on property lines adjoining rural area and residential zones for industrial uses established by conditional use permits.

9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14.

10. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot

above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement provided that the maximum height shall not exceed seventy-five feet.

11. Applicable only to lots containing less than one acre of lot area. Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.

12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining rural area and residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development through the application of rural area and residential density incentives under K.C.C. 21A.34.040.F.1.g.

16. Only for mixed-use development through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

17. Only for mixed-use development through the application of residential density incentives through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

18. Required on property lines adjoining rural area and residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

19. On a site zoned A with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042. (Ord. 17539 § 34, 2013; Ord. 16950 § 20, 2010; Ord. 16267 § 26, 2008; Ord. 14190 § 34, 2001; Ord. 14045 § 19, 2001; Ord. 13086 § 2, 1998; Ord. 13022 § 17, 1998; Ord. 12929 § 2, 1997; Ord. 12522 § 4, 1996; Ord. 11821 § 3, 1995; Ord. 11802 § 4, 1995; Ord. 11621 § 42, 1994; Ord. 10870 § 341, 1993).

21A.12.050 Measurement methods. The following provisions shall be used to determine compliance with this title:

Appendix B

King County Comprehensive Plan Excerpts

KCCP at 1-26

2016 Comprehensive Plan – updated December 6, 2022
Ordinance 18427, as amended by Ordinances 18623, 18810, 19034, 19146, and 19555

Information that supported amendments subsequent to 1994 is included as follows:

Volume 3

Technical Appendix M. Public Participation Summary 2000

Volume 4

Technical Appendix N. Public Participation Summary 2004

Volume 5

Technical Appendix O. Public Participation Summary 2008

Volume 6

Technical Appendix P. Public Participation Summary 2012

Technical Appendix Q. School Siting Task Force Report

Volume 7

Technical Appendix R. Public Participation Summary 2016

Technical Appendix S. Public Participation Summary 2020

VI. The Regulations

The King County Comprehensive Plan is implemented through regulations adopted as part of the King County Code. All development proposals in King County must meet the requirements of the Code. Additional information and policies are found in Chapter 12, Implementation, Amendments and Evaluation.

VII. For More Information

Please visit the web site of the King County Department of Performance, Strategy and Budget at <http://www.kingcounty.gov/compplan> for current information on planning in King County and to view electronic versions of the plan and related documents.

KCCP at 3-17

2016 Comprehensive Plan – updated December 6, 2022 Ordinance 18427, as amended by Ordinances 18623, 18810, 19034, 19146, and 19555

The use of land and the density of development (measured as the number of homes or other structures per acre or per square mile of land) are key determinants and contributors to the character of the Rural Area, as described above in Section A. Although human settlement of King County's Rural Area has a wide variety of uses and densities, both the historical and desirable range of uses and densities defined here are necessarily narrower and less intense than that found in the Urban Area. Residential development at very low densities (including the land for accessory uses, on-site sewage disposal and local water supply) consumes or will consume most of the land in the Rural Area. Residential density may be the single, most important factor in protecting or destroying rural character that can be influenced by government policies and regulations.

Low overall densities in the Rural Area will be achieved through very large minimum lot sizes or limited clustering at the same average densities when facilities and services permit (for example, soil conditions allow on-site sewage disposal on smaller lots). The Rural Area cannot be a significant source of affordable housing for King County residents, but it will contain diverse housing opportunities through a mix of large lots, clustering, existing smaller lots and higher densities in Cities in the Rural Area and Rural Towns, as services permit.

R-303 Rural Area zoned properties should have low residential densities that can be sustained by minimal infrastructure improvements such as septic systems and rural roads, should cause minimal environmental degradation and impacts to significant historic resources, and that will not cumulatively create the future necessity or expectation of urban levels of services.

R-304 Rural Area zoned residential densities shall be applied in accordance with R-305 – R-309. Individual zone reclassifications are discouraged and should not be allowed in the Rural Area. Property owners seeking individual zone reclassifications should demonstrate compliance with R-305 – R-309.

Although King County designated Resource Lands and zoned extensive portions of its territory as Agricultural Production Districts or Forest Production Districts, very low residential densities adjacent to Natural Resource Lands are essential to minimize land use conflicts. In addition, a significant part of the Rural Area land base is still used for farming or forestry uses. Therefore, suitability of lands for continuing resource uses and proximity to designated natural Resource Lands will be important considerations in applying the lower rural densities.

R-305 A residential density of one home per 20 acres or 10 acres shall be achieved through regulatory and incentive programs on lands in the Rural Area that are managed for forestry or farming respectively, and are found to qualify for a Rural Forest Focus Area designation in accordance with R-207.

KCCP at 3-33 to 3-34

2016 Comprehensive Plan – updated December 6, 2022
Ordinance 18427, as amended by Ordinances 18623, 18810, 19034, 19146, and 19555

- R-504** King County designates the Rural Towns of Fall City, Snoqualmie Pass, and the Town of Vashon as unincorporated Rural Towns. These historical settlements in unincorporated King County should provide services and a range of housing choices for Rural Area residents. The boundaries of the designated Rural Towns are shown on the Comprehensive Plan Land Use Map. Adjustments to these boundaries shall only occur through a subarea study, and shall not allow significant increases in development potential or environmental impacts. No new Rural Towns are needed to serve the Rural Area.
- R-505** Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Urban-level parking, landscaping, and street improvement standards are not appropriate for Rural Towns. Sidewalks and other pedestrian safety measures should be provided to serve the Rural Town.
- R-506** Rural Towns may contain higher-density housing than permitted in the surrounding Rural Area, and should provide affordable and resource-worker housing if utilities and other services permit. Development density in Rural Towns may approach that achieved in Cities in the Rural Area.

The policies in this section apply only to the unincorporated Rural Towns. King County encourages Cities in the Rural Area to adopt land use policies and development standards that protect and enhance their historical character.

- R-507** Rural Towns serve as activity centers for the Rural Area and Natural Resource Lands and may be served by a range of utilities and services, and may include several or all of the following land uses, if supported by necessary utilities and other services and if scaled and designed to protect rural character:
- Retail, commercial, and industrial uses to serve the surrounding Rural Area and Natural Resource Lands population;
 - Residential development, including single family housing on small lots as well as multifamily housing and mixed use developments;
 - Other retail, commercial, and industrial uses, such as resource industries, tourism, commercial recreation, and light industry; and
 - Public facilities and services such as community services, churches, schools, and fire stations.

R-508 Sewers may be allowed in Rural Towns if necessary to solve existing water quality and public health problems which cannot be addressed by other methods, provided that any extension of sewer mains from urban areas to serve a Rural Town shall be tightlined systems designed to not serve any intervening lands. All alternatives shall be exhausted before sewers may be allowed. Rural Towns shall not be enlarged to facilitate provision of sewers.

Rural and urban residents alike value the historic character of King County's Rural Towns. New development can enhance the character and valuable features of Rural Towns through careful design and location.

R-509 Rural Towns should be compact, promoting pedestrian and nonmotorized travel while permitting automobile access to most commercial and industrial uses. New development should be designed to strengthen the desirable characteristics and the historic character of the town, be supported by necessary public facilities and services, and be compatible with historic resources and nearby Rural Area or Natural Resource Land uses. New industrial uses should locate where they do not disrupt pedestrian or bicycle traffic in established retail areas of town or conflict with residential uses.

C. Cities in the Rural Area

The cities in King County's rural area are incorporated areas whose local governments are involved in the region's planning processes on an equal legal basis with the suburban cities, Bellevue and Seattle. The cities are Black Diamond, Camano, Duvall, Edmonds, North Bend, Skykomish and Snoqualmie.

The Growth Management Act stipulates that Cities in the Rural Area and their Potential Annexation Areas are to be treated as part of the Urban Growth Area. The Countywide Planning Policies also provide for urban land uses and densities and urban services in those locations. Excessive growth in Cities in the Rural Area and in Rural Towns, however, may create pressure for extending urban services (for example, sewers) across the Rural Area or Resource Lands, may increase conversion pressure on nearby Resource Lands and adversely affect rural character. Therefore, King County views Cities in the Rural Area as qualitatively different from the Urban Growth Area as a whole, even though they may provide significant opportunities for residential or employment growth within their boundaries.

King County has worked with the Cities in the Rural Area to establish Potential Annexation Areas to accommodate growth. These areas are shown as part of the Urban Growth Area on the Comprehensive Plan Land Use Map at the end of Chapter 1, Regional Growth Management Planning. Additionally, the county is working with these cities on individual economic development strategies and options, as well as regional economic and tourism opportunities.

I. Regulations

The Comprehensive Plan guides land use over the long term by applying specific land use designations throughout the unincorporated portion of King County and by providing guidelines for implementing regulations used to evaluate specific development proposals. To ensure that these implementing regulations are effective and warrant a high degree of public trust and confidence, the regulations must be equitable, reasonable, and responsibly administered.

1401

King County's regulation of land use should:

- a. Protect public health, safety and general welfare, and property rights;
- b. Protect consumers from fraudulent practices in land use, land sales and development;
- c. Implement and be consistent with the Comprehensive Plan and other adopted land use goals, policies and plans;
- d. Be expeditious, predictable, clear, straightforward and internally consistent;
- e. Provide clear direction for resolution of regulatory conflict;
- f. Be enforceable, efficiently administered and provide appropriate incentives and penalties;
- g. Be consistently and effectively enforced;
- h. Create public and private benefits worth their cost;
- i. Be coordinated with timely provision of necessary public facilities and services;
- j. Encourage creativity and diversity in meeting county goals and policies;
- k. Be coordinated with cities, special purpose districts and other public agencies to promote compatible development standards throughout King County;
- l. Be responsive, understandable and accessible to the public;
- m. Provide effective public notice and reasonable opportunities for the public (especially those directly affected) to be heard and to influence decisions;
- n. Avoid intruding on activities involving constitutionally protected freedoms of speech, petition, expression, assembly, association and economic competition, except when essential to protect public health, safety and welfare (and then the restriction should be no broader than necessary);
- o. Treat all members of the public equitably. Base regulatory decisions wholly on the applicable criteria and code requirements, including application of the county's Equity and Social Justice goals;

Appendix C

Subarea Plan Policy RT-1

Rural Town Boundaries of Fall City

RT-1 The Rural Town boundaries of Fall City are shown on the map on page 23, and reflect the community's strong commitment to its rural character, recognize existing development patterns, and respect natural features. The Rural Town boundaries of Fall City shall follow the Snoqualmie River and State Route 202 on the north, the Raging River on the east and southeast, the Issaquah-Fall City Road on the south, the western property lines of parcels 1524079014 and 152407908, then west along SE 44th Street and north along 328th Place SE, and the perimeter of the Nelson Tracts subdivision on the northwest.

The revised Rural Town boundaries eliminate most of the Urban Reserve area and reduce the amount of potential growth around the historic core of Fall City.

Appendix D

King County Ordinances

**KING COUNTY**

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report**Ordinance 19673****Proposed No. 2023-0049.2****Sponsors Upthegrove**

1 AN ORDINANCE approving a stipulation adopting an
2 additional condition of approval for and denying an appeal
3 of the Mt. Si preliminary plat, located at 32433 SE
4 Redmond Fall City Road, Fall City, department of local
5 services, permitting division file no. PLAT210002.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Hearing examiner pro tem Alison Moss approved four preliminary
8 subdivision applications: Fall City II (PLAT200003, Prop. Ord. 2022-0443) on February
9 1, 2023; Cedar 23 (PLAT 210005, Prop. Ord. 2023-0003) on March 22, 2023; Mt. Si
10 (PLAT210002, Prop. Ord. 2023-0049) on April 13, 2023, clarified on May 9, 2023; and
11 Cha (PLAT210006, Prop. Ord. 2023-0138) on May 23, 2023. All four were timely
12 appealed.

13 SECTION 2. Pursuant to the applicant and appellant's August 28, 2023,
14 stipulation, the council adopts as an added Condition of Approval for the Mt. Si
15 preliminary plat the following language:

16 The Applicant, or its heirs, successors, and assigns shall not undertake site
17 grading and/or clearing until it has completed a site risk survey ("SRS")
18 and a hydrogeology report ("HGR"), as described in WAC 246-272B-
19 2050 and has received a written WDOH Notice of Determination to
20 proceed to engineering under either WAC 246-272B- 2050(2)(a) or WAC

Ordinance 19673

21 246-272B-2050(4)(a). Nothing in the foregoing shall preclude the
22 Applicant, or its heirs, successors, and assigns from applying for and
23 processing a grading permit while the LOSS is under WDOH review.
24 Per the terms of that stipulation, the appeal of the Mt. Si preliminary plat is reduced to the
25 "rural character" issue.
26 SECTION 3. The appeal of the Mt. Si preliminary plat, located at 32433 SE


Ordinance 19673

- 27 Redmond Fall City Road, Fall City, department of local services, permitting division file
- 28 no. PLAT210002, is denied.


Ordinance 19673 was introduced on 2/7/2023 and passed as amended by the Metropolitan King County Council on 10/3/2023, by the following vote:

Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott,
Upthegrove, von Reichbauer and Zahilay
Excused: 2 - Balducci and Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: None

Certificate Of Completion

Envelope Id: 96B80FD3B21F49CB9975429149E5D4D7

Status: Completed

Subject: Complete with DocuSign: Ordinance 19673.doc

Source Envelope:

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Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

Cherie Camp

AutoNav: Enabled

401 5TH AVE

Enveloped Stamping: Enabled

SEATTLE, WA 98104

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

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Signer Events**Signature****Timestamp**

Dave Upthegrove

dave.upthegrove@kingcounty.gov

Chair

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Melani Hay

melani.hay@kingcounty.gov

Clerk of the Council

King County Council

Security Level: Email, Account Authentication
(None)

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Signed: 10/5/2023 12:34:04 PM

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

cherie camp

cherie.camp@kingcounty.gov

Legislative Clerk - Ccl

King County Council

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Not Offered via DocuSign

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	10/5/2023 12:34:04 PM
Completed	Security Checked	10/5/2023 12:34:05 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact King County-Department of 02:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from King County-Department of 02

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with King County-Department of 02

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19674

Proposed No. 2023-0003.2

Sponsors Upthegrove

1 AN ORDINANCE approving a stipulation adopting an
2 additional condition of approval for and denying an appeal
3 of the Cedar 23 preliminary plat, located at 4218 and 4250
4 324th Avenue SE, Fall City, department of local services,
5 permitting division file no. PLAT210005.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Hearing examiner pro tem Alison Moss approved four preliminary
8 subdivision applications: Fall City II (PLAT200003, Prop. Ord. 2022-0443) on February
9 1, 2023; Cedar 23 (PLAT 210005, Prop. Ord. 2023-0003) on March 22, 2023; Mt. Si
10 (PLAT210002, Prop. Ord. 2023-0049) on April 13, 2023, clarified on May 9, 2023; and
11 Cha (PLAT210006, Prop. Ord. 2023-0138) on May 23, 2023. All four were timely
12 appealed.

13 SECTION 2. Pursuant to the applicant and appellant's August 28, 2023,
14 stipulation, the council adopts as an added Condition of Approval for the Cedar 23
15 preliminary plat the following language:

16 The Applicant, or its heirs, successors, and assigns shall not undertake site
17 grading and/or clearing until it has completed a site risk survey ("SRS")
18 and a hydrogeology report ("HGR"), as described in WAC 246-272B-
19 2050 and has received a written WDOH Notice of Determination to
20 proceed to engineering under either WAC 246-272B- 2050(2)(a) or WAC

Ordinance 19674

21 246-272B-2050(4)(a). Nothing in the foregoing shall preclude the
22 Applicant, or its heirs, successors, and assigns from applying for and
23 processing a grading permit while the LOSS is under WDOH review.
24 Per the terms of that stipulation, the appeal of the Cedar 23 preliminary plat, located at
25 4135 332nd Avenue SE, Fall City, department of local services, permitting division file
26 no. PLAT200003, is reduced to the "rural character" issue.
27 SECTION 3. The appeal of the Cedar 23 preliminary plat, located at 4135 332nd

Ordinance 19674

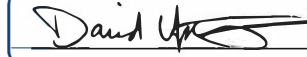
- 28 Avenue SE, Fall City, department of local services, permitting division file no.
- 29 PLAT200003, is denied.

Ordinance 19674 was introduced on 1/31/2023 and passed as amended by the Metropolitan King County Council on 10/3/2023, by the following vote:

Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott,
Upthegrove, von Reichbauer and Zahilay
Excused: 2 - Balducci and Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:



E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:



8DE1BB375AD3422...

Melani Hay, Clerk of the Council

Attachments: None

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Dave Upthegrove
 dave.upthegrove@kingcounty.gov
 Chair
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Melani Hay
 melani.hay@kingcounty.gov
 Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication
 (None)

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cherie camp
 cherie.camp@kingcounty.gov
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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19675

Proposed No. 2023-0138.2

Sponsors Upthegrove

1 AN ORDINANCE approving a stipulation adopting an
2 additional condition of approval for and denying an appeal
3 of the Cha preliminary plat, located at 4142 324th Avenue
4 SE, Fall City, department of local services, permitting
5 division file no. PLAT210006.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Hearing examiner pro tem Alison Moss approved four preliminary
8 subdivision applications: Fall City II (PLAT200003, Prop. Ord. 2022-0443) on February
9 1, 2023; Cedar 23 (PLAT 210005, Prop. Ord. 2023-0003) on March 22, 2023; Mt. Si
10 (PLAT210002, Prop. Ord. 2023-0049) on April 13, 2023, clarified on May 9, 2023; and
11 Cha (PLAT210006, Prop. Ord. 2023-0138) on May 23, 2023. All four were timely
12 appealed.

13 SECTION 2. Pursuant to the applicant and appellant's August 28, 2023,
14 stipulation, the council adopts as an added Condition of Approval for the Cha preliminary
15 plat the following language:

16 The Applicant, or its heirs, successors, and assigns shall not undertake site
17 grading and/or clearing until it has completed a site risk survey ("SRS")
18 and a hydrogeology report ("HGR"), as described in WAC 246-272B-
19 2050 and has received a written WDOH Notice of Determination to
20 proceed to engineering under either WAC 246-272B- 2050(2)(a) or WAC

Ordinance 19675

21 246-272B-2050(4)(a). Nothing in the foregoing shall preclude the
22 Applicant, or its heirs, successors, and assigns from applying for and
23 processing a grading permit while the LOSS is under WDOH review.
24 Per the terms of that stipulation, the appeal of the Cha preliminary plat is reduced to the
25 "rural character" issue.
26 SECTION 3. The appeal of the Cha preliminary plat, located at 4142 324th

Ordinance 19675

- 27 Avenue SE, Fall City, department of local services, permitting division file no.
- 28 PLAT210006, is denied.

Ordinance 19675 was introduced on 4/4/2023 and passed as amended by the Metropolitan King County Council on 10/3/2023, by the following vote:


Yes: 7 - Dembowski, Kohl-Welles, Perry, McDermott,
Upthegrove, von Reichbauer and Zahilay
Excused: 2 - Balducci and Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: None

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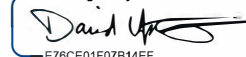
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Dave Upthegrove

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dave.upthegrove@kingcounty.gov

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Chair

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Melani Hay

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melani.hay@kingcounty.gov

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Clerk of the Council

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King County Council

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King County Council

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Notary Events	Signature	Timestamp
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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 27, 2000

Ordinance 13881

Proposed No. 1999-0495.1

Sponsors Derdowski, Phillips and Irons

1 AN ORDINANCE relating to zoning, amending the
2 residential densities and dimensions table in K.C.C. chapter
3 21A.12 for properties located within the Rural Town of Fall
4 City; and amending Ordinance 10870, Section 340, as
5 amended, and K.C.C. 21A.12.030.

8 FINDINGS:

9 The metropolitan King County Council finds that the proposed amendment
10 to K.C.C. chapter 21A.12 will help implement the Fall City Subarea Plan.

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030

13 are each hereby amended to read as follows:

14 Densities and dimensions – residential zones. A. Densities and dimensions –
15 ((R))residential zones.

16 RESIDENTIAL

17 ZONES RURAL

URBAN RE-SERVE

URBAN RESIDENTIAL

18 STANDARDS

RA-2.5

RA-5

RA-10

RA-20

UR

R-1 (17)

R-4

R-6

R-8

	R-12	R-18	R-24	R-48						
Base Density: Dwelling Unit/Acre (15)					0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac
	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac			
Maximum Density: Dwelling Unit/Acre (1)					0.4 du/ac (20)		0.4 du/ac (20)			
	6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac			
Minimum Density: (2)									85% (12) (18) (23)	85% (12)
(18)	85% (12) (18)		80% (18)	75% (18)	70% (18)	65% (18)				
Minimum Lot Width (3)			135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft
	30 ft	30 ft	30 ft	30 ft						
Minimum Street Setback (3)				30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)
	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)					10 ft (8)
Minimum Interior Setback (3) (16)				5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft
	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)					5 ft
Base Height (4)			40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft 45 ft (14)
	35 ft 45 ft (14)		60 ft	60 ft 80 ft (14)		60 ft 80 ft (14)		60 ft 80 ft (14)		
Maximum Impervious Surface: Percentage (5)					25% (11) (19)		20% (11) (19)		15% (11) (19)	12.5% (11)
(19)	30% (11)	30% (11)	55%	70%	75%	85%	85%	85%	90%	

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives pursuant to K.C.C. chapter 21A.34 or transfers of density credits pursuant to K.C.C. chapter 21A.36 or 21A.55, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to K.C.C. 21A.34.040F.1.f.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from

the additional interior setback requirements provided that the maximum height shall not exceed seventy-five feet.

5. Applies to each individual lot. Impervious surface area standards for:

a. regional uses shall be established at the time of permit review;

b. nonresidential uses in residential zones shall comply with K.C.C.

21A.12.120 and 21A.12.220;

c. individual lots in the R-4 through R-6 zones which are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone;

d. lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone shall apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9. a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations.

b. for lots between one acre and two and one-half acres in size, the requirements of the R-1 zone shall apply. For lots under one acre, the requirements of the

R-4 zone shall apply.

10. a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. for townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures which are determined to be medically necessary, provided the applicant submits with the permit application a notarized affidavit, conforming with the requirements of K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area(s) of the site pursuant to K.C.C. 21A.12.087.

13. Reserved.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits pursuant to this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered away from sensitive areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and a permanent open space tract that includes at least fifty percent of the site shall be created. Open space tracts shall meet the provisions of K.C.C. 21A.14.040.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area which drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat.

Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. In cases where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels designated as rural receiving areas through the Transfer of Density Credit Pilot Program outlined in K.C.C. chapter 21A.55.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence which predates 1959.

22. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.

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23. The minimum density requirement does not apply to properties located

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within the Rural Town of Fall City.

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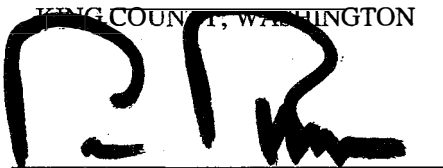
Ordinance 13881 was introduced on 9/13/99 and passed by the Metropolitan King County Council on 6/26/00, by the following vote:

Yes: 7 - Ms. Miller, Mr. Phillips, Mr. Pelz, Ms. Sullivan, Mr. Nickels, Mr. Gossett and Mr. Irons

No: 5 - Mr. von Reichbauer, Mr. McKenna, Mr. Pullen, Ms. Hague and Mr. Vance

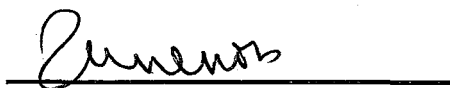
Excused: 1 - Ms. Fimia

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



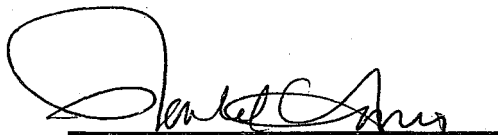
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 30 day of June, 2000.



Ron Sims, County Executive

Attachments

None

KING COUNTY PROSECUTING ATTORNEYS OFFICE CIVIL DIVISION

July 23, 2025 - 3:06 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 104,303-1
Appellate Court Case Title: Fall City Sustainable Growth v. King County, et al.

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