



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	5	Date:	4 September 2012
Proposed Motion No.:	2012-0273	Prepared by:	Rick Bautista

SUMMARY

Proposed Ordinance 2012-0273 reorganizes and renames the Department of Development and Environmental Services (DDES).

BACKGROUND

The current organizational structure and responsibilities of DDES were established in 1995, a time when it had significantly greater numbers of staff, higher permit volumes, and more diverse permit types. However, since that time, annexations and incorporations have significantly reduced the DDES customer base and permit volumes. In addition, the nature of permitting activity at DDES has shifted sharply towards single-family uses within the County's ever diminishing unincorporated urban area and resource-related uses in the rural areas. The impending relocation of DDES to Snoqualmie is an effort to respond to the shifting customer base.

The current code provides for four divisions, and assigns specific responsibilities and permit types to each of those divisions. This past March, DDES conducted a Lean exercise¹ on its custom single-family dwelling permit process.

In a trial deployment of the recommendations from the Lean exercise, the time to issue a new custom single-family dwelling permit fell from 64 working days to nine calendar days. The results were considered a clear demonstration of the efficiency of organizing into multi-disciplinary teams that work on the same types of projects, rather than organizing by job title. The proposed reorganization was designed to facilitate more streamlined review of the types of permits that comprise the department's core business.

¹ This Lean exercise was called out in the report submitted in response to Motion 13214 (May 3, 2010) concerning departmental reform.

THE PROPOSED ORDINANCE

Proposed Ordinance 2012-0273, while lengthy, contains revisions that:

1. Primarily reflect the proposed change in the department name,
2. Better clarify – but not change – the role of the department in reviewing and issuing certain types of business licenses, or
3. At the suggestion of the Council Code Reviser², correct a drafting error which occurred during the 2010 adoption of Ordinance 16950.

The single most substantive revision is contained in Section 1, which would implement a reorganization that collapses four existing divisions and treats the department operationally as a single division. This reorganization is to enable the department to evolve from its long-standing assembly-line approach to reviewing permits to the use of a more coordinated inter-disciplinary team approach that shows promise in generating significant gains in customer service and reducing the number and layers of supervision.

ANALYSIS

- The overall responsibilities of the department will remain the same.
- The proposed reorganization:
 - Will simplify the structure of DDES to (1) better reflect its primary focus on rural permit types and volumes and (2) better respond to its current and future workload and staff needs,
 - May improve customer service, as to accountability and transparency, with the shift towards using permit review work groups.
 - Should result in cost savings to customers and DDES over time as permits are processed more efficiently and expeditiously³.

² There is a Reviser's note in the code indicating that the language of K.C.C. subsections 21A.37.040.H. and I. were not included in Ordinance 16950 § 29 and the language was not shown as being deleted in accordance with K.C.C. 1.24.075. Therefore, the language of these subsections remains in the code. This revision makes clear the intent of Ordinance 16950 that those two subsections are to remain part of the code.

³ Because the department now aligns its staffing to its workload, the reorganization on its own will not result in fewer FTEs. However, DDES anticipates reductions in FTEs when major annexations occur.

AMENDMENTS

The staff report has two amendments. The revisions in Amendment 1 are technical to correct agency name references and drafting omissions. Amendment T1 corrects a format error.

Amendment	Ordinance Section	Description and Action
1	Section 9	This section is about management of the Housing Opportunity Fund - which currently resides in DCHS and its Community Services Division. Revision should be from "planning and community development" division manager to "community services" division manager
	Section 29	This section is about moorage/anchorage applications reviewed by the Sheriff. The reference to "planning and community development" should be revised to "permitting and environmental review"
	Section 47	The ordinance shows no changes to text. Revision should change the reference in the last sentence of subsection B. to " <u>transportation, economy and environment committee</u> "
	Section 133	Revision to insert text to the proposed new name
	Section 134	Revision to insert text to the proposed new name
T1	Title	Revised to reflect the proposed change from current name (DDES) to the new name Department of Permitting and Environmental Review
<p>NOTE for Sections 9 and 29: the "planning and community development division" hasn't existed for about 20 years.</p>		

ATTACHMENTS

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1. Proposed Ordinance 2012-0273 5
2. Amendment 1 271
3. Amendment T1 273

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 30, 2012

Ordinance

Proposed No. 2012-0273.1

Sponsors Lambert

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AN ORDINANCE relating to the department of permitting and environmental review; and amending Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097, Ordinance 13410, Section 6, and K.C.C. 2.34.035, Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097, Ordinance 13410, Section 6, and K.C.C. 2.34.035, Ordinance 12075, Section 11, as amended, and K.C.C. 2.40.030, Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030, Ordinance 14033, Section 4, as amended, and K.C.C. 2.100.030, Ordinance 14033, Section 5, as amended, and K.C.C. 2.100.040, Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015, Ordinance 9368, Sections 1 and 2, as amended, and K.C.C. 4.08.235, Ordinance 1888 Art. I, Section 2, as amended, and K.C.C. 6.01.010, Ordinance 9915, Section 11, as amended, and K.C.C. 6.08.021, Ordinance 1492,

20 Section 23, as amended, and K.C.C. 6.24.180, Ordinance
21 8659, Section 2, as amended, and K.C.C. 6.72.020,
22 Ordinance 1603, Section 1, as amended, and K.C.C.
23 6.76.010, Ordinance 11177, Section 5, as amended, and
24 K.C.C. 6.84.030, Ordinance 9163, Section 2, as amended,
25 and K.C.C. 9.04.020, Ordinance 9163, Section 3, as
26 amended, and K.C.C. 9.04.030, Ordinance 2281, Section 5,
27 as amended, and K.C.C. 9.04.050, Ordinance 2812, Section
28 4, as amended, and K.C.C. 9.04.060, Ordinance 2281,
29 Section 6, as amended, and K.C.C. 9.04.070, Ordinance
30 4938, Section 7, as amended, and K.C.C. 9.04.090,
31 Ordinance 2281, Section 7, as amended, and K.C.C.
32 9.04.100, Ordinance 12020, Section 33, and K.C.C.
33 9.04.105, Ordinance 4938, Section 10, as amended, and
34 K.C.C. 9.04.120, Ordinance 4938, Section 12, as amended,
35 and K.C.C. 9.04.140, Ordinance 7590, Section 1, as
36 amended, and K.C.C. 9.08.010, Ordinance 7590, Section 7,
37 as amended, and K.C.C. 9.08.060, Ordinance 14214,
38 Section 6, as amended, and K.C.C. 9.14.050, Ordinance
39 4257, Section 8, and K.C.C. 12.46.080, Ordinance 1709,
40 Section 6, as amended, and K.C.C. 13.24.080, Ordinance
41 11616, Section 12, as amended, and K.C.C. 13.24.136,
42 Ordinance 11616, Section 14, as amended, and K.C.C.

43 13.24.140, Ordinance 9839, Sections 1 through 4, as
44 amended, and K.C.C. 13.28.035, Ordinance 9462, Sections
45 1 through 3, as amended, and K.C.C. 13.28.055, Ordinance
46 12020, Section 34, as amended, and K.C.C. 14.02.020,
47 Ordinance 4895, Section 1, as amended, and K.C.C.
48 14.28.010, Ordinance 4895, Section 11, as amended, and
49 K.C.C. 14.28.090, Ordinance 6254, Section 2, as amended,
50 and K.C.C. 14.30.020, Ordinance 8041, Section 3, as
51 amended, and K.C.C. 14.42.020, Ordinance 13734, Section
52 9, and K.C.C. 14.45.070, Ordinance 13734, Section 10, as
53 amended, and K.C.C. 14.45.080, Ordinance 4099, Section
54 9, as amended, and K.C.C. 14.46.090, Ordinance 11617,
55 Section 4, as amended, and K.C.C. 14.65.020, Ordinance
56 14050, Section 8, as amended, and K.C.C. 14.70.210,
57 Ordinance 14050, Section 11, as amended, and K.C.C.
58 14.70.240, Ordinance 14050, Section 13, as amended, and
59 K.C.C. 14.70.260, Ordinance 14050, Section 14, as
60 amended, and K.C.C. 14.70.270, Ordinance 17190, Section
61 5, and K.C.C. 14.75.075, Ordinance 12560, Section 18, as
62 amended, and K.C.C. 16.02.290, Ordinance 3647, Section
63 3, as amended, and K.C.C. 16.03.040, Ordinance 14914,
64 Section 104, and K.C.C. 16.03.120, Ordinance 14914,
65 Section 105, and K.C.C. 16.03.130, Ordinance 12560,

66 Section 69, as amended, and K.C.C. 16.04.570, Ordinance
67 12560, Section 71, as amended, and K.C.C. 16.04.590,
68 Ordinance 11622, Section 2, 1994, and K.C.C. 16.04.880,
69 Ordinance 12380, Section 3, as amended, and K.C.C.
70 16.04.950, Ordinance 12380, Section 4, as amended, and
71 K.C.C. 16.04.960, Ordinance 12380, Section 5, as
72 amended, and K.C.C. 16.04.970, Resolution 21284, Section
73 3, as amended, and K.C.C. 16.05.106, Resolution 21284
74 (part), as amended, and K.C.C. 16.05.108, Ordinance 8766,
75 Section 1, as amended, and K.C.C. 16.08.010, Ordinance
76 12560, Section 119, as amended, and K.C.C. 16.14.180,
77 Ordinance 2560, Section 136, as amended, and K.C.C.
78 16.14.230, Ordinance 14238, Section 13, as amended, and
79 K.C.C. 16.14.380, Ordinance 1283 (part), as amended, and
80 K.C.C. 16.78.060, Ordinance 1488, Section 5, as amended,
81 and K.C.C. 16.82.020, Ordinance 15053, Section 3, as
82 amended, and K.C.C. 16.82.051, Ordinance 14259, Section
83 4, as amended, and K.C.C. 16.82.052, Ordinance 15053,
84 Section 11, and K.C.C. 16.82.105, Ordinance 2097, Section
85 2, as amended, and K.C.C. 17.04.020, Ordinance 12560,
86 Section 154, as amended, and K.C.C. 17.04.230, Ordinance
87 12560, Section 151, as amended, and K.C.C. 17.04.270,
88 Ordinance 7980, Section 1, as amended, and K.C.C.

89 17.04.420, Ordinance 16147, Section 2, and K.C.C.
90 18.17.010, Ordinance 13694, Section 13, and K.C.C.
91 19A.04.100, Ordinance 13694, Section 14, and K.C.C.
92 19A.04.110, Ordinance 13694, Section 15, and K.C.C.
93 19A.04.120, Ordinance 3694, Section 78, as amended, and
94 K.C.C. 19A.24.030, Ordinance 13694, Section 81, and
95 K.C.C. 19A.28.030, Ordinance 12824, Section 3, as
96 amended, and K.C.C. 20.12.050, Ordinance 13147, Section
97 21, as amended, and K.C.C. 20.18.050, Ordinance 13147,
98 Section 25, and K.C.C. 20.18.090, Ordinance 12196,
99 Section 9, as amended, and K.C.C. 20.20.020, Ordinance
100 12196, Section 9, as amended, and K.C.C. 20.20.020,
101 Ordinance 16950, Section 10, and K.C.C. 20.20.035,
102 Ordinance 16026, Section 2, and K.C.C. 20.24.085,
103 Ordinance 9785, Section 10, as amended, and K.C.C.
104 20.24.197, Ordinance 6949, Section 5, as amended, and
105 K.C.C. 20.44.030, Ordinance 6949, Section 7, as amended,
106 and K.C.C. 20.44.050, Ordinance 6949, Section 12, as
107 amended, and K.C.C. 20.44.100, Ordinance 6949, Section
108 15, as amended, and K.C.C. 20.44.130, Ordinance 4828,
109 Section 2, as amended, and K.C.C. 20.62.020, Ordinance
110 10870, Section 40, and K.C.C. 21A.04.190, Ordinance
111 10870, Section 96, and K.C.C. 21A.06.280, Ordinance

112 10870, Section 105, and K.C.C. 21A.06.325, Ordinance
113 10870, Section 340, as amended, and K.C.C. 21A.12.030,
114 Ordinance 10870, Section 384, as amended, and K.C.C.
115 21A.14.240, Ordinance 14045, Section 38, as amended,
116 and K.C.C. 21A.14.370, Ordinance 15051, Section 138,
117 and K.C.C. 21A.24.051, Ordinance 15051, Section 139, as
118 amended, and K.C.C. 21A.24.055, Ordinance 15051,
119 Section 140, and K.C.C. 21A.24.061, Ordinance 15051,
120 Section 230, as amended, and K.C.C. 21A.24.515,
121 Ordinance 3688, Section 801, as amended, and K.C.C.
122 21A.25.290, Ordinance 13129, Section 2, and K.C.C.
123 21A.27.010, Ordinance 13129, Section 22, and K.C.C.
124 21A.27.160, Ordinance 11621, Section 90, as amended,
125 and K.C.C. 21A.28.154, Ordinance 11168, Section 9, and
126 K.C.C. 21A.30.066, Ordinance 13274, Section 6, Section ,
127 as amended, and K.C.C. 21A.37.040, Ordinance 14190,
128 Section 8, as amended, and K.C.C. 21A.37.060, Ordinance
129 13274, Section 7, as amended, and K.C.C. 21A.37.070,
130 Ordinance 13274, Section 8, as amended, and K.C.C.
131 21A.37.080, Ordinance 10870, Section 576, as amended,
132 and K.C.C. 21A.38.030, Ordinance 10870, Section 577, as
133 amended, and K.C.C. 21A.38.040, Ordinance 10870,
134 Section 583, as amended, and K.C.C. 21A.39.020,

135 Ordinance 11621, Section 113, and K.C.C. 21A.43.040,
136 Ordinance 11621, Section 117, and K.C.C. 21A.43.080,
137 Ordinance 12627, Section 2, and K.C.C. 21A.55.020,
138 Ordinance 13275, Section 1, as amended, and K.C.C.
139 21A.55.050, Ordinance 14662, Section 1, as amended, and
140 K.C.C. 21A.55.060, Ordinance 16650, Section 1, as
141 amended, and K.C.C. 21A.55.101, Ordinance 13263,
142 Section 3, as amended, and K.C.C. 23.02.010, Ordinance
143 13263, Section 5, as amended, and K.C.C. 23.02.040,
144 Ordinance 13263, Section 13, as amended, and K.C.C.
145 23.02.120, Ordinance 12024, Section 4, and K.C.C.
146 23.10.030, Ordinance 13263, Section 33, as amended, and
147 K.C.C. 23.24.140, Ordinance 3332, Section 8, as amended,
148 and K.C.C. 27.02.130, Ordinance 14238, Section 32, and
149 K.C.C. 27.02.220, Ordinance 13332, Section 14, and
150 K.C.C. 27.04.003, Ordinance 10662, Section 51, as
151 amended, and K.C.C. 27.04.005, Ordinance 8330, Section
152 31, as amended, and K.C.C. 27.04.010, Ordinance 10662,
153 Section 52, and K.C.C. 27.04.015, Ordinance 13332,
154 Section 22, as amended, and K.C.C. 27.10.070, Ordinance
155 12020, Section 5, and K.C.C. 27A.20.030, Ordinance
156 12020, Section 6, and K.C.C. 27A.20.040, Ordinance
157 12020, Section 16, as amended, and K.C.C. 27A.30.050.

158 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

159 SECTION 1. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are
160 each hereby amended to read as follows:

161 A. The department of ~~((development and environmental services))~~ permitting and
162 environmental review is responsible ~~((to manage and be fiscally accountable for the~~
163 ~~building services division, land use services division, fire marshal division and~~
164 ~~administrative services division. The director of the department shall be the county~~
165 ~~planning director, zoning adjuster and responsible official for purposes of administering~~
166 ~~the state Environmental Policy Act, and may delegate those functions to qualified~~
167 ~~subordinates. The department shall be responsible for regulating the operation,~~
168 ~~maintenance and conduct of county licensed businesses, except taxicab and for hire~~
169 ~~drivers and vehicles. The department shall be responsible))~~ for:

170 1. Ensuring consistent and efficient administration of environmental, building
171 and land use codes and regulations for commercial and residential projects by means of
172 permit review and approval, construction inspections and public information;

173 2. ((m))Managing and coordinating the development and implementation of the
174 County's comprehensive plan in accordance with state Growth Management Act
175 requirements. ((coordinating county and regional land use planning with public and
176 private agencies, developing proposed policies to address regional land use planning and
177 developing and overseeing the countywide program for implementation of the county's
178 Comprehensive Plan including coordinating the implementation of plans that are
179 developed by departments.));

180 ~~((B. The building services division shall be responsible for ensuring consistent~~
181 ~~and efficient administration of environmental, building and land use codes and~~
182 ~~regulations for commercial and residential projects by means of permit review and~~
183 ~~approval, construction inspections and public information. The manager of the building~~
184 ~~services division shall be the county building official. The duties of the division shall~~
185 ~~include the following:~~

186 ~~1. Permit center and public information;~~

187 ~~2. Building plan and application review, including building, mechanical, barrier-~~
188 ~~free, energy, security and other uniform code reviews;~~

189 ~~3. Site review, including engineering and critical areas review of permit~~
190 ~~applications;~~

191 ~~4. Inspections, including new construction inspections for compliance with site~~
192 ~~and building code requirements.~~

193 ~~C.)) 3. Administering the state Environmental Policy Act and acting as lead~~
194 ~~agency, including making the threshold determinations, determining the amount of~~
195 ~~environmental impact and reasonable mitigation measures and coordinating with other~~
196 ~~departments and divisions in the preparation of county environmental documents or in~~
197 ~~response to environmental documents from other agencies;~~

198 ~~4. ((The land use services division shall be responsible for the e))~~Effective
199 processing and timely review of land development proposals, including zoning variance
200 and reclassification, master drainage plans, variances from the surface water design
201 manual and the King County road standards, critical area, subdivision, right-of-way use,

202 urban planned development, clearing and grading, shoreline, special use and conditional
203 use applications;~~((The duties of the division shall include the following:~~

204 1. ~~Permit center and public information;~~

205 2. ~~Plan review, including the review of applications for compliance with~~
206 ~~shorelines, critical areas, subdivision and other zoning regulations, road standards and~~
207 ~~variances from the surface water design manual, as well as community plans and utility~~
208 ~~comprehensive plans;~~

209 3. ~~Engineering review and inspection, including the review of clearing~~
210 ~~and grading applications and review of engineering plans for compliance with adopted~~
211 ~~road and drainage standards and specifications;~~

212 4. ~~Development inspection, including inspection of construction activity to~~
213 ~~ensure compliance with approved plans and codes;~~

214 5. ~~Develop and assist in implementing local and subarea specific plans for urban~~
215 ~~and rural areas, consistent with the Comprehensive Plan;~~

216 6. ~~Develop proposed policies to address long range comprehensive land use~~
217 ~~planning and analyze and provide proposed updates to the Comprehensive Plan on an~~
218 ~~annual basis;~~

219 7. ~~Develop proposed county plans, programs and policies and implement~~
220 ~~regulations on environmental issues, including critical areas and mineral resources, and~~
221 ~~serve as the contact for cities and agencies, providing appropriate research in support of~~
222 ~~county initiatives on these issues;~~

223 8. ~~Administer the state Environmental Policy Act and act as lead agency,~~
224 ~~including making the threshold determinations, determining the amount of environmental~~

225 ~~impact and reasonable mitigation measures and coordinating with other departments and~~
226 ~~divisions in the preparation of county environmental documents or in response to~~
227 ~~environmental documents from other agencies;~~

228 ~~9. Monitor the cumulative effects of the county's Comprehensive Plan and other~~
229 ~~plans, policies and laws intended to protect natural and community resources while~~
230 ~~permitting development and growth, and providing periodic status reports to the~~
231 ~~executive and council;~~

232 5. Pursuing and resolving code violations, including preparing for
233 administrative or legal actions, evaluating the department's success in obtaining
234 compliance with King County rules and regulations and designing measures to improve
235 compliance;

236 6. Regulating the operation, maintenance and conduct of county-licensed
237 businesses, except taxicab and for-hire drivers and vehicles; and

238 ~~((10. Pursue and resolve code violations, including preparing for administrative~~
239 ~~or legal actions, evaluating the department's success in obtaining compliance with King~~
240 ~~County rules and regulations and designing measures to improve compliance.~~

241 ~~D. The fire marshal division shall be responsible for programs designed to~~
242 ~~reduce the potential risk of fires and for investigating the causes of fires. The manager of~~
243 ~~the fire marshal division shall be the county fire marshal. The duties of the division shall~~
244 ~~include the following:~~

245 ~~4.))~~ 7. ((Development and implementation of)) Developing and implementing
246 an inspection program to identify fire hazards and require conformance with K.C.C. Title
247 17((;

248 ~~2. Review of~~), reviewing building plans and applications for compliance with
249 K.C.C. Title 17((;)) and
250 ~~((3.-I))~~ conducting inspections, including inspections of new construction, for
251 compliance with K.C.C. Title 17.

252 ~~((E. The administrative services division shall provide support services
253 throughout the department, including personnel and payroll support, budget support,
254 financial services, information services, facilities management and support, and records
255 management and program analysis services.))~~

256 B.1. The director of the department shall be the:

257 a. county planning director;

258 b. zoning adjuster;

259 c. responsible official for purposes of administering the state Environmental
260 Policy Act;

261 d. county building official; and

262 e. county fire marshal.

263 2. The director may delegate the functions in subsection B.1. of this section to
264 qualified subordinates.

265 SECTION 2. Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097 are
266 each hereby amended to read as follows:

267 A. Receivable civil fines, civil penalties and abatement costs assessed pursuant to
268 Title 23 may be written off by the director of the department of ~~((development and
269 environmental services))~~ permitting and environmental review, with the concurrence of
270 the county administrative officer, under the following circumstances:

271 1. when the costs of the effort to collect the civil fine or penalty exceeds the
272 recoupable fines and penalties, or

273 2. when the civil fine, penalty or abatement cost is determined to be
274 uncollectable in the foreseeable future.

275 B. The director shall document the circumstances under which a decision was
276 made to write off a civil fine, penalty or abatement cost.

277 SECTION 3. Ordinance 13410, Section 6, and K.C.C. 2.34.035 are each hereby
278 amended to read as follows:

279 The chair of the board of appeals and equalization shall annually, and before May
280 1st of each year, request the following:

281 A. A report in writing from the department of (~~development and environmental~~
282 ~~services~~) permitting and environmental review, and any other department responsible for
283 identifying physical and environmental constraints placed on real property that might
284 affect true and fair market value, on the transmittal of that information to the office of the
285 King County assessor, consistent with the provisions of K.C.C. chapter 4.62.

286 B. A report in writing from the office of the King County assessor attesting to the
287 receipt of that information from any and all departments responsible for identifying
288 physical and environmental constraints on real property that may affect true and fair
289 market value, consistent with the provisions of K.C.C. chapter 4.62.

290 SECTION 4. Ordinance 12075, Section 11, as amended, and K.C.C. 2.40.030 are
291 each hereby amended to read as follows:

292 A. The commission shall consist of fifteen members; the members shall serve
293 terms of three years as specified in K.C.C. chapter 2.28.

294 B. The fifteen voting members of the commission shall serve without
295 compensation and represent the diversity of the agricultural economy, various
296 agricultural operations, and the regions of the county. Membership should be
297 representative of producers of agricultural commodities and persons with demonstrated
298 knowledge, experience and interest in agricultural real estate, food and feed processing,
299 wholesale and retail marketing, produce buying, direct marketing, supply, and finance.
300 However, at least eight of the voting commission members shall be producers as defined
301 in K.C.C. 2.40.020.

302 C. The directors of the departments of natural resources and parks, (~~development~~
303 ~~and environmental services~~) permitting and environmental review, community and
304 human services, public health, and executive services, and the King County conservation
305 district may serve as additional members in an ex officio capacity.

306 SECTION 5. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are
307 each hereby amended to read as follows:

308 A. The commission shall consist of thirteen voting members; the members shall
309 serve terms of three years as specified in K.C.C. chapter 2.28.

310 B. The voting members of the commission shall serve without compensation.
311 The members shall represent the diversity of rural forestry interests and the different
312 geographic regions of rural King County.

313 C. Commission membership shall include an equitable representation of the
314 following interests:

315 1. At least five members representing private rural forest landowners, with at
316 least one from each of the following ownership categories:

317 a. forest landowners with greater than five hundred acres of rural forest land in
318 King County;

319 b. forest landowners with forty to five hundred acres of rural forest land in
320 King County, and for whom income from forestry is an important component of total
321 income;

322 c. residential forest landowners with greater than twenty acres of rural forest
323 land enrolled in the Forest Land Designation (chapter 84.33 RCW) program; and

324 d. residential forest landowners with less than twenty acres of rural forest land;

325 2. Advocates of nontimber values of forest land, such as environmental
326 protection, recreation and open space;

327 3. The Washington Department of Natural Resources;

328 4. Affected Indian tribes;

329 5. Consumers or users of local forest products, such as mills, lumber
330 suppliers, craftsmen, florist suppliers or users of other alternative forest products;

331 6. Academic or professional foresters, or forestry associations; and

332 7. Rural cities.

333 D. The directors of the departments of natural resources and parks,
334 ~~((development and environmental services))~~ permitting and environmental review,
335 executive services, the office of budget, a representative of the King County council
336 natural resources, parks and open space committee, or its successor, a representative of
337 the Mount Baker-Snoqualmie National Forest, a representative of the Washington State
338 University Extension and the director of the King Conservation District may serve as
339 nonvoting ex officio members of the commission.

340 E. All appointees should have a working knowledge of King County forestry, a
341 strong commitment to promote forestry in the rural area, the ability to work with differing
342 viewpoints to find solutions to complex problems and a willingness to commit the time
343 necessary to attend commission meetings and activities.

344 SECTION 6. Ordinance 14033, Section 4, as amended, and K.C.C. 2.100.030 are
345 each hereby amended to read as follows:

346 A. A person may request a code interpretation by submitting a request in
347 accordance with this chapter. The director may also issue a code interpretation on the
348 director's own initiative.

349 B. A request for a code interpretation must be submitted in writing to the director
350 of the department with primary responsibility administering or implementing the
351 development regulation that is the subject of the request. If the person is uncertain as to
352 the appropriate department to which the code interpretation request should be submitted,
353 the person shall submit the request to the director of the department of ~~((development and
354 environmental services))~~ permitting and environmental review, who shall make the
355 determination and forward the request to the appropriate department, and notify the
356 person as to which department is responsible for responding to the request.

357 C. A code interpretation request must:

358 1. Be in writing and shall be clearly labeled "Request for Code Interpretation."
359 Failure to satisfy this requirement relieves the director of any obligation to acknowledge
360 or otherwise process the request;

361 2. Identify the person seeking the code interpretation and provide an address to
362 which correspondence regarding the requested code interpretation should be mailed;

- 363 3. Identify the specific section or sections of King County’s development
364 regulations for which an interpretation is requested;
- 365 4. Identify the parcel or site, if the code interpretation request involves a
366 particular parcel of property or site;
- 367 5. Identify the code enforcement action, if the code interpretation request
368 involves a code enforcement case;
- 369 6. Be accompanied by the fee required under K.C.C. 2.100.070; and
- 370 7. Be limited to a single subject, which may require interpretation of one or
371 more code sections.

372 D.1. Within fifteen business days after receiving a code interpretation request, the
373 director shall acknowledge receipt of the request. The director shall mail the
374 acknowledgment to the person submitting the request at the address provided in the
375 request. The acknowledgment shall include the following information, as applicable:

376 a. If the director determines that the code interpretation request does not
377 contain the information required under this section, the director shall identify in the
378 acknowledgment the deficiencies in the code interpretation request. In such a situation,
379 the director is under no obligation to process the code interpretation request until a code
380 interpretation request complying with this chapter is submitted;

381 b. If the director determines that the code interpretation request is ambiguous
382 or unclear, the director may request that the person making the request to clarify the
383 request. The director is under no obligation to process the code interpretation request
384 until an adequately clarified code interpretation request is submitted;

385 c. If the director determines that the code interpretation request presents
386 substantially the same issue as is pending before an adjudicatory body, such as the King
387 County hearing examiner, the King County council when acting as a quasi-judicial body,
388 any other quasi-judicial agency or any local, state or federal court, the director shall so
389 state in the acknowledgment. The director is then under no obligation to further process
390 the code interpretation request; and

391 d. If a code interpretation is requested regarding an issue that the director has
392 previously addressed through a code interpretation, the director is not obligated to issue
393 another code interpretation and shall so state in the acknowledgment required by this
394 section and shall identify the previous code interpretation.

395 2. If the director determines that the code interpretation request relates to a
396 particular parcel of property, the director shall cause notice of the code interpretation
397 request to be given to the taxpayer of record for the subject parcel.

398 3. If the code interpretation request relates to a specific development project
399 pending before the county, the director shall cause notice of the code interpretation
400 request to be given to all parties of record for that project, including the applicant.

401 4. The notice required under this section must include a copy of the code
402 interpretation request and a copy of the director's acknowledgment. Notice required
403 under this section may be by United States mail or other appropriate method of delivery.

404 SECTION 7. Ordinance 14033, Section 5, as amended, and K.C.C. 2.100.040 are
405 each hereby amended to read as follows:

406 A. A person may submit written analysis and supporting documentation to assist
407 the director in analyzing a code interpretation request.

408 B. The director may conduct research or investigation as the director deems
409 necessary to resolve the issue presented in the code interpretation request and may refer
410 the request to department staff and other county staff for review and analysis.

411 C. A code interpretation must be in writing, clearly labeled “Code
412 Interpretation,” and describe the basis for the interpretation.

413 D. The director shall issue a code interpretation within sixty days after receiving
414 the code interpretation request, unless the director determines that based on the unusual
415 nature of the issue additional time is necessary to respond to the request. If the code
416 interpretation request relates to a specific development proposal that is pending before the
417 department of ~~((development and environmental services))~~ permitting and environmental
418 review or relates to a code enforcement action that is subject to appeal under K.C.C.
419 chapter 23.36, the code interpretation shall become final when the department of
420 development and environmental service issues its final decision on the underlying
421 development proposal for a type 1 or 2 decision, the department makes its
422 recommendation on a type 3 or 4 decision or, based on the code interpretation, the
423 department issues a notice and order, citation or stop work order under K.C.C. Title 23.
424 If the director determines that a code interpretation request does not to relate to a specific
425 development proposal that is currently pending before the county or to a code
426 enforcement action, the code interpretation is final when issued by the director.

427 E. The director shall maintain a list of indexed code interpretations for public
428 inspection and post the index and code interpretations on a King County web site and
429 transmit a copy of each code interpretation to the clerk of the King County council.

430 F. The director shall mail copies of the code interpretation to the following:

- 431 1. The person who requested the code interpretation;
- 432 2. If the director determines that the code interpretation relates to a specific
- 433 development proposal that is pending before the county, the applicant and all other
- 434 parties of record for that proposal;
- 435 3. If the director determines the code interpretation relates to a specific parcel of
- 436 property, the taxpayer of record for that parcel; and
- 437 4. Any person who has submitted written comments regarding the director's
- 438 review of the code interpretation request.

439 G. When it is final, a code interpretation remains in effect until it is rescinded in

440 writing by the director or it is modified or reversed on appeal by the hearing examiner,

441 the King County council or an adjudicatory body.

442 H. A code interpretation issued by the director governs all staff review and

443 decisions unless withdrawn or modified by the director or modified or reversed on appeal

444 by the King County hearing examiner, King County council, or an adjudicatory body.

445 SECTION 8. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are

446 each hereby amended to read as follows:

447 A. First tier funds and fund managers are as follows:

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community and Human Services

109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community and Human Services
113-5	Mental Illness and Drug Dependency	Dept. of Community and Human Services
114-1	Veterans' Services Levy	Dept. of Community and Human Services
114-2	Health and Human Services Levy	Dept. of Community and Human Services
115	Road Improvement Guaranty	Dept. of Transportation
117	Arts and Cultural Development	Dept. of Executive Services
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
124	Citizen Councilor Revolving	Auditor
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	((Development and Environmental Services)) <u>Permitting and Environmental Review</u>	Dept. of ((Development and Environmental Services)) <u>Permitting and Environmental Review</u>
137	Clark Contract Administration	Office of Performance, Strategy and Budget
138	Parks Trust and Contribution	Dept. of Natural Resources and Parks

139	Risk Abatement	Office of Performance, Strategy and Budget
145	Parks and Recreation	Dept. of Natural Resources and Parks
156-1	KC Flood Control Operating Contract	Dept. of Natural Resources and Parks
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
180-1	Public Health Healthcare Coalition	Dept. of Public Health
215	Grants tier 1 fund	Dept. of Executive Services
216	Cultural Resource Mitigation Fund	Office of Performance, Strategy and Budget
315	Conservation Futures	Dept. of Natural Resources and Parks
316	Parks, Rec. and Open Space	Dept. of Natural Resources and Parks
320	Public Art Fund	Dept. of Executive Services
322	Housing Opportunity Acquisition	Dept. of Community and Human Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
331	Long-Term Leases	Dept. of Executive Services
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Park Lands Acquisition 1993	Dept. of Natural Resources and Parks
340-3	Urban Reforestation and Habitat Restoration	Dept. of Natural Resources and Parks

341	Arts and Historic Preservation Capital	Dept. of Executive Services
342	Major Maintenance Reserve	Dept. of Executive Services
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Natural Resources and Parks
350	Open Space Acquisition	Dept. of Natural Resources and Parks
357-1	KC Flood Control Capital Contract	Dept. of Natural Resources and Parks
358	Parks Capital Fund	Dept. of Natural Resources and Parks
364-3	Transit Cross-Border Lease Financing Fund	Dept. of Executive Services
368	Real Estate Excise Tax Capital Summary Fund	Dept. of Performance Strategy and Budget
369	Transfer of Development Credits Program (TDC) Fund	Dept. of Natural Resources Parks
377-1	KCIT Capital Fund	Dept. of Information Technology
378	KCIT Enterprise Services Capital Improvement Fund	Dept. of Information Technology
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac. Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation

390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Capital Improvement	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
453-1	Institutional Network Operating Fund	Dept. of Information Technology
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety and Workers' Compensation	Dept. of Executive Services
544	Wastewater Equipment Rental and Revolving Fund	Dept. of Transportation
546	Department of Executive Service Equipment Replacement	Dept. of Information Technology
547	KCIT Strategy and Performance Operating Fund	Dept. of [Information Technology]*
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation

603	Cultural Resources Endowment	Dept. of Executive Services
622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Office of Performance, Strategy and Budget
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services
694	Employee Charitable Campaign Contributions	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation
840	Limited GO Bond Redemption	Dept. of Executive Services
843	DMS Limited GO Bonds	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services
890	ULID Assessment - 1981	Dept. of Transportation
1010	Climate Exchange Fund	Office of Performance, Strategy and Budget
1411	Rainy Day Reserve	Office of Performance, Strategy and Budget
1421	Children and Families Services	Dept. of Community and Human Services
1432	Animal Bequest Fund	Dept. of Executive Services

1471	Historical Preservation and Historical Programs Fund	Dept. of Executive Services
1590	Marine Division Operating Fund	Dept. of Transportation
3590	Marine Division Capital Fund	Dept. of Transportation
5490	Business Resource Center Fund	Dept. of Executive Services

448 B. The following shall also be first tier funds:

449 1. All funds now or hereafter established by ordinance for capital construction
450 through specific road improvement districts, utility local improvement districts or local
451 improvement districts. The director of the department of transportation shall be the fund
452 manager for transportation-related funds. The director of the department of natural
453 resources and parks shall be the fund manager for utility-related funds.

454 2. All county funds that receive original proceeds of borrowings made under
455 Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the
456 extent of the amounts then outstanding for the borrowings for that fund. For purposes of
457 this subsection, the director of the county department or office primarily responsible for
458 expenditures from that fund shall be the fund manager.

459 3. Any other fund as the council may hereinafter prescribe by ordinance to be
460 invested for its own benefit. County funds shall be treated as provided in K.C.C.
461 4.10.110 unless a designation is made by the council.

462 SECTION 9. Ordinance 9368, Sections 1 and 2, as amended, and K.C.C.
463 4.08.235 are each hereby amended to read as follows:

464 There is hereby established a housing opportunity acquisition fund, a capital
465 improvement fund, designated as fund no. 322. This fund shall be a first tier fund as

466 described in K.C.C. 4.10.010. The planning and community development division
467 manager shall be the fund manager.

468 The purpose of the fund is to acquire, renovate and/or construct housing for low-
469 income families, seniors at risk of displacement and homelessness, homeless individuals
470 and persons with special housing needs by securing a property interest in each project.
471 Real estate excise tax will be used to support the fund.

472 SECTION 10. Ordinance 1888 Art. I, Section 2 , as amended, and K.C.C.
473 6.01.010 are each hereby amended to read as follows:

474 For the purpose of all business license ordinances the words and phrases used
475 herein, unless the context otherwise indicates, shall have the following meanings:

476 A. "Certificate" means any certificate or renewal of certificate issued pursuant to
477 any business license ordinance;

478 B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of
479 the records and licensing services division, department of executive services, or his or her
480 duly authorized representative. For all other business licenses, "director" means the
481 director of the department of (~~development and environmental services~~) permitting and
482 environmental review, or his or her duly authorized representative;

483 C. "License" means any license or renewal of license issued pursuant to any
484 business license ordinance;

485 D. "Licensee" means any person to whom a license or renewal of license has
486 been issued pursuant to any business license ordinance;

487 E. "Permit" means any permit or renewal of permit issued pursuant to any
488 business license ordinance;

489 F. "Person" means any individual, partnership, firm, joint stock company,
490 corporation, association, trust, estate or other legal entity;

491 G. "Registrant" means any person to whom a registration or renewal of
492 registration has been issued pursuant to any business license ordinance;

493 H. "Registration" means any registration or renewal of registration issued
494 pursuant to any business license ordinance.

495 SECTION 11. Ordinance 9915, Section 11, as amended, and K.C.C. 6.08.021 are
496 each hereby amended to read as follows:

497 The director shall ~~((refer an application for a license required in K.C.C. 6.08.020~~
498 ~~to the department of development and environmental services for a report on compliance~~
499 ~~with)) determine whether an application under K.C.C. 6.08.020 complies with all
500 applicable fire, building and zoning codes of King County. ~~((The director of the~~
501 ~~department of development and environmental services or the director's designee shall~~
502 ~~respond to the director within twenty days.))~~~~

503 SECTION 12. Ordinance 1492, Section 23, as amended, and K.C.C. 6.24.180 are
504 each hereby amended to read as follows:

505 A. Every advertisement by a licensee advertising or soliciting business shall
506 contain the company name and address as they appear in the records of the department of
507 ~~((development and environmental services)) permitting and environmental review.~~

508 B. Licensees, in their promotional literature and oral sales presentations to
509 members of the public, shall not claim any relationship or affiliation with any official or
510 semiofficial law enforcement organization. Such literature or sales presentation shall be

511 accompanied by an accurate and clear description of the services which the licensee does
512 in fact offer or provide.

513 C. Solicitors performing oral sales presentations to members of the public shall
514 not carry visible weapons.

515 SECTION 13. Ordinance 8659, Section 2, as amended, and K.C.C. 6.72.020 are
516 each hereby amended to read as follows:

517 A. (~~("Director" means the director of the department of development and~~
518 ~~environmental services or his or her duly authorized representative.~~

519 ~~B.))~~ "Minor" means any individual who is less than 18 years old.

520 (~~(C.))~~ B. "Retailer" means any person, firm, association, company, partnership or
521 corporation who operates a store, stand, booth, concession or other place at which sales
522 are made to purchasers for consumption or use.

523 (~~(D.))~~ C. "Sales conducted in person" means payment for the purchase of the
524 tobacco item is received directly and in person from the purchaser by the seller or his
525 employee. Tobacco vending machines which are located in plain view of the seller or his
526 employee and controlled by an electronic device activated by the seller or his or her
527 employee, upon the buyer's presentation of acceptable identification as required in K.C.C.
528 6.72.040, shall be deemed "sales conducted in person."

529 (~~(E.))~~ D. "Tobacco vending machine" means and includes any machine or device
530 designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products
531 upon the insertion of coins, trade checks or slugs.

532 SECTION 14. Ordinance 1603, Section 1, as amended, and K.C.C. 6.76.010 are
533 each hereby amended to read as follows:

534 The following words and terms, unless a different meaning clearly appears from
535 the context, shall mean as follows:

536 A. "Charitable" means and includes the words patriotic, philanthropic, social
537 service, welfare, benevolent, educational, civic or fraternal, either actual or purported;
538 provided, such term shall not include "religious" and "religion," which terms shall be
539 given their commonly accepted definitions;

540 B. "Contributions" means and includes alms, food, clothing, money, credit,
541 subscription, property, financial assistance or other thing of value and including any
542 donations under the guise of a loan of money or property;

543 C. "Direct gift" means and includes an outright contribution of food, clothing,
544 money, credit, property, financial assistance or other thing of value to be used for a
545 charitable or religious purpose and for which the donor receives no consideration or thing
546 of value in return;

547 D. (~~"Director" means the director of the department of development and~~
548 ~~environmental services, or his or her duly authorized representative;~~

549 E.) "Person" means any individual, firm, partnership, corporation, company,
550 association or joint stock association, church, religious sect, religious denomination,
551 society, organization or league, and includes any trustee, receiver, assignee, agent or
552 other similar representative thereof;

553 (~~F.~~) E. "Promoter" means any person who promotes, manages, supervises,
554 organizes or attempts to promote, manage, supervise or organize a campaign of
555 solicitation, but shall not include either a bona fide full-time salaried officer or employee
556 of a charitable organization whose salary or other compensation is not computed on funds

557 raised or to be raised, or a temporary employee who is employed to contact volunteer
558 workers by telephone but who may not himself solicit contributors directly;

559 (~~G.~~) F. "Sale and benefit affair" means and includes, but is not limited to,
560 athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment,
561 exhibition, exposition, party, performance, picnic, sale, social gathering, theater or
562 variety show, which the public is requested to patronize or attend or to which the public
563 is requested to make a contribution for any charitable or religious purpose connected
564 therewith;

565 (~~H.~~) G. "Solicit" and "solicitation" mean the request within the county directly
566 or indirectly of money, credit, property, financial assistance or other thing of value on the
567 plea or representation that such money, credit, property, financial assistance or other
568 thing of value will be used for a charitable or religious purpose, and include:

- 569 1. Any oral or written request,
- 570 2. The distribution, circulation, mailing, posting or publishing of any handbill,
571 written advertisement of publication,
- 572 3. The making of any announcement to the press, by radio or television, by
573 telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar,
574 benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition,
575 party, performance, picnic, sale, social gathering, theater or variety show, which the
576 public is requested to patronize or to which the public is requested to make a contribution
577 for any charitable or religious purpose connected therewith,
- 578 4. The sale of, offer or attempt to sell any advertisement, advertising space,
579 book, card, chance, coupon, device, magazine, membership, subscription, ticket,

580 admission, article or other thing in connection with which any appeal is made for any
581 charitable or religious purpose, or where the name of any charitable or religious
582 organization, association or person is used or referred to in any such appeal or where in
583 connection with any such sale, any statement is made that the whole or any part of the
584 proceeds from any such sale will go or be donated to any charitable or religious purpose.

585 A "solicitation" shall be deemed completed when made, whether or not the person
586 making the same received any contribution or makes any sale referred to in this section.

587 SECTION 15. Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030 are
588 each hereby amended to read as follows:

589 The operators of all existing shooting sports facilities shall apply for an operating
590 license no later than April 9, 1994. The operator of each new shooting sports facility
591 shall apply for an operating license at the time of application for building permits or land
592 use permits necessary for the new facility. The application shall be made on a form
593 prescribed by the manager of the records and licensing services division. The records
594 and licensing services division is authorized to issue such a license after a determination
595 that the application is accurate and complete, and includes a notarized certification by the
596 shooting sports facility operator that the facility meets commonly accepted shooting
597 facility safety and design practices and will be operated in a manner which protects the
598 safety of the general public. The records and licensing services division shall base its
599 licensing determination on the review and concurrence of the King County departments
600 of public safety and ~~((development and environmental services))~~ permitting and
601 environmental review or their designees. This section shall not relieve the applicant of
602 any obligation to obtain any other required land use or building permits or approvals,

603 except shooting sports facilities in operation before January 9, 1994, shall not be required
604 to seek new land use or building permits solely for issuance of a license.

605 SECTION 16. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
606 each hereby amended to read as follows:

607 The definitions in this section apply throughout this chapter unless the context
608 clearly requires otherwise.

609 A. "Adjustment" means a department-approved variation in the application of the
610 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
611 project in accordance with K.C.C. 9.04.050C. "Adjustment" replaces "variance," which
612 was used in prior editions of the Surface Water Design Manual.

613 B. "Applicant" means a property owner or a public agency or public or private
614 utility that owns a right-of-way or other easement or has been adjudicated the right to
615 such an easement under RCW 8.12.090, or any person or entity designated or named in
616 writing by the property or easement owner to be the applicant, in an application for a
617 development proposal, permit or approval.

618 C. "Basin" means a geographic area that contains and drains to a stream or river
619 named and noted on common maps, such as the Cedar river, Sammamish river, Green
620 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains
621 to a nonflowing water body named and noted on common maps, such as Lake
622 Washington or Puget Sound.

623 D. "Basin plan" means a plan and all implementing regulations and procedures
624 including, but not limited to, capital projects, public education activities and land use

625 management adopted by ordinance for managing surface and storm water within the
626 basin.

627 E. "Closed depression" means an area greater than five thousand square feet at
628 overflow elevation that is low-lying and that has no or such a limited surface water outlet
629 that the area acts as a stormwater retention facility.

630 F. "Construct or modify" means to install a new drainage pipe or ditch or make
631 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
632 that either serves to concentrate previously unconcentrated surface and storm water
633 runoff or serves to increase, decrease or redirect the conveyance of surface and storm
634 water runoff. "Construct or modify" does not include installation or maintenance of a
635 driveway culvert installed as part of a single-family residential building permit.

636 G. "Conveyance system" means the drainage facilities and features, both natural
637 and constructed, that collect, contain and provide for the flow of surface and storm water
638 from the highest points on the land down to a receiving water. The natural elements of
639 the conveyance system include swales and small drainage courses, streams, rivers, lakes
640 and wetlands. The constructed elements of the conveyance system include gutters,
641 ditches, pipes, channels and most flow control and water quality treatment facilities.

642 H. "Department" means the department of natural resources and parks or its
643 successor.

644 I. "Development" means any activity that requires a permit or approval,
645 including, but not limited to, a building permit, grading permit, shoreline substantial
646 development permit, conditional use permit, special use permit, zoning variance or
647 reclassification, subdivision, short subdivision, urban planned development, binding site

648 plan, site development permit or right-of-way use permit. "Development" does not
649 include a Class I, II, III or IV-S forest practice conducted in accordance with chapter
650 76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined
651 in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title
652 222 WAC and a county-approved forest management plan.

653 J. "Director" means the director of the department of natural resources and parks,
654 or any duly authorized representative of the director.

655 K. "Drainage" means the collection, conveyance, containment or discharge, or
656 any combination thereof, of surface and storm water runoff.

657 L. "Drainage facility" means a constructed or engineered feature that collects,
658 conveys, stores or treats surface and storm water runoff. "Drainage facility" includes, but
659 is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake,
660 wetland, closed depression, flow control or water quality treatment facility, erosion and
661 sediment control facility and other structure and appurtenance that provides for drainage.

662 M. "Drainage review" means an evaluation by King County staff of a proposed
663 project's compliance with the drainage requirements in the Surface Water Design Manual.
664 The types of drainage review include: Small project drainage review, targeted drainage
665 review, full drainage review and large project drainage review.

666 N. "Erosion and sediment control" means any temporary or permanent measures
667 taken to reduce erosion, control siltation and sedimentation and ensure that sediment-
668 laden water does not leave the site or enter into wetlands or aquatic areas.

669 O. "Financial guarantee" means a form of financial security posted to do one or
670 more of the following: ensure timely and proper completion of improvements; ensure

671 compliance with the King County Code; or provide secured warranty of materials,
672 workmanship of improvements and design. “Financial guarantees” include assignments
673 of funds, cash deposit, surety bonds or other forms of financial security acceptable to the
674 director of the department of ~~((development and environmental services))~~ permitting and
675 environmental review. “Performance guarantee,” “maintenance guarantee” and “defect
676 guarantee” are considered sub categories of financial guarantee.

677 P. “Flood hazard reduction plan” means a plan and all implementing programs,
678 regulations and procedures including, but not limited to, capital projects, public education
679 activities and enforcement programs for reduction of flood hazards and prepared in
680 accordance with RCW 86.12.200.

681 Q “Flow control best management practice” means a method or design for
682 dispersing, infiltrating or otherwise reducing or preventing development-related increases
683 in surface and storm water runoff at, or near, the sources of those increases. “Flow
684 control best management practice” includes the methods and designs specified in the
685 Surface Water Design Manual.

686 R. "Flow control facility" means a drainage facility designed to mitigate the
687 impacts of increased surface and storm water runoff generated by site development in
688 accordance with the drainage requirements in this chapter. A “flow control facility” is
689 designed either to hold water for a considerable length of time and then release it by
690 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short
691 period of time and then release it to the conveyance system.

692 S. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for
693 any proposed project, unless the project is subject to small project drainage review,
694 targeted drainage review or large project drainage review, that:

695 1. Would result in two thousand square feet or more of new impervious surface;

696 2. Would result in thirty-five thousand square feet or more of new pervious

697 surface: or

698 3. Is a redevelopment project on one or more parcels where the total of new and
699 replaced impervious surface is five thousand square feet or more and when the valuation
700 of proposed improvements exceeds fifty percent of the assessed value of the existing site
701 improvements, including interior improvements and excluding required mitigation and
702 frontage improvements.

703 T. "High-use site" means a commercial, industrial or road intersection site that
704 generates a higher than average number of vehicle turnovers or has other characteristics
705 that generate the potential for chronic oil accumulation. "High use site" includes:

706 1. A commercial or industrial site subject to:

707 a. an expected daily traffic count greater than one hundred vehicles per one
708 thousand square feet of gross building area;

709 b. petroleum storage or transfer in excess of one thousand gallons per year, not
710 including routine fuel oil storage or transfer; or

711 c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles
712 each weighing over ten tons; or

713 2. A road intersection with average daily traffic counts of twenty-five thousand
714 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
715 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

716 U. "Hydraulically connected" means connected through surface flow or water
717 features such as wetlands or lakes.

718 V. "Impervious surface" means a hard surface area that either prevents or retards
719 the entry of water into the soil mantle as under natural conditions before development or
720 that causes water to run off the surface in greater quantities or at an increased rate of flow
721 from the flow present under natural conditions prior to development. Common
722 impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways,
723 parking lots, storage areas, areas that are paved, graveled or made of packed or oiled
724 earthen materials or other surfaces that similarly impede the natural infiltration of surface
725 and storm water. An open uncovered flow control or water quality treatment facility is
726 not an "impervious surface".

727 W. "Improvement" means a permanent, human-made, physical change to land or
728 real property including, but not limited to, buildings, streets, driveways, sidewalks,
729 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and
730 landscaping.

731 X. "Land disturbing activity" means an activity that results in a change in the
732 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.
733 "Land disturbing activity" includes, but is not limited to, demolition, construction,
734 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does

735 not include tilling conducted as part of agricultural practices, landscape maintenance or
736 gardening.

737 Y. "Lake management plan" means a plan describing the lake management
738 recommendations and requirements adopted by public rule for managing water quality
739 within individual lake basins.

740 Z. "Large project drainage review" means the evaluation required by K.C.C.
741 9.04.030 for any proposed project that:

742 1. Has an urban plan development land use designation in the King County
743 Comprehensive Plan land use map;

744 2. Would, at full buildout of the project site, result in fifty acres or more of
745 new impervious surface within a drainage subbasin or a number of subbasins
746 hydraulically connected across subbasin boundaries; or

747 3. Has a project site of fifty acres or more within a critical aquifer recharge area,
748 as defined in K.C.C. Title 21A.

749 AA. "Licensed civil engineer" means a person registered with the State of
750 Washington as a professional engineer in civil engineering.

751 BB. "Maintenance" means those usual activities taken to prevent a decline,
752 lapse or cessation in the use of currently serviceable structures, facilities, equipment or
753 systems, if there is no expansion of the structure, facilities, equipment or system and
754 there are no significant hydrologic impacts. "Maintenance" includes the repair or
755 replacement of nonfunctional facilities or the replacement of existing structures with
756 different types of structures, if the repair or replacement is required by one or more

757 environmental permits or to meet current engineering standards and the functioning
758 characteristics of the original facility or structure are not changed.

759 CC. "Master drainage plan" means a comprehensive drainage control plan
760 intended to prevent significant adverse impacts to the natural and constructed drainage
761 system, both on- and off-site.

762 DD. "Native vegetated surface" means a surface in which the soil conditions,
763 ground cover and species of vegetation are like those of the original native condition for
764 the site, as more specifically set forth in the Surface Water Design Manual.

765 EE. "Natural discharge location" means the location where runoff leaves the
766 project site under existing site conditions as defined in the Surface Water Design Manual.

767 FF. "New impervious surface" means the creation of a hard or compacted surface
768 such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such
769 as the paving of existing dirt or gravel.

770 GG. "New pervious surface" means the conversion of a native vegetated surface
771 or other native surface to a nonnative pervious surface, including, but not limited to,
772 pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of
773 existing nonnative pervious surface that results in increased surface and storm water
774 runoff as defined in the Surface Water Design Manual.

775 HH. "Pollution-generating impervious surface" means an impervious surface
776 considered to be a significant source of pollutants in surface and storm water runoff.
777 "Pollution-generating impervious surface includes those surfaces subject to vehicular use
778 or storage of erodible or leachable materials, wastes or chemicals and that receive direct
779 rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if

780 runoff from uphill could regularly run through it or if rainfall could regularly blow in and
781 wet the pavement surface. Metal roofs are also considered pollution-generating
782 impervious surface unless they are treated to prevent leaching.

783 II. "Pollution-generating pervious surface" means a nonimpervious surface
784 considered to be a significant source of pollutants in surface and storm water runoff.
785 "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides
786 and fertilizers, to the use or storage of erodible or leachable materials, wastes or
787 chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is
788 not limited to, the lawn and landscaped areas of a residential or commercial site, golf
789 course, park sports field and county-standard grassed modular grid pavement.

790 JJ. "Project" means any proposed action to alter or develop a site that may also
791 require drainage review.

792 KK. "Project site" means the portion of a site and any offsite areas subject to
793 proposed project activities, alterations and improvements including those required by this
794 chapter.

795 LL. "Redevelopment project" means a project that proposes to add, replace or
796 modify impervious surface for purposes other than a residential subdivision or
797 maintenance on a site that:

- 798 1. Is already substantially developed in a manner that is consistent with its
799 current zoning or with a legal nonconforming use; or
800 2. Has an existing impervious surface coverage of thirty-five percent or more.

801 MM. "Replaced impervious surface" means an existing impervious surface
802 proposed to be removed and reestablished as impervious surface, excluding impervious

803 surface removed for the sole purpose of installing utilities or performing maintenance.
804 For purposes of this definition, "removed" includes the removal of buildings down to
805 bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic
806 concrete pavement.

807 NN. "Runoff" means that portion of water originating from rainfall and other
808 precipitation that flows over the surface or just below the surface from where it fell and is
809 found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and
810 shallow groundwater as well as on ground surfaces. For the purpose of this definition,
811 groundwater means all waters that exist beneath the land surface or beneath the bed of
812 any stream, lake or reservoir, or other body surface water, whatever may be the
813 geological formation or structure in which such water stands or flows, percolates or
814 otherwise moves.

815 OO. "Salmon conservation plan" means a plan and all implementing regulations
816 and procedures including, but not limited to, land use management adopted by ordinance,
817 capital projects, public education activities and enforcement programs for conservation
818 and recovery of salmon within a water resource inventory area designated by the state
819 under WAC 173-500-040.

820 PP. "Shared facility" means a drainage facility designed to meet one or more of
821 the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a
822 basin. Shared facilities usually include shared financial commitments for those drainage
823 facilities.

824 QQ. "Site" means a single parcel, or two or more contiguous parcels that are
825 under common ownership or documented legal control, used as a single parcel for a

826 proposed project for purposes of applying for authority from King County to carry out a
827 proposed project. For projects located primarily within dedicated rights-of-way, "site"
828 includes the entire width of right-of-way subject to improvements proposed by the
829 project.

830 RR. "Small project drainage review" means the drainage review for a proposed
831 single-family residential project or agricultural project that:

832 1. Would result in:

833 a. ten thousand square feet or less of total impervious surface added on or after
834 January 8, 2001; or

835 b. four percent or less of total impervious surface on a site as specified in the
836 Surface Water Design Manual; and

837 2. Meets the small project drainage requirements specified in the Surface Water
838 Design Manual, including flow control best management practices, erosion and sediment
839 control measures and drainage plan submittal requirement; and

840 3. Limits new pervious surface as specified in the Surface Water Design
841 Manual.

842 SS. "Stormwater compliance plan" means a plan or study and all regulations and
843 procedures that have been adopted by the county to implement the plan or study,
844 including, but not limited to, capital projects, public education activities and enforcement
845 programs for managing stormwater quantity and quality discharged from the county's
846 municipal separate storm sewer system in compliance with the National Pollutant
847 Discharge Elimination System permit program under the Clean Water Act.

848 TT. "Subbasin" means a geographic area that:

- 849 1. Drains to a stream or water body named and noted on common maps; and
850 2. Is contained within the basin of the stream or water body.

851 UU. "Surface and storm water" means water originating from rainfall and other
852 precipitation that is found on ground surfaces and in drainage facilities, rivers, streams,
853 springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

854 VV. "Surface Water Design Manual" means the manual, and supporting
855 documentation referenced or incorporated in the manual, describing surface and storm
856 water design and analysis requirements, procedures and guidance that has been formally
857 adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design
858 Manual is available from the department of (~~development and environmental services~~)
859 permitting and environmental review or the department of natural resources and parks,
860 water and land resources division or their successor agencies.

861 WW. "Targeted drainage review" means an abbreviated evaluation required by
862 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
863 project drainage review. Targeted drainage review may be required for some projects in
864 small project drainage review.

865 XX. "Water quality treatment facility" means a drainage facility designed to
866 reduce pollutants once they are already contained in surface and storm water runoff. A
867 water quality treatment facility is the structural component of best management practices.
868 When used singly or in combination, a water quality treatment facility reduces the
869 potential for contamination of both surface and ground waters.

870 SECTION 17. Ordinance 9163, Section 3, as amended, and K.C.C. 9.04.030 are
871 each hereby amended to read as follows:

872 A. Drainage review is required when any proposed project is subject to a King
873 County development permit or approval and:

874 1. Would result in two thousand square feet or more of new impervious surface,
875 replaced impervious surface or new plus replaced impervious surface;

876 2. Would involve seven thousand square feet or more of land disturbing activity;

877 3. Would construct or modify a drainage pipe or ditch that is twelve inches or
878 more in size or depth or receives surface and storm water runoff from a drainage pipe or
879 ditch that is twelve inches or more in size or depth;

880 4. Contains or is adjacent to a flood hazard area as defined in K.C.C. chapter
881 21A.24;

882 5. Is located within a critical drainage area;

883 6. Is a redevelopment project proposing one hundred thousand dollars or more
884 of improvements to an existing high-use site; or

885 7. Is a redevelopment project on a site in which the total of new plus replaced
886 impervious surface is five thousand square feet or more and whose valuation of proposed
887 improvements, including interior improvements and excluding required mitigation and
888 frontage improvements, exceeds fifty percent of the assessed value of the existing site
889 improvements.

890 B. The drainage review for any proposed project shall be scaled to the scope of
891 the project's size, type of development and potential for impacts to the regional surface
892 water system to facilitate preparation and review of project applications. If drainage
893 review for a proposed project is required under subsection A. of this section, the
894 department of ~~((development and environmental services))~~ permitting and environmental

895 review shall determine which of the following drainage reviews apply as specified in the
896 Surface Water Design Manual:

- 897 1. Small project drainage review;
- 898 2. Targeted drainage review;
- 899 3. Full drainage review; or
- 900 4. Large project drainage review.

901 SECTION 18. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are
902 each hereby amended to read as follows:

903 A. A proposed project required to have drainage review by K.C.C. 9.04.030 must
904 meet each of the following core requirements which are described in detail in the Surface
905 Water Design Manual. Projects subject only to small project drainage review that meet
906 the small project drainage requirements specified in the Surface Water Design Manual,
907 including flow control best management practices, erosion and sediment control
908 measures and drainage plan submittal requirements are deemed to comply with the
909 following core requirements:

- 910 1. Core requirement 1: Discharge at the natural location. All surface and storm
911 water runoff from a project shall be discharged at the natural location so as not to be
912 diverted onto, or away from, downstream properties. The manner in which runoff is
913 discharged from the project site shall not create a significant adverse impact to downhill
914 properties or drainage systems as specified in the discharge requirements of the Surface
915 Water Design Manual;

- 916 2. Core requirement 2: Offsite analysis. The initial application submittal for
917 proposed projects shall include an offsite analysis report that assesses potential offsite

918 drainage and water quality impacts associated with development of the proposed site and
919 proposes appropriate mitigations to those impacts. This initial submittal shall include, at
920 minimum, a Level One downstream analysis as described in the Surface Water Design
921 Manual. If impacts are identified, the proposed projects shall meet any applicable
922 problem-specific requirements as specified in the Surface Water Design Manual;

923 3. Core Requirement 3: Flow control. Proposed projects that would result in
924 two thousand square feet or more of new impervious surface or thirty-five thousand
925 square feet or more of new pervious surface, or that are redevelopment projects that
926 would result in a total of five thousand square feet or more of new and replaced
927 impervious surface, shall provide flow control facilities or flow control BMPs, or both, to
928 control surface and storm water runoff generated by new impervious surface, new
929 pervious surface, replaced impervious surface and any existing impervious surface added
930 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow
931 control facilities shall meet the area-specific flow control facility requirements and the
932 flow control facility implementation requirements applicable to the project site as
933 specified in the Surface Water Design Manual. Flow control BMPs shall also be applied
934 as specified in the Surface Water Design Manual. Projects subject to area-specific flow
935 control facility requirements shall meet one of the flow control facility performance
936 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water
937 Design Manual:

938 a. Level One shall match the predeveloped site's peak discharge rates for the
939 two-year and ten-year return periods;

940 b. Level Two shall meet Level One criteria and also match the predeveloped
941 site's discharge durations for the predeveloped peak discharge rates between the fifty
942 percent of the two-year peak flow through the fifty-year peak flow; or

943 c. Level Three shall meet Level Two criteria and also match the predeveloped
944 site's peak discharge rate for the one hundred-year return period;

945 4. Core requirement 4: Conveyance system. All engineered conveyance system
946 elements for proposed projects shall be analyzed, designed and constructed to provide the
947 minimum level of protection against overtopping, flooding, erosion and structural failure
948 as specified by the conveyance requirements for new and existing systems and
949 conveyance implementation requirements described in the Surface Water Design Manual;

950 5. Core requirement 5: Erosion and sediment control. All proposed projects
951 that will clear, grade or otherwise disturb the site shall provide erosion and sediment
952 control that prevents, to the maximum extent practicable, the transport of sediment from
953 the site to drainage facilities, water resources and adjacent properties. Erosion and
954 sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified
955 by the temporary erosion and sediment control measures and performance criteria and
956 implementation requirements in the King County Surface Water Design Manual;

957 6. Core requirement 6: Maintenance and operation. Maintenance of all
958 drainage facilities in compliance with King County maintenance standards is the
959 responsibility of the applicant or property owner as described in the Surface Water
960 Design Manual, except those facilities for which King County assumes maintenance and
961 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design
962 Manual;

963 7. Core requirement 7: Financial guarantees and liability. All drainage
964 facilities constructed or modified for projects, except downspout infiltration and
965 dispersion systems for single family residential lots, must comply with the liability
966 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title
967 27A;

968 8. Core requirement 8: Water quality. Proposed projects that would result in
969 five thousand square feet or more of new pollution generating impervious surface or
970 thirty-five thousand square feet or more of new pollution-generating pervious surface, or
971 that are redevelopment projects that would result in a total of five thousand square feet or
972 more of new and replaced pollution-generating impervious surface, shall provide water
973 quality treatment facilities to treat polluted surface and storm water runoff generated by
974 new or replaced pollution-generating impervious surface, new pollution-generating
975 pervious surface and any existing pollution-generating impervious surface added on or
976 after January 8, 2001, as specified in the Surface Water Design Manual. However,
977 pervious surfaces are specifically excluded if there is a good faith agreement with the
978 King Conservation District to implement a farm management plan for agricultural uses,
979 and pervious areas for other uses are specifically excluded if King County department of
980 ~~((development and environmental services))~~ permitting and environmental review
981 approves a landscape management plan that controls pesticides and fertilizers leaving the
982 site. Water quality treatment facilities shall meet the area-specific water quality
983 treatment requirements and the water quality implementation requirements applicable to
984 the project site as specified in the Surface Water Design Manual. The facilities specified
985 by these requirements are designed to reduce pollutant loads according to the applicable

986 annual average performance goals listed in a. through d. of this subsection A.8. for
987 ninety-five percent of the annual average runoff volume:

988 a. for basic water quality: remove eighty percent of the total suspended solids;

989 b. for enhanced basic water quality: remove fifty percent of the total zinc;

990 c. for sensitive lake protection: remove fifty percent of the total phosphorus;

991 and

992 d. for sphagnum bog protection: remove fifty percent of the total phosphorus

993 and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of

994 less than 6.5 and an alkalinity of less than ten milligrams per liter.

995 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall

996 meet any of the following special requirements which apply to the site and which are

997 described in detail in the Surface Water Design Manual. The department of

998 ~~((development and environmental services))~~ permitting and environmental review shall

999 verify if a proposed project is subject to and must meet any of the following special

1000 requirements.

1001 1. Special Requirement 1: Other adopted area-specific requirements. If a
1002 proposed project is in a designated critical drainage area, or is in an area included in an
1003 adopted master drainage plan, basin plan, salmon conservation plan, stormwater
1004 compliance plan, flood hazard reduction plan, lake management plan or shared facility
1005 plan, then the proposed project shall meet the applicable drainage requirements of the
1006 critical drainage area, master drainage plan, basin plan, salmon conservation plan,
1007 stormwater compliance plan, flood hazard reduction plan, lake management plan or
1008 shared facility plan;

1009 2. Special Requirement 2: Floodplain/floodway delineation. If a proposed
1010 project contains or is adjacent to a stream, lake, wetland or closed depression, or if other
1011 King County regulations require study of flood hazards relating to the proposed project,
1012 the one hundred year floodplain boundaries and floodway shall be determined and
1013 delineated on the site improvement plans and profiles and any final maps prepared for the
1014 proposed project. The flood hazard study shall be prepared for as specified in the Surface
1015 Water Design Manual;

1016 3. Special Requirement 3: Flood protection facilities. If a proposed project
1017 contains or is adjacent to a stream that has an existing flood protection facility, such as a
1018 levee, revetment or berm, or proposes to either construct a new or modify an existing
1019 flood protection facility, then the flood protection facilities shall be analyzed and
1020 designed as specified in the Surface Water Design Manual to conform with the Federal
1021 Emergency Management Agency regulations as found in 44 C.F.R.;

1022 4. Special Requirement 4: Source Control. If a proposed project requires a
1023 commercial building or commercial site development permit, then water quality source
1024 controls shall be applied to prevent rainfall and runoff from coming into contact with
1025 pollutants to the maximum extent practicable. Water quality source controls shall be
1026 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution
1027 prevention manual and the Surface Water Design Manual. All structural source controls
1028 shall be identified on the site improvement plans and profiles or final maps prepared for
1029 the proposed project; and

1030 5. Special Requirement 5: Oil control. If a proposed project is a high-use site or
1031 is a redevelopment project proposing one hundred thousand dollars or more of

1032 improvements to an existing high-use site, then oil control shall be applied to all runoff
1033 from the high-use portion of the site as specified in the Surface Water Design Manual.

1034 C.1. An adjustment to the requirements contained in this section or other
1035 requirements in the Surface Water Design Manual may be proposed. The resulting
1036 development shall be subject to all of the remaining terms and conditions of this chapter
1037 and the adjustment shall:

- 1038 a. produce a compensating or comparable result in the public interest; and
- 1039 b. meet this chapter's objectives of safety, function, appearance, environmental
1040 protection and maintainability based upon sound engineering judgment.

1041 2. If complying with subsection C.1.a. of this section will deny all reasonable
1042 use of a property, the best practicable alternative shall be obtained as determined by the
1043 director of the department of ~~((development and environmental services))~~ permitting and
1044 environmental review according to the adjustment process defined in the Surface Water
1045 Design Manual.

1046 3. Requests for adjustments that may conflict with the requirements of any other
1047 King County division shall require review and concurrence with that division.

1048 4. A request for an adjustment is a Type 1 land use decision as provided for in
1049 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in
1050 the Surface Water Design Manual.

1051 5. The county may require monitoring of experimental designs and technology
1052 or untested applications proposed by the applicant in order to determine compliance with
1053 subsection C.1. of this section and the approved plans and conditions.

1054 6. The applicant may appeal an adjustment decision by following the appeal
1055 procedures as specified in the Surface Water Design Manual.

1056 D. The drainage review requirements in this section and in the Surface Water
1057 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

1058 SECTION 19. Ordinance 2812, Section 4, as amended, and K.C.C. 9.04.060 are
1059 each hereby amended to read as follows:

1060 Development in areas where the department has determined that the existing
1061 flooding, drainage and/or erosion conditions present an imminent likelihood of harm to
1062 the welfare and safety of the surrounding community shall meet special drainage
1063 requirements set by the director until such time as the community hazard is alleviated.
1064 Such conditions may include the limitation of the volume of discharge from the subject
1065 property to predevelopment levels, preservation of wetlands or other natural drainage
1066 features or other controls necessary to protect against community hazard. Where
1067 alternate facility designs or methods will produce a compensating or comparable result in
1068 the public interest and which will meet this section's objectives of safety, function,
1069 appearance, environmental protection and maintainability, based upon sound engineering
1070 judgment, an adjustment to the special drainage requirements promulgated under this
1071 section may be proposed, provided that the resulting development shall be subject to all
1072 of the remaining terms and conditions of this chapter. Where application of this section
1073 will deny all reasonable use of a property and a facility or design that produces a
1074 compensating or comparable result cannot be obtained, then a best practicable alternative
1075 may be obtained, to be determined by the director of the department of ((development

1076 ~~and environmental services))~~ permitting and environmental review according to the
1077 adjustment process defined in the Surface Water Design Manual.

1078 SECTION 20. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are
1079 each hereby amended to read as follows:

1080 A.1. All engineering plans shall be submitted to the department of (~~development~~
1081 ~~and environmental services))~~ permitting and environmental review for review in
1082 accordance with the Surface Water Design Manual except those drainage plans
1083 developed by, or under the review of, the department of natural resources and parks for
1084 either surface and storm water capital improvement, repair, maintenance or restoration
1085 projects or other linear government agency projects, such as roadways, railways,
1086 pipelines, utility lines and trails.

1087 2. If engineering plans are returned for any reason, they shall be returned to the
1088 applicant.

1089 3. All master drainage plans, if required, shall be submitted to the department of
1090 (~~development and environmental services))~~ permitting and environmental review for
1091 review in accordance with the specifications in the Surface Water Design Manual. The
1092 master drainage plan process should commence at the same time as the state
1093 Environmental Policy Act (SEPA) process.

1094 4. Drainage plans not subject to review by the department of (~~development and~~
1095 ~~environmental services))~~ permitting and environmental review under subsection A.1. of
1096 this section shall be reviewed by the department of natural resources and parks in
1097 accordance with K.C.C. 9.04.050. Project applicability and compliance with K.C.C.
1098 9.04.050 shall be documented in writing and available for review.

1099 B. The expiration time frames as specified in the Surface Water Design Manual
1100 shall apply to all permit and approval applications.

1101 C. All plans shall be processed in accordance with the review procedures
1102 specified in the Surface Water Design Manual.

1103 D. All submittal procedures, definitions and specifications for the required
1104 contents of engineering plans are presented in the Surface Water Design Manual.

1105 SECTION 21. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are
1106 each hereby amended to read as follows:

1107 A. No work related to permanent or temporary storm drainage control for a
1108 permitted development may proceed without the approval of the director of the
1109 department of ~~((development and environmental services))~~ permitting and environmental
1110 review.

1111 B. Erosion and sediment control measures associated with both the interim and
1112 permanent drainage systems shall be:

1113 1. Constructed in accordance with the approved plan prior to any grading or
1114 land clearing other than that associated with an approved erosion and sediment control
1115 plan; and

1116 2. Satisfactorily sequenced and maintained until all improvements, restoration,
1117 and landscaping associated with the permit and approvals for the project are completed
1118 and the potential for onsite erosion has passed.

1119 C. The applicant shall have constructed and have in operation those portions of
1120 the drainage facilities necessary to accommodate the control of surface and storm water
1121 runoff discharging from the site before the construction of any other improvements or

1122 buildings on the site, or to final recording of a plat or short plat, unless upon written
1123 request of the applicant, the development engineer authorizes recording before
1124 construction of facilities in order to minimize impacts that may result from construction
1125 of facilities during inappropriate times of the year.

1126 SECTION 22. Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100 are
1127 each hereby amended to read as follows:

1128 The applicant required to construct the drainage facility pursuant to K.C.C.
1129 chapter 9.04 shall maintain a combined single limit per occurrence liability policy in the
1130 amount established annually by the King County risk management program, which shall
1131 name King County as an additional insured and protect King County from liability
1132 relating to the construction or maintenance of the facility until construction approval or
1133 acceptance for maintenance, whichever is last. Proof of this required liability policy shall
1134 be provided to the director of ~~((development and environmental services))~~ permitting and
1135 environmental review prior to commencing construction of any drainage facility. If this
1136 liability insurance is not kept in effect as required, King County may initiate enforcement
1137 action pursuant to K.C.C. Title 23.

1138 SECTION 23. Ordinance 12020, Section 33, and K.C.C. 9.04.105 are each
1139 hereby amended to read as follows:

1140 The department of ~~((development and environmental services))~~ permitting and
1141 environmental review (or its successor organization) is authorized to require all
1142 applicants issued permits or approvals under the provisions of the title to post financial
1143 guarantees consistent with the provisions of Title 27A.

1144 SECTION 24. Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120 are
1145 each hereby amended to read as follows:

1146 A. The person or persons holding title to the property and the applicant required
1147 to construct a drainage facility shall remain responsible for the facility's continual
1148 performance, operation and maintenance in accordance with the standards and
1149 requirements of the department and remain responsible for any liability as a result of
1150 these duties. This responsibility includes maintenance of a drainage facility which is:

- 1151 1. Under a maintenance guarantee or defect guarantee;
- 1152 2. A private road conveyance system;
- 1153 3. Released from all required financial guarantees prior to July 7, 1980;
- 1154 4. Located within and serving only one single family residential lot;
- 1155 5. Located within and serving a multifamily or commercial site unless the
1156 facility is part of an approved shared facility plan;
- 1157 6. Located within or associated with an administrative or formal subdivision
1158 which handles runoff from an area of which less than two-thirds is designated for
1159 detached or townhouse dwelling units located on individual lots unless the facility is part
1160 of an approved shared facility plan;
- 1161 7. Previously terminated for assumption of maintenance responsibilities by the
1162 department in accordance with K.C.C. 9.04.110; or
- 1163 8. Not otherwise accepted by the county for maintenance.

1164 B. Prior to the issuance of any of the permits for any multifamily or commercial
1165 project required to have a flow control or water quality treatment facility, the applicant
1166 shall record a declaration of covenant as specified in the Surface Water Design Manual.

1167 The restrictions set forth in such covenant shall include, but not be limited to, provisions
1168 for notice to the persons holding title to the property of a King County determination that
1169 maintenance and/or repairs are necessary to the facility and a reasonable time limit in
1170 which such work is to be completed.

1171 1. In the event that the titleholders do not effect such maintenance and/or
1172 repairs, King County may perform such work upon due notice. The titleholders are
1173 required to reimburse King County for any such work. The restrictions set forth in such
1174 covenant shall be included in any instrument of conveyance of the subject property and
1175 shall be recorded with the records and licensing services division.

1176 2. The county may enforce the restrictions set forth in the declaration of
1177 covenant provided in the Surface Water Design Manual.

1178 C. Prior to the issuance of any of the permits and/or approvals for the project or
1179 the release of financial guarantees posted to guarantee satisfactory completion, the person
1180 or persons holding title to the subject property for which a drainage facility was required
1181 shall pay a fee established by the director of department of ~~((development and
1182 environmental services))~~ permitting and environmental review to reasonably compensate
1183 the county for costs relating to inspection of the facility to ensure that it has been
1184 constructed according to plan and applicable specifications and standards.

1185 D. The duties specified in this section with regard to payment of inspection fees
1186 and reimbursement of maintenance costs shall be enforced against the person or persons
1187 holding title to the property for which the drainage facility was required.

1188 E. Where not specifically defined in this section, the responsibility for
1189 performance, operation and maintenance of drainage facilities and conveyance systems,
1190 both natural and constructed, shall be determined on a case-by-case basis.

1191 SECTION 25. Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140 are
1192 each hereby amended to read as follows:

1193 A. Administration.

1194 1. The director is authorized to promulgate and adopt administrative rules under
1195 the procedures specified in K.C.C. chapter 2.98, for the purpose of implementing and
1196 enforcing the provisions of this chapter. Adopted administrative rules are available to the
1197 public from the department of ~~((development and environmental services))~~ permitting
1198 and environmental review or the department of natural resources and parks, water and
1199 land resources division. This includes, but is not limited to, the Surface Water Design
1200 Manual.

1201 2. The director of department of ~~((development and environmental services))~~
1202 permitting and environmental review is authorized to develop procedures for applying
1203 adopted rules and regulations during the review of permit applications for the
1204 development of land. These procedures may also be contained in the Surface Water
1205 Design Manual.

1206 B. Inspections. The director is authorized to make such inspections and take such
1207 actions as may be required to enforce the provisions of this chapter.

1208 C. Right of entry. Whenever necessary to make an inspection to enforce any of
1209 the provisions of this chapter, monitor for proper function of drainage facilities or
1210 whenever the director has reasonable cause to believe that violations of this chapter are

1211 present or operating on a subject property or portion thereof, the director may enter such
1212 premises at all reasonable times to inspect the same or perform any duty imposed upon
1213 the director by this chapter; provided that, if such premises or portion thereof is occupied,
1214 the director shall first make a reasonable effort to locate the owner or other person having
1215 charge or control of the premises or portion thereof and demand entry.

1216 D. Access. Proper ingress and egress shall be provided to the director to inspect,
1217 monitor or perform any duty imposed upon the director by this chapter. The director
1218 shall notify the responsible party in writing of failure to comply with this access
1219 requirement. Failing to obtain a response within seven days from the receipt of
1220 notification the director may order the work required completed or otherwise address the
1221 cause of improper access. The obligation for the payment of all costs that may be
1222 incurred or expended by the county in causing such work to be done shall thereby be
1223 imposed on the person holding title to the subject property.

1224 SECTION 26. Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010 are
1225 each hereby amended to read as follows:

1226 The following definitions shall apply in the interpretation and enforcement of this
1227 chapter:

1228 A. "Basin plan" means a plan and all implementing regulations and procedures
1229 including but not limited to capital projects, public education activities, land use
1230 management regulations adopted by ordinance for managing surface and storm water
1231 management facilities and features within individual subbasins.

1232 B. "County" means King County.

1233 C. "Department" means the department of natural resources and parks or its
1234 successor agency.

1235 D. "Developed parcel" means any parcel altered from the natural state by the
1236 construction, creation or addition of impervious surfaces.

1237 E. "Director" means the director of the department of natural resources and parks
1238 or its successor agency or the director's designee.

1239 F. "Division" means the department of natural resources and parks, water and
1240 land resources division or its successor agency.

1241 G. "Effective impervious area" means the portion of actual impervious area that
1242 is connected, or has the effect of being connected as defined in the King County Surface
1243 Water Design Manual, directly to the storm water drainage system via surface flow or
1244 discrete conveyances such as pipes, gutters or ditches.

1245 H. "Flow control facility" means a drainage facility designed to mitigate the
1246 impacts of increased surface and storm water runoff generated by site development in
1247 accordance with the drainage requirements in this chapter. A flow control facility is
1248 designed either to hold water for a considerable length of time and then release it by any
1249 combination of evaporation, plant transpiration or infiltration into the ground or to hold
1250 runoff for a short period of time and then release it to the conveyance system.

1251 I. "Lake management plan" means the plan, and supporting documents as
1252 appropriate, describing the lake management recommendations and requirements which
1253 has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.
1254 Adopted lake management plans are available from the division and the department of
1255 ~~((development and environmental services))~~ permitting and environmental review. A

1256 synopsis of adopted lake management plans will be distributed to all Surface Water
1257 Design Manual subscribers as part of the manual's routine update process.

1258 J. "Drainage facility" means the system of collecting, conveying, and storing
1259 surface and storm water runoff. Drainage facilities shall include but not be limited to all
1260 surface and storm water conveyance and containment facilities including streams,
1261 pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration
1262 facilities, flow control facilities, erosion/sedimentation control facilities and other
1263 drainage structures and appurtenances, both natural and constructed.

1264 K. "Impervious surface" means a hard surface area which either prevents or
1265 retards the entry of water into the soil mantle as it entered under natural conditions prior
1266 to development, and/or a hard surface area which causes water to run off the surface in
1267 greater quantities or at an increased rate of flow from the flow present under natural
1268 conditions prior to development. Common impervious surfaces include, but are not
1269 limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which
1270 are paved, graveled or made of packed or oiled earthen materials or other surfaces which
1271 similarly impede the natural infiltration of surface and storm water. Open, uncovered
1272 flow control facilities shall not be considered as impervious surfaces for the purpose of
1273 this chapter.

1274 L. "Land use code" means restrictions on the type of development for a specific
1275 parcel of land as identified by records maintained by the King County department of
1276 assessments as modified or supplemented by information resulting from investigation by
1277 the division. Land use codes are preliminary indicators of the extent of impervious

1278 surface and are used in the initial analysis to assign an appropriate rate category for a
1279 specific parcel.

1280 M. "Maintenance" means the act or process of cleaning, repairing or preserving a
1281 system, unit, facility, structure or piece of equipment.

1282 N. "Natural surface water drainage system" means such landscape features as
1283 rivers, streams, lakes and wetlands. This system circulates water in a complex
1284 hydrological cycle.

1285 O. "Open space" means any parcel, property or portion thereof classified for
1286 current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the
1287 development rights have been sold to King County under K.C.C. chapter 26.04. This
1288 definition includes lands which have been classified as open space, agricultural or timber
1289 lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

1290 P. "Parcel" means the smallest separately segregated unit or plot of land having
1291 an identified owner, boundaries and surface area which is documented for property tax
1292 purposes and given a tax lot number by the King County assessor.

1293 Q. "Person" means any individual, firm, company, association, corporation or
1294 governmental agency.

1295 R. "Program" means the surface water management program as set forth in this
1296 chapter.

1297 S. "Rate category" means the classification in this chapter given to a parcel in the
1298 service area based upon the type of land use on the parcel and the percentage of
1299 impervious surface area contained on the parcel.

1300 T. "Residence" means a building or structure or portion thereof, designed for and
1301 used to provide a place of abode for human beings. The term residence includes the term
1302 "residential" or "residential unit" as referring to the type of or intended use of a building
1303 or structure.

1304 U. "Residential parcel" means any parcel which contains no more than three
1305 residences or three residential units which are within a single structure and is used
1306 primarily for residential purposes.

1307 V. "Service area" means unincorporated King County.

1308 W. "Storm water plan" means a King County ordinance specifying the storm
1309 water control facilities that will be funded by a bond issue.

1310 X. "Subbasin" means a drainage area that drains to a water course or water body
1311 named and noted on common maps and that is contained within a basin as defined in
1312 K.C.C. 9.04.020.

1313 Y. "Surface and storm water management services" means the services provided
1314 by the surface water management program, including but not limited to basin planning,
1315 facilities maintenance, regulation, financial administration, public involvement, drainage
1316 investigation and enforcement, aquatic resource restoration, surface and storm water
1317 quality and environmental monitoring, natural surface water drainage system planning,
1318 intergovernmental relations and facility design and construction.

1319 Z. "Surface water management fee protocols" or "SWM fee protocols" means the
1320 surface water management fee standards and procedures that have been formally adopted
1321 by rule under the procedures specified in K.C.C. chapter 2.98. The SWM fee protocols

1322 are available from the department of natural resources and parks, water and land
1323 resources division or their successor agencies.

1324 AA. "Surface and storm water" means water originating from rainfall and other
1325 precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds,
1326 lakes and wetlands as well as shallow ground water.

1327 BB. "Surface and storm water management system" means constructed drainage
1328 facilities and any natural surface water drainage features that do any combination of
1329 collection, storing, controlling, treating or conveying surface and storm water.

1330 CC. "Undeveloped parcel" means any parcel which has not been altered from its
1331 natural state by the construction, creation or addition of impervious surface.

1332 DD. "Water quality treatment facility" means a drainage facility designed to
1333 reduce pollutants once they are already contained in surface and storm water runoff.
1334 Water quality treatment facilities are the structural component of best management
1335 practices. When used singly or in combination, water quality treatment facilities reduce
1336 the potential for contamination of either surface or ground waters, or both.

1337 SECTION 27. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are
1338 each hereby amended to read as follows:

1339 A. It is the finding of the county that the majority of the basins in the service area
1340 are shared with incorporated cities and towns. In order to achieve a comprehensive
1341 approach to surface and storm water management the county and incorporated
1342 jurisdictions within a specific basin should coordinate surface and storm water,
1343 management services. In addition, the program may contract for services with interested

1344 municipalities or special districts including but not limited to sewer and water districts,
1345 school districts, port districts or other governmental agencies.

1346 B. It is the finding of the county that many of the difficulties found in the
1347 management of surface and storm water problems are contributed to by the general lack
1348 of public knowledge about the relationship between human actions and surface and storm
1349 water management. In order to achieve a comprehensive approach to surface and storm
1350 water management the county should provide general information to the public about
1351 land use and human activities which impact surface and storm water management.
1352 Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can
1353 provide significant benefits to the county regarding surface and storm water management
1354 through educational programs and community activities related to protection and
1355 enhancement of the surface and storm water management system. These programs and
1356 activities can provide students with an understanding of human activities and land use
1357 practices that create surface and storm water problems and involve students by learning
1358 from first hand exposure, the difficulties of resolving surface and storm water
1359 management problems after they occur.

1360 C. It is the finding of the county that technical assistance and community
1361 education have been shown to be a cost-effective means of improving the management of
1362 the impacts of surface and storm water runoff. Technical assistance and community
1363 education regarding stewardship enables King County, its residents and businesses to
1364 comply with federal, state and local mandates and enables the county to protect its quality
1365 of life and its natural resources. The promotion of stewardship is an integral part of a
1366 comprehensive surface and storm water management program.

1367 D. It is the finding of the county that developed parcels contribute to an increase
1368 in surface and storm water runoff to the surface and storm water management system.
1369 This increase in surface and storm water runoff results in the need to establish rates and
1370 charges to finance the county's activities in surface and storm water management.
1371 Developed parcels shall be subject to the rates and charges of the surface water
1372 management program based on their contribution to increased runoff. The factors to be
1373 used to determine the degree of increased surface and storm water runoff to the surface
1374 and storm water management system from a particular parcel shall be the percentage of
1375 impervious surface coverage on the parcel, the total acreage of the parcel and any
1376 mitigating factors as determined by King County.

1377 E. It is the finding of the county that undeveloped parcels do not contribute as
1378 much as developed parcels to an increase in surface and storm water runoff into the
1379 surface and storm water management system. Undeveloped properties shall be exempt
1380 from the rates and charges of the surface water management program.

1381 F. It is the finding of the county that maintained drainage facilities mitigate the
1382 increased runoff contribution of developed parcels by providing on-site drainage control.
1383 Parcels served by flow control facilities which were required for development of the
1384 parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be
1385 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow
1386 control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
1387 discount as provided in the rates and charges of the surface water management program,
1388 if the facility is maintained at the parcel owner's expense to the standard established by
1389 the department.

1390 G. It is the finding of the county that improvements to the quality of storm water
1391 runoff can decrease the impact of that runoff on the environment. Parcels served by
1392 water quality treatment facilities that were required for development of the parcel
1393 pursuant to K.C.C. chapter 9.04 and approved by King County or that can be
1394 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment
1395 of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
1396 discount as provided in the rates and charges of the surface water management program,
1397 if the facility is maintained at the parcel owner's expense to the standard established by
1398 the department.

1399 H. It is the finding of the county that parcels with at least sixty-five percent of
1400 their land in forest, no more than twenty percent in impervious surface, and dispersed
1401 runoff from the impervious surface through the forested land resulting in an effective
1402 impervious area of ten percent or less for the entire parcel, do not contribute as much to
1403 an increase in surface and storm water runoff as properties with less forest that do not
1404 disperse. These properties shall be eligible to receive a discount as provided in the rates
1405 and charges of the surface water management program if the runoff from the impervious
1406 surface is dispersed in accordance with the standards established by the department.

1407 I. It is the finding of the county that parcels which make use of their pervious
1408 surface area to absorb storm water runoff from the impervious surfaces do not contribute
1409 as much to an increase in surface and storm water runoff as properties that do not use
1410 their pervious area to absorb runoff. These properties shall be eligible to receive a
1411 discount as provided in the rates and charges of the surface water management program if

1412 the runoff from the impervious surface is dispersed in accordance with the standards
1413 established by the department.

1414 J. It is a finding of the county that open space properties provide a benefit to the
1415 surface and storm water management system by the retention of property in an
1416 undeveloped state. Open space properties shall receive a discount from the rates and
1417 charges to encourage the retention of property as open space.

1418 K. It is a finding of the county that current scientific studies demonstrate that
1419 conservation and maintenance of forestland and open space contribute to the proper
1420 management of surface water quality and quantity. The scientific analysis performed in
1421 connection with the Cedar river, Issaquah creek and Bear creek basin plans have
1422 demonstrated that forests intercept and evaporate more rainfall, provide more soil
1423 storage, retain and trap more sediments and purify contaminated water better than any
1424 other land use. Conservation and maintenance of public forests, the provision of
1425 technical assistance and encouragement to private landowners to retain forests are
1426 effective ways to prevent disruption of natural hydrology. Open Space lands, to the
1427 extent that they retain their natural condition and do not contain impervious surface, also
1428 perform an important surface water function by not detracting from the functioning of
1429 natural hydrology systems. Conservation and maintenance of publicly owned open space
1430 and forestland is often more cost-effective than building and maintain artificial or
1431 engineered surface and storm water management facilities. Additional financial
1432 resources are required to conserve and maintain those natural resource lands that serve
1433 important surface and storm water management functions.

1434 L. It is a finding of the county that the majority of the parcels in the service area
1435 are residential. The variance between residential parcels in impervious surface coverage
1436 is found to be minor and to reflect only minor differences in increased runoff
1437 contributions. The administrative cost of calculating the service charge individually for
1438 each residential parcel and maintaining accurate information would be very high. A flat
1439 charge for residential parcels is less costly to administer than calculating a separate
1440 charge for each parcel and is equitable because of the similarities in impervious surface
1441 coverage between residential parcels. Therefore, residential parcels shall be charged a
1442 flat charge based upon an average amount of impervious surface.

1443 M. It is a finding of the county that very lightly developed nonresidential parcels
1444 which have an impervious surface coverage of ten percent or less of the total parcel
1445 acreage are characterized by a very low intensity of development and generally a large
1446 number of acres. A greater number of acres of undeveloped land associated with an
1447 impervious surface results in significantly less impact to the surface and storm water
1448 management system. Many of the very lightly developed properties are recreational,
1449 agricultural and timber lands identified in the King County comprehensive plan and
1450 should be encouraged to retain their low intensity of development. These parcels shall be
1451 charged a flat rate which will encourage the retention of large areas of very lightly
1452 developed land.

1453 N. It is the finding of the county that lightly to very heavily developed
1454 nonresidential parcels which have an impervious surface coverage of more than ten
1455 percent have a substantial impact on the surface and storm water management system.
1456 The impact of these parcels on the surface and storm water management system increases

1457 with the size of the parcels. Therefore, lightly to very heavily developed properties shall
1458 be charged a rate determined by the percent of impervious surface coverage multiplied by
1459 the parcel acreage.

1460 O. It is a finding of the county that county and state roads contribute a significant
1461 amount of increased runoff to the surface and storm water management system, which
1462 contributes to the need for basin planning, drainage facilities and other related services.
1463 However, both the county roads and state highway programs provide substantial annual
1464 programs for the construction and maintenance of drainage facilities, and the roads
1465 systems and their associated drainage facilities serve as an integral part of the surface and
1466 storm water management system. The rate charged county roads and state highways shall
1467 reflect the benefit which county roads and state highway facilities provide to the surface
1468 and storm water management system. County and state road drainage systems unlike the
1469 drainage systems on other properties are continually being upgraded to increase both
1470 conveyance capacity and control. It is envisioned that the roads program will work
1471 cooperatively with the surface water management program to improve regional surface
1472 and storm water management services as new information is available from basin plans
1473 and other sources. The percentage of impervious surface coverage for county roads and
1474 state highways shall be calculated by dividing average width of roadway and shoulder by
1475 the average width of the right of way. The service charge shall be calculated in
1476 accordance with RCW 90.03.525.

1477 P. It is the finding of the county that comprehensive management of surface and
1478 storm water runoff must include anticipation of future growth and development in the
1479 design and improvement of the surface and storm water management system. Service

1480 charge revenue needs shall be based upon the present and future requirements of the
1481 surface and storm water management system, and these needs shall be considered when
1482 determining the rates and charges of the program.

1483 Q. It is the finding of the county that basin plans are essential to establishing a
1484 comprehensive approach to a capital improvement program, maintenance of facilities and
1485 regulation of new developments. A plan should analyze the measures needed to control
1486 surface and storm water runoff which results from existing and anticipated development
1487 within the basin. The measures investigated to control runoff should include land use
1488 regulation such as setback requirements or community plan revisions which revise land
1489 use densities as well as the use of drainage facilities. A plan also should recommend the
1490 quantity and water quality runoff control measures required to further the purposes set
1491 forth in K.C.C. 9.08.040, and community goals. The institutional requirements and
1492 regulations, including but not limited to land use management, funding needs, and
1493 incentives for preserving the natural surface water drainage system should be identified in
1494 the plan. The proposed ordinances and regulations necessary to implement the plan shall
1495 be transmitted to the council simultaneously with the plan.

1496 R. It is a finding of the county that the federal government has increased
1497 requirements concerning surface water quantity and control. The federal Clean Water
1498 Act, implemented through municipal storm water NPDES permits, mandates a wide
1499 variety of local programs to manage surface water and improve water quality.
1500 Compliance will increasingly be measured by the effectiveness of King County's surface
1501 water and water quality programs. The NPDES permit impacts operations in the roads,
1502 solid waste, transit and parks divisions, the airport and the department of ((development

1503 ~~and environmental services))~~ permitting and environmental review, and most activities in
1504 the water and land resources division.

1505 S. It is a finding of the county that Chinook salmon were listed as a threatened
1506 species in March 1999, and bull trout were listed as a threatened species in November
1507 1999, under the federal Endangered Species Act. These listings focus the need for higher
1508 standards in managing surface water including new, expanded and more intensive
1509 programs to control the quantity of runoff as well as its quality. Programs responding to
1510 these imperatives have included the design, permitting and construction of facilities,
1511 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,
1512 regulation development and coordination with other agencies on transboundary issues.

1513 T. It is the finding of the county that areas with development related surface and
1514 storm water problems require comprehensive management of surface and storm water.

1515 U. It is the finding of the county that additional surface and storm water runoff
1516 problems may be caused by new land use development if not properly mitigated both
1517 through protection of natural systems and through constructed improvements. The
1518 Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by
1519 King County to mitigate the impact of land use development. Further mitigation of these
1520 impacts is based on expertise which continues to evolve as new information on our
1521 natural systems is obtained and new techniques are discovered. The surface water
1522 management program, through reconnaissance studies, basin plans, and other special
1523 studies, will continuously provide valuable information on the existing problems and
1524 areas of the natural drainage system that need special protection. The county is
1525 researching and developing methods to protect the natural drainage system through

1526 zoning, buffering and setbacks to alleviate existing problems. Setback and buffering
1527 measures allow natural preservation of wetlands and stream corridors to occur, alleviate
1528 erosion and water pollution and provide a safe environment for the small mammals and
1529 fish which inhabit sensitive areas. Based upon the findings in this subsection, and as
1530 information and methods become available, the executive, as appropriate shall draft and
1531 submit to the council, regulations and development standards to allow protection of the
1532 surface and storm water management system including natural drainage systems.

1533 V. It is the finding of the county that the unique stormwater needs of the
1534 unincorporated rural area of the county require that the county's surface water
1535 management program established under chapter 36.89 RCW develop a rural drainage
1536 program. The intent of this rural drainage program is to provide a means through which
1537 existing and emerging surface water problems in the rural areas can be addressed in a
1538 manner that preserves both rural resources and rural activities including agriculture and
1539 forestry. Rural drainage services provided by the division shall support a rural level of
1540 development and not facilitate urbanization. This rural drainage program shall result in a
1541 program consistent with Countywide Planning Policies and King County Comprehensive
1542 Plan policies.

1543 W. The program will maintain long term fiscal viability and fund solvency for all
1544 of its related funds. All required capital and operating expenditures will be covered by
1545 service charges and other revenues generated or garnered by the program. The program
1546 will pay all current operating expenses from current revenues and will maintain an
1547 operating reserve to minimize service impacts due to revenue or expenditure variances
1548 from plan during a fiscal year. This reserve will be calculated based on the historic

1549 variability of revenue and expenditures. The program will adopt a strategic financial
1550 planning approach which recognizes the dynamic nature of the program's fiscal operating
1551 environment. Long term projections will be updated in the program's adopted strategic
1552 plan. One-time revenues will be dedicated to one-time-only expenditures and will not be
1553 used to support ongoing requirements. The program's approach to financial reporting and
1554 disclosure will be comprehensive, open and accessible.

1555 X. The program shall prepare an annual, multiyear capital improvement program
1556 which encompasses all of the program's activities related to the acquisition, construction,
1557 replacement, or renovation of capital facilities or equipment. All proposed new facilities
1558 will be subject to a consistent and rigorous needs analysis. The program's capital
1559 facilities will be planned and financed to ensure that the benefits of the facilities and the
1560 costs for them are balanced over time.

1561 Y. The program will manage its debt to ensure continued high credit quality,
1562 access to credit markets, and financial flexibility. All of the program's debt management
1563 activities will be conducted to maintain at least the current credit ratings assigned to the
1564 county's debt by the major credit rating agencies and to maintain an adequate debt service
1565 coverage ratio. Long term debt will not be used to support operating expenses. The
1566 program will develop and maintain a central system for all debt-related records which
1567 will include all official statements, bid documents, ordinances indentures, leases, etc., for
1568 all of the program's debt and will accurately account for all interested earnings in debt-
1569 related funds. These records will be designed to ensure that the program is in compliance
1570 with all debt covenants and with state and federal laws.

1571 SECTION 28. Ordinance 14214, Section 6, as amended, and K.C.C. 9.14.050 are
1572 each hereby amended to read as follows:

1573 A. The department of natural resources((*)) and parks shall be the lead agency
1574 for King County’s groundwater protection program and shall be responsible for the
1575 following activities:

1576 1. Oversee implementation of King County’s groundwater protection program;

1577 2. Provide staff support to any groundwater protection committee appointed by
1578 King County and respond to the committees in a timely manner regarding the adoption of
1579 committee recommendations;

1580 3. Identify sources and methods of funding regional groundwater protection
1581 services and seek funding for these services;

1582 4. Develop any combination of interlocal agreements, memorandums of
1583 understanding and operating agreements with cities, special purpose districts, sewer and
1584 water utilities and associations, and water purveyors for implementation of groundwater
1585 management plans and regional groundwater protection services in King County. These
1586 agreements shall include provisions addressing the scope, governance, structure, funding
1587 and transition to implementation of certified groundwater management plans and regional
1588 groundwater protection services in King County;

1589 5. Consult with the Washington state Department of Ecology about the
1590 feasibility of integrating the goals and implementation of certified groundwater
1591 management plans, where possible, with adopted watershed plans to avoid creating
1592 redundant work programs;

1593 6. Coordinate with the department of (~~development and environmental~~
1594 ~~services~~) permitting and environmental review for any review required pursuant to
1595 K.C.C. Title 21A regarding land use, water use, environmentally sensitive areas and
1596 special district overlays, or the exercise of other authorities, that relate to groundwater
1597 protection;

1598 7. Coordinate with the Seattle-King County department of public health for
1599 work performed pursuant to the King County Board of Health Code Title 10, Solid Waste
1600 Handling, Title 11, Hazardous Chemicals, Title 12, Water, Title R12, Water and Title 13,
1601 On-site Sewage, or the exercise of other authorities, that relate to groundwater protection;

1602 8. Coordinate with the office of regional policy and planning for work
1603 performed pursuant to K.C.C. Title 20, Planning, or the exercise of other authorities, that
1604 relate to groundwater protection;

1605 9. Coordinate internally within the department of natural resources for work
1606 performed under K.C.C. Title 9, Surface Water Management, K.C.C. chapter 20.70,
1607 Critical Aquifer Recharge Areas and K.C.C. Title 28, Water Pollution Abatement and
1608 Wastewater Treatment, or the exercise of other authorities, that relate to groundwater
1609 protection;

1610 10. In consultation with the department of (~~development and environmental~~
1611 ~~services~~) permitting and environmental review, the Seattle-King County department of
1612 public health, and divisions within the department of natural resources, develop an
1613 integrated annual work plan that incorporates each of these agencies work programs
1614 relative to groundwater protection and that delineates the groundwater protection services
1615 provided by King County. A draft annual work plan shall be submitted to any

1616 groundwater protection committee appointed by King County for their review and
1617 recommendations. The department of natural resources shall distribute the final annual
1618 work plan to the King County council, any groundwater protection committee appointed
1619 by King County, cities, special purpose districts, sewer and water utilities and
1620 associations, water purveyors and other entities that are implementing activities
1621 recommended in certified groundwater management plans;

1622 11. Develop a three-year work plan that identifies long-term needs for
1623 groundwater protection, in consultation with any groundwater protection committee
1624 appointed by King County, cities, special purpose districts, sewer and water utilities and
1625 associations, and water purveyors. The work plan should include an examination by the
1626 Seattle-King County department of public health of the effectiveness of the current
1627 compliance methodology for violations of regulations governing operation, maintenance
1628 and repair of groundwater facilities by public water systems or individuals, and an
1629 examination of alternative compliance methodologies that provide for a hierarchy of
1630 responses to such violations (e.g. education, site visit, notification, fines, civil penalty,
1631 operating restrictions). The work plan shall include an examination of existing county
1632 fees or charges for groundwater testing that could reduce any current testing disincentives
1633 caused by unaffordability of those fees or charges. The department of natural resources
1634 shall distribute the three-year work plan to the King County council, any groundwater
1635 protection committee appointed by King County, cities, special purpose districts, sewer
1636 and water utilities and associations, water purveyors and other entities that have a role in
1637 the three-year work plan;

1638 12. Provide an annual written report on the groundwater protection program.
1639 This report shall include, but not be limited to, information from the prior calendar year
1640 on groundwater protection services provided by King County, expenditures for the
1641 groundwater protection program and recommendations from any groundwater protection
1642 committee appointed by King County. By March 31 of each year this report shall be
1643 submitted to the King County council and any groundwater protection committee
1644 appointed by King County.

1645 B. The King County auditor shall review whether or not groundwater protection
1646 services are being provided by King County and provide to the King County council by
1647 July 2003 an inventory of groundwater protection services that are provided and are not
1648 provided by King County.

1649 C. The regional water quality committee is requested to make recommendations
1650 to the King County council between April and September 2003 on the efficacy of the
1651 groundwater protection program in King County, including but not limited to the
1652 following areas: public outreach, education and stewardship; data management;
1653 coordination of groundwater protection activities with all interested entities, users and
1654 individuals; regional involvement in the groundwater protection program; development
1655 of agreements and funding for regional groundwater protection services, and the role of
1656 the department of natural resources in providing groundwater protection services.

1657 SECTION 29. Ordinance 4257, Section 8, and K.C.C. 12.46.080 are each hereby
1658 amended to read as follows:

1659 A. Any person may apply for an anchoring and mooring permit by submitting to
1660 the director a written application stating the owner's and master's name, address and

1661 telephone number; the type, description and size of the vessel, watercraft or obstruction;
1662 the reason for the application; the area of proposed anchorage or moorage, readily
1663 identifiable on a current chart or map; a description of the means by which the vessel,
1664 watercraft or obstruction will be anchored or moored; and the length of time, including
1665 inclusive dates, for which the permit is desired.

1666 B. The director may process the application in conjunction with review of an
1667 application for a United States Army Corps of Engineers permit, if such a permit is
1668 required.

1669 C. The application shall be referred to the Department of Planning and
1670 Community Development for comment and recommendation thereon.

1671 D. In the event that the director determines that granting the permit might deprive
1672 or materially interfere with reasonable water access of privately or publicly owned
1673 properties, the director shall notify such property owners and/or public agencies in
1674 writing and give them a reasonable time to comment on the application.

1675 E. The director is authorized to impose on the applicant reasonable fees designed
1676 to reimburse the county for processing of the application and administration of the permit
1677 system, including any notice or publication required under this chapter. Fees shall be set
1678 by a schedule promulgated by the director through appropriate rules and regulations.
1679 Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime
1680 Schooling Vessels, or scientific research, such fees may be reduced or waived for a
1681 period of time not to exceed six months.

1682 SECTION 30. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are
1683 each hereby amended to read as follows:

1684 A utilities technical review committee is created consisting of the following
1685 representatives:

1686 A. Two representatives from the department of natural resources and parks, one
1687 to be appointed by the department's director and one to be the director;

1688 B. The director of the department of transportation or the director's designee;

1689 C. The director of the department of ~~((development and environmental services))~~
1690 permitting and environmental review or the director's designee;

1691 D. The director of the Seattle-King County department of public health or the
1692 director's designee;

1693 E. The director of the facilities management division of the department of
1694 executive services or the director's designee;

1695 F. One representative from the King County council staff; and

1696 G. The county demographer.

1697 SECTION 31. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136
1698 are each hereby amended to read as follows:

1699 All new development within the Urban Growth Area shall be served by an
1700 adequate public or private sewage disposal system, including both collection and
1701 treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and
1702 disposal systems shall be permitted in the Urban Growth Area only for single-family
1703 residences or for short subdivisions only on an interim basis and only as follows:

1704 A. For existing individual lots, the director of the department of ~~((development
1705 and environmental services))~~ permitting and environmental review may authorize
1706 individual on-site sewage treatment and disposal systems given the following findings:

1707 1. Application of the requirement of K.C.C. 13.24.035 that all development in
1708 the urban growth area be served by public sewers, would deny all reasonable use of an
1709 individual lot;

1710 2. The applicant has submitted a certificate of sewer availability from the most
1711 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the
1712 director that the requirement to receive public sewer service from the utility is
1713 unreasonable or infeasible at the time of construction;

1714 3. The applicant has provided a certificate of future connection from the
1715 appropriate utility that certifies that an irrevocable agreement has been entered into with
1716 the utility providing that the property shall be connected to public sewers upon
1717 availability of such sewers and that the property owner shall pay all costs of connection
1718 to the sewer and connection of the roof drainage either to the abandoned on-site sewage
1719 drainfield or to septic tank only if completely cleaned out prior to connection. This
1720 certificate shall stipulate that the applicant and the applicant's successor's and interest
1721 agree to participate in and not protest the formation of a utility local improvement district
1722 or local improvement district or utility project that is designed to provide public sewer
1723 services to the property. This certificate shall be recorded in the real property records of
1724 King County and shall be a permanent condition on the property running with the land
1725 until such time as the costs for connection are fully paid to the utility;

1726 4. The abandoned on-site sewage system shall be connected to receive all
1727 rooftop runoff once the property is connected to the public sewer;

1728 B. For short subdivisions, if:

1729 1. The utilities and technical review committee determines that sewer service is
1730 not available in a timely and reasonable manner for property located within the urban
1731 growth area;

1732 2. These on-site systems shall be managed by one of the following entities, in
1733 order of preference:

1734 a. The sewer utility whose service area encompasses the proposed short
1735 subdivision; or

1736 b. The provider most likely to serve the area; or

1737 c. an Onsite Sewage System Maintainer certified by the Seattle-King County
1738 department of health;

1739 3. The approved short subdivision indicates how additional lots to satisfy the
1740 minimum density requirements of K.C.C. Title 21A will be located on the subject
1741 property if sewers become available in the future;

1742 4. There is no further subdivision or short subdivision of lots created under this
1743 section unless the additional lots are served by public sewers; and

1744 5. The applicant has provided a certificate of future connection as required by
1745 subsection A.3. of this section.

1746 C. The applicant has received approval for an on-site sewage treatment and
1747 disposal system design from the department of public health-Seattle and King County in
1748 accordance with the rules and regulations of the King County board of health, K.C.C.
1749 Title 13.

1750 SECTION 32. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140
1751 are each hereby amended to read as follows:

1752 A. All new development in the Urban Growth Area shall be served by:

1753 1. An adequate public or private water supply system, as required by K.C.C.
1754 21A.28.040; and

1755 2. The appropriate existing Group A water purveyor, unless service cannot be
1756 provided in a timely and reasonable manner as provided in RCW 43.20.260 and
1757 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

1758 B. Alternative water service shall be permitted on an interim basis, only as
1759 follows:

1760 1. For individual lots, the director of the department of ~~((development and~~
1761 ~~environmental services)) permitting and environmental review may authorize interim
1762 water service from an existing Group B public water purveyor or the development of an
1763 individual well after making the following findings;~~

1764 a. The applicant has submitted a certificate of water availability from the
1765 appropriate Group A or Group B water purveyor accompanied by a letter from the same
1766 purveyor that demonstrates to the satisfaction of the director that the requirement to
1767 receive water service from the purveyor is unreasonable or infeasible at the time of
1768 construction, which means service cannot be provided in a timely and reasonable manner
1769 in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy
1770 and efficiency as provided in RCW 19.27.097;

1771 b. For connections to a Group B water purveyor, the applicant has received a
1772 water availability certificate from an existing Group B public water purveyor or has

1773 received pre-application approval for connection to a private well from the Seattle-King
1774 County department of public health in accordance with the rules and regulations of Title
1775 12 of the Seattle-King County board of health;

1776 c. For development of a new individual well, the applicant is unable to receive
1777 water service in a timely and reasonable manner or with reasonable economy and
1778 efficiency from any public water system;

1779 d. The applicant has provided a certificate of future connection from the
1780 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
1781 entered into with the purveyor providing that the property shall be connected to the
1782 purveyor's water system upon availability of such water service and that the property
1783 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
1784 and his grantees agree to participate in and not protest the formation of a utility local
1785 improvement district (ULID) or local improvement district (LID) or utility purveyor
1786 project that is designed to provide public water services to the property and agree to
1787 decommission any well that is abandoned in the process of connection to a Group A
1788 water system in conformance with applicable state law. This certificate shall be recorded
1789 in the real property records of King County and shall be a permanent condition on the
1790 property running with the land until such time as the costs for connection are fully paid to
1791 the purveyor; and

1792 e. Application of the standards of this title would otherwise preclude
1793 reasonable use of the property.

1794 2. For subdivisions and short subdivisions, interim water service from a new or
1795 existing public water system may be approved as follows:

1796 a. The applicant has received approval for the creation of a new public system
1797 in accordance with the applicable coordinated water system plan or individual water
1798 system plan reviewed by the county and approved by the state, if any, or the applicant has
1799 received a water availability certificate from an existing public water system; and

1800 b. The director of the department of (~~development and environmental~~
1801 ~~services~~) permitting and environmental review makes the following findings:

1802 (1) The applicant has provided a certificate of future connection from the
1803 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
1804 entered into with the purveyor providing that the property shall be connected to the
1805 purveyor's water system upon availability of such water service and that the property
1806 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
1807 and his grantees agree to participate in and not protest the formation of a utility local
1808 improvement district (ULID) or local improvement district (LID) or utility purveyor
1809 project that is designed to provide public water services to the property and agree to
1810 decommission any well that is abandoned in the process of connection to a Group A
1811 water system in conformance with applicable state law. This certificate shall be recorded
1812 in the real property records of King County and shall be a permanent condition on the
1813 property running with the land until such time as the costs for connection are fully paid to
1814 the purveyor;

1815 (2) The applicant provides a statement from the Group A public water system
1816 designated to assume the new public water system, or within whose service area the new
1817 system is proposed to be constructed, that it will provide satellite management of the
1818 system or that it has entered into an agreement or contract with a satellite management
1819 agency certified by the state Department of Health to provide water service until it can
1820 provide direct service, as required by RCW 70.119A.060; and

1821 (3) Any new public water system will be built to the design standards of the
1822 appropriate Group A water purveyor to which it will be eventually connected.

1823 C. Either existing wells or Group B water systems, or both, may serve the lots
1824 that the systems are ultimately designed to serve and shall be managed in compliance
1825 with applicable health regulations.

1826 SECTION 33. Ordinance 9839, Sections 1 through 4, as amended, and K.C.C.
1827 13.28.035 are each hereby amended to read as follows:

1828 A. The Vashon Coordinated Water System Plan is ratified in accordance with the
1829 regulations of the Washington State Department of Health found in WAC 248-56. The
1830 King County council finds the Vashon Coordinated Water System Plan is consistent with
1831 the county's adopted land use plans and policies, as set forth in chapter 70.116 RCW and
1832 K.C.C. chapter 13.24 and recommends its approval by the Washington state Department
1833 of Health with the following conditions:

1834 1. A principal requirement and objective of the Vashon Coordinated Water
1835 System Plan is the establishment of service areas to assist the water utilities in providing
1836 an effective process for the planning and development of a water system. The Vashon
1837 Coordinated Water System Plan defines a service area as a geographical area assigned to

1838 a water purveyor for the purpose of providing both current and future public water
1839 service consistent with local land use plans. The geographic boundaries are defined by
1840 agreements among adjacent utilities and are recorded on a set of maps on file with the
1841 department of ~~((development and environmental services))~~ permitting and environmental
1842 review, the Seattle/King County department of public health, and the department of
1843 executive services. Water service provided within a designated service area is to be
1844 consistent with county land use plans and policies and existing county review procedures
1845 regarding water utility comprehensive plans, a water utility's service area and a planning
1846 area. An existing service area is a geographic area within which service to customers is
1847 available as specifically defined on a map in a utility's comprehensive plan which is
1848 approved by King County as consistent with its land use policies.

1849 A planning area is the remaining geographic area identified on the service area
1850 maps contained in the Vashon Coordinated Water System Plan which is a logical area for
1851 expansion of the system. Extension of service into the planning area requires King
1852 County approval as part of the utility's comprehensive plan to make certain that the
1853 proposed utility service is consistent with land use plans and policies.

1854 2. Vashon Island purveyors recognize the county's land use policies and will not
1855 use water service as a vehicle to supersede the land use policies and zoning on Vashon
1856 Island. The purveyors may perform satellite management of all class 2, 3 and 4 water
1857 systems within their service areas as provided for by the Vashon Coordinated Water
1858 System Plan.

1859 3. An application has been submitted to the United States Environmental
1860 Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer.

1861 For this reason, a water conservation program is an integral element of the Vashon
1862 Coordinated Water System Plan. All purveyors shall develop a conservation element as
1863 part of their individual water comprehensive plans. The conservation programs to reduce
1864 water consumption as outlined in the Vashon Coordinated Water System Plan shall be in
1865 place and operating by 1996 and will be reviewed by the Washington state Department of
1866 Health with assistance from the Water Utility Coordinating Committee. King County
1867 will monitor and review the effectiveness of purveyor conservation plans in conjunction
1868 with the approval of their water comprehensive plans. 1991 will be the base year used to
1869 establish the average annual per capita water consumption figure for measurement
1870 purposes, adjusted for any weather abnormalities or previous reduction as a result of an
1871 existing conservation program. All water utilities shall achieve a four percent minimum
1872 total reduction in water use from the 1991 average annual per capita consumption figure
1873 by 1996.

1874 A minimum total reduction in average per capita water consumption of six
1875 percent from the 1991 base figure is the stated goal for the entire Vashon/Maury Island
1876 Critical Water Supply Service Area by the year 2000.

1877 B. The Vashon Coordinated Water System Plan identified an unresolved service
1878 area dispute between Westside Water Association and Island Spring Water Company.
1879 King County recommends to the Washington state Department of Health that the area in
1880 question be assigned as part of the designated water service area of Westside Water
1881 Association.

1882 C. King County approvals of water service areas through water comprehensive
1883 plans or developer extensions will be based upon consistency with V-59 and V-60 of the

1884 Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County
1885 Comprehensive Plan, in effect on March 14, 1991.

1886 D. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow
1887 requirements as long as the main will serve exempt uses only shall be utilized in sizing
1888 water mains. Consistent with K.C.C. 17.08.030 A.4 and A.5, if fire protection measures
1889 are warranted for buildings over two thousand five hundred square feet, sprinkler
1890 systems, on-site water storage facilities or other measures shall be proven infeasible
1891 before requiring fire flow to the site.

1892 SECTION 34. Ordinance 9462, Sections 1 through 3, as amended, and K.C.C.
1893 13.28.055 are each hereby amended to read as follows:

1894 A. The East King County Coordinated Water System Plan is ratified in
1895 accordance with the regulations of the Washington state Department of Health found in
1896 chapter 248-56 WAC. The King County council finds the East King County Coordinated
1897 Water System Plan is consistent with the county's adopted land use plans and policies, as
1898 called for in chapter 70.116 RCW and K.C.C. chapter 13.24 and recommends its approval
1899 by the Washington state Department of Health with the following conditions:

1900 1. A principle requirement and objective of the East King County Coordinated
1901 Water System Plan is the establishment of service areas to assist the water utilities in
1902 providing an effective process for the planning and development of a water system. The
1903 East King County Coordinated Water System Plan defines a service area as a
1904 geographical area assigned to a water purveyor for the purpose of providing both current
1905 and future public water service consistent with local land use plans. The geographic
1906 boundaries are defined by agreements among adjacent utilities and are recorded on a set

1907 of maps on file with the department of (~~development and environmental services~~)
1908 permitting and environmental review, the Seattle-King County health department and the
1909 department of executive services. Water service provided within a designated service
1910 area is to be consistent with local land use plans. In order to be consistent with county
1911 land use plans and policies and existing county review procedures regarding water utility
1912 comprehensive plans, a water utility's service area boundary in the context of the East
1913 King County Coordinated Water System Plan is understood to consist of an existing
1914 service area and a planning area. An existing service area is a geographic area within
1915 which service to customers is available as specifically defined on a map in a utility's
1916 comprehensive plan which is approved by King County as consistent with its land use
1917 policies.

1918 A planning area is the remaining geographic area identified on the service area
1919 maps contained in the East King County Coordinated Water System Plan which is a
1920 logical area for expansion of the system. Extension of service into the planning area
1921 requires King County approval as part of the utility's comprehensive plan to make certain
1922 that the proposed utility service is consistent with land use plans and policies.

1923 2. East King County purveyors recognize the county's land use policies and will
1924 not use water service as a vehicle to supersede the land use policies and zoning within
1925 unincorporated King County.

1926 The purveyors may perform satellite management of all class 2, 3 and 4 water
1927 systems within their service areas as provided for by the East King County Coordinated
1928 Water System Plan.

1929 3. A water conservation program is an integral element of the East King County
1930 Coordinated Water System Plan. All purveyors shall develop a conservation element as
1931 part of their individual water comprehensive plans. The conservation program to reduce
1932 water consumption as outlined in the East King County Coordinated Water System Plan
1933 shall be in place and operating by 1995 and will be reviewed at that time for its
1934 effectiveness by the Washington state Department of Health with assistance from the
1935 Water Utility Coordinating Committee. King County will monitor and review the
1936 effectiveness of purveyor conservation plans in conjunction with the approval of their
1937 water comprehensive plans.

1938 1990 will be the base year used to establish the average annual per capita water
1939 consumption figure for measurement purposes, adjusted for any weather abnormalities or
1940 previous reduction as a result of an existing conservation program.

1941 All utilities of five hundred or fewer customers shall achieve a four percent
1942 minimum total reduction in water use from the 1990 average annual per capita
1943 consumption figure by 1995.

1944 Utilities with five hundred to ten thousand customers and those utilities with
1945 greater than ten thousand customers shall achieve a six and five-tenths percent reduction
1946 per capita consumption figure by 1995.

1947 A minimum total reduction in average per capita water consumption of eight
1948 percent from the 1990 base figure is the stated goal for the entire East King County
1949 Critical Water Supply Service Area by the year 2000.

1950 B. With respect to the unresolved service area between the city of Redmond and
1951 Union Hill Water Association, King County recommends to the Washington state

1952 Department of Health that the area in question be assigned as a part of the city of

1953 Redmond's designated water service area with the following provisions:

1954 1. The city of Redmond shall establish an implementation schedule to finalize
1955 water service arrangements to this area in a timely and reasonable manner and the area
1956 shall be addressed in its Comprehensive Water Plan updated by the end of 1990. If this is
1957 not accomplished, reconsideration will be given to another service provider for the area.

1958 2. The city of Redmond shall endorse land use and zoning as provided in the
1959 Bear Creek Community Plan and Area Zoning and shall not use water service to
1960 supersede King County land use authority. Failure to comply will cause King County to
1961 withdraw its approval of this portion of the coordinated water system plan and to
1962 decertify that particular service area for consistency with county land use plans and
1963 policies. Washington state Department of Health will be notified of this action and the
1964 consequences.

1965 3. King County supports the city of Redmond and the Woodinville Sewer and
1966 Water District in the effort to reexamine the existing interlocal agreement between them
1967 regarding provision of water service in this area and to consider changes based on
1968 property ownership lines.

1969 C. The Seattle-King County department of public health requests that the
1970 following changes to the plan be forwarded to the Washington state Department of
1971 Health for consideration during the final Washington state Department of Health
1972 approval process:

1973 SECTION XI, Part 4 of the East King County Coordinated Water System Plan

1974 follows:

1975 a. 4A, first paragraph, insert before the last sentence:

1976 "SKCHD maintains a database for data related to ground water systems."

1977 Replace the last sentence with: "However, there is currently no unified program for
1978 developing a common utility planning database for storage and use of all utility planning
1979 information."

1980 b. Change the first sentence of the third paragraph to read: "A database will
1981 also be maintained by the SKCHD for groundwater systems and related regulatory
1982 information using information provided by USGSS, EPA, Ecology, and utilities."

1983 SECTION 35. Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020
1984 are each hereby amended to read as follows:

1985 The department of (~~development and environmental services~~) permitting and
1986 environmental review (or its successor organization) is authorized to require all
1987 applicants issued permits or approvals under the provisions of the title to post financial
1988 guarantees consistent with the provisions of Title 27A.

1989 SECTION 36. Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010 are
1990 each hereby amended to read as follows:

1991 A. APPLICANT. "Applicant" means a property owner or a public agency or
1992 public or private utility which owns a right-of-way or other easement or has been
1993 adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or
1994 entity designated or named in writing by the property or easement owner to be the
1995 applicant, in an application for a development proposal, permit or approval.

1996 B. DEPARTMENT. "Department" means the department of (~~development and~~
1997 ~~environmental services~~) permitting and environmental review.

1998 C. DEVELOPMENT APPROVAL. "Development approval" means the granting
1999 of a building permit, mobile home on-site permit, short subdivision or other county land
2000 use approval or approvals.

2001 D. DEVELOPMENT ENGINEER. "Development engineer" means the
2002 (~~building and land development division~~) department employee authorized to oversee
2003 the review, conditioning, inspection and acceptance of right-of-way use permits, road and
2004 drainage projects constructed pursuant to permits administered by the division. The
2005 development engineer or designee shall be a professional civil engineer registered and
2006 licensed under the laws of the State of Washington.

2007 E. RIGHT-OF-WAY USE PERMIT.

2008 1. "Right-of-way use permit: limited" means a permit authorizing the use of the
2009 county right-of-way for a designated purpose and for a period of time limited to one year
2010 or less.

2011 2. "Right-of-way use permit: extended" means a permit authorizing the use of
2012 the county right-of-way for a designated purpose and for a period of time exceeding one
2013 year in duration.

2014 SECTION 37. Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090
2015 are each hereby amended to read as follows:

2016 The director of the department of transportation and the director of the department
2017 of (~~development and environmental services~~) permitting and environmental review are
2018 authorized to enforce the provisions of this chapter, and any rules and regulations

2019 promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C.
2020 Title 23.

2021 SECTION 38. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020 are
2022 each hereby amended to read as follows:

2023 A. Special use permits shall be required for any use of county property except
2024 uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C.
2025 chapter 14.28 relating to county road system rights-of-way use permits.

2026 B. Upon receipt of an application for a "Special Use" permit upon county
2027 property, the property services division shall determine whether the proposed use is upon
2028 county owned property.

2029 C. The property services division shall forward the application to all county
2030 custodial departments for review.

2031 D. The custodial departments shall review the application and forward its
2032 recommendation whether the permit shall be issued by the property services division. If
2033 a custodial department recommends denial, the property services division shall deny the
2034 permit.

2035 E. If there is no custodial department with jurisdiction over the county property,
2036 the property services division shall evaluate the feasibility of the proposed use, its impact
2037 on other uses of the county property and its impact on public health and safety. Based on
2038 this evaluation, the property services division shall determine whether the permit should
2039 be issued.

2040 F. In all cases, the property services division shall forward the application to the
2041 department of (~~(development and environmental services)~~) permitting and environmental
2042 review for recommendations on critical area issues and the property services division
2043 shall be responsible for assuring that any application meets the requirements of K.C.C.
2044 chapter 21A.24 and the administrative rules promulgated thereunder before the permit is
2045 issued.

2046 SECTION 39. Ordinance 8041, Section 3, as amended, and K.C.C. 14.42.020 are
2047 each hereby amended to read as follows:

2048 A. "~~(County road)~~ County road engineer" means the King County road
2049 engineer, having authorities specified in RCW 36.75.050 and chapter 36.80 RCW, or his
2050 or her authorized representatives.

2051 B. "Development review engineer" means the department of (~~(development and~~
2052 ~~environmental services)~~) permitting and environmental review employee responsible for
2053 the conditioning, review, inspection and approval of right-of-way use permits, and road
2054 and drainage improvements constructed as part of development permits administered by
2055 the department of (~~(development and environmental services)~~) permitting and
2056 environmental review. The development review engineer or his or her designee shall be
2057 a professional civil engineer registered and licensed under the laws of the state of
2058 Washington.

2059 C. "Reviewing agency" means the King County department of (~~(development and~~
2060 ~~environmental services)~~) permitting and environmental review or its successor agency
2061 responsible for reviewing subdivisions and other developments within its jurisdiction.

2062 D. "Standards" means King County Road Design and Construction Standards.

2063 SECTION 40. Ordinance 13734, Section 9, and K.C.C. 14.45.070 are each
2064 hereby amended to read as follows:

2065 The property services division, roads services division of the department of
2066 transportation and the department of (~~development and environmental services~~)
2067 permitting and environmental review shall coordinate review and inspection of the
2068 application for a right-of-way use agreement and, to the extent required, any zoning
2069 approvals, building permits and environmental review under the state Environmental
2070 Policy Act, as follows:

2071 A. The property services division shall coordinate the review by all departments
2072 of right-of-way use agreement applications.

2073 B. The roads services division shall review and evaluate applications with respect
2074 to the hazard and risk of the proposed construction and location of the proposed
2075 construction in relation to other utilities in the right-of-way.

2076 C. The department of (~~development and environmental services~~) permitting and
2077 environmental review shall review and evaluate all applications to determine consistency
2078 with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance
2079 13734. The department shall also be the lead agency for purposes of any environmental
2080 review required under K.C.C. 20.44.

2081 SECTION 41. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080
2082 are each hereby amended to read as follows:

2083 A. The following fees shall be required for the administrative costs and expenses
2084 of processing and inspecting a right-of-way use agreement application.

Review Agency	Fee
Real estate services section of the facilities management division (application processing and coordinating)	\$500
Department of ((development and environmental services)) <u>permitting and environmental review</u> (zoning review)	as provided in K.C.C. 27.10.120
Road services division (inspection)	\$125 per hour

2085 The application processing and coordination fee to recover the cost of processing
2086 the application by the real estate services section shall be paid thereto upon filing of the
2087 application, and is nonrefundable.

2088 B. In addition, the real estate services section shall have the authority to require
2089 applicants to reimburse the real estate services section for actual costs incurred by the real
2090 estate services section as a result of issuance, renewing or amending a wireless right-of-
2091 way use agreement under this chapter, to the extent the costs exceed the costs of
2092 processing the application recovered by the application processing and coordination fee.
2093 The payment of actual cost balances shall be made at the time the wireless right-of-way
2094 use agreement is executed.

2095 SECTION 42. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090
2096 are each hereby amended to read as follows:

2097 A. The property services division shall coordinate the review by all departments
2098 of permit applications.

2099 B. The department responsible for the management of the property to be affected
2100 shall review and evaluate applications with respect to the hazard and risk of the proposed

2101 construction or use; location of the proposed construction or use in relation to other
2102 facilities using the property; the adequacy of the engineering and design of the proposed
2103 construction or use; and applicable federal, state, county and local laws and regulations.

2104 C. The Seattle-King County department of public health shall review and
2105 evaluate applications for the construction of waterworks, except for domestic service
2106 connections, to determine consistency with state and local health and sanitation
2107 regulations.

2108 D. The King County fire marshal shall review and evaluate applications for the
2109 construction of waterworks to determine consistency with county standards for water
2110 mains and fire hydrants.

2111 E. All applications for the construction of sewer or water facilities must be
2112 certified by the department of ~~((development and environmental services))~~ permitting and
2113 environmental review as consistent with a sewer or water comprehensive plan approved
2114 by the county council pursuant to K.C.C. chapter 13.24.

2115 F. In any case, the property services division shall forward the application to the
2116 department for recommendations on critical area issues and the property services division
2117 shall be responsible for assuring that any application meets the requirements of K.C.C.
2118 chapter 21A.24 and the administrative rules promulgated thereunder before the permit is
2119 issued.

2120 SECTION 43. Ordinance 11617, Section 4, as amended, and K.C.C. 14.65.020
2121 are each hereby amended to read as follows:

2122 A. Following the submission of a development application, the department of
2123 transportation shall determine the transportation impact fee to be paid under K.C.C.

2124 chapter 14.75 and shall determine the traffic impacts of the proposed development on
2125 roadway intersections that will be adversely impacted and which must be mitigated using
2126 K.C.C. chapter 14.80.

2127 B.1. The vehicular trips expected to be generated by a proposed development
2128 shall be calculated as of the time of application, using standard generation rates published
2129 by the Institute of Transportation Engineers, other standard references or from other
2130 documented information and surveys approved by the department of transportation.

2131 2. The department of transportation may approve a reduction in generated
2132 vehicle trips calculated under subsection B.1. of this section based on the types of land
2133 uses that are to be developed, on the expected amount of travel internal to the
2134 development, on the expected pass-by trips from existing traffic or on the expected
2135 reduction of vehicle traffic volumes. Such a reduction shall be used when calculating
2136 mitigation payment system and intersection standards, including any impact and
2137 mitigation fees and costs for which the development shall be liable.

2138 3. The calculation of vehicular trip reductions as described in this section shall
2139 be based in all cases upon sound and recognized technical information and analytical
2140 process that represent current engineering practice. In all cases, the department of
2141 transportation shall have final approval of all such data, information and technical
2142 procedures used to calculate trip reductions.

2143 C. Intersection level of service shall be calculated according to the most recent
2144 Highway Capacity Manual or an alternative method approved by the department of
2145 transportation.

2146 D. The intersection standard for all intersections shall be "E" as required by the
2147 K.C.C. chapter 14.80 and calculated according to the most recent Highway Capacity
2148 Manual or approved alternative method.

2149 E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and
2150 road design, the standards in subsection D of this section shall be used in the integrated
2151 transportation program for the determination of traffic impacts for the state
2152 Environmental Policy Act evaluation of a proposed development.

2153 F. Fees for the mitigation payment system and intersection standards shall be as
2154 follows:

2155 1. All developments subject to the mitigation payment system fees shall pay an
2156 administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the time of
2157 application for a mitigation payment system determination. Payment for impact
2158 mitigation fees under mitigation payment system shall be paid at the time a development
2159 permit is issued, but residential developments may defer payment until building permits
2160 are issued, except as otherwise provided in K.C.C. 14.75.075; and

2161 2. Administrative fees shall not be charged for intersection standards review, but
2162 the owner of a proposed development is responsible for the costs of any traffic study
2163 needed to determine traffic impacts and mitigation measures at intersections, as
2164 determined by the director.

2165 G. The need for the environmental assessment of a proposed development must
2166 be determined by the department of ~~((development and environmental services))~~
2167 permitting and environmental review, following the filing of a completed permit

2168 application. Impacts on the road system will be mitigated through mitigation payment
2169 system fees. Impacts on intersections will be mitigated through K.C.C. chapter 14.80.

2170 H. Nothing in this chapter shall cause a developer to pay mitigation and impact
2171 fees more than once for the same impact. Improvements and mitigation measures shall
2172 be coordinated by the director with other such improvements and measures attributable to
2173 other proposed developments, and with the county road improvement program so that the
2174 county road system is improved efficiently and effectively, with minimum costs to be
2175 incurred by public and private entities. This title does not supersede or replace the county
2176 state Environmental Policy Act authority as enacted in K.C.C. chapter 20.44.

2177 SECTION 44. Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210
2178 are each hereby amended to read as follows:

2179 The definitions in this section apply throughout this chapter unless the context
2180 clearly requires otherwise.

2181 A. "Average travel speed" means the average speed in miles per hour of a vehicle
2182 over a certain length of road.

2183 B. "Capital improvement program" or "CIP" means the expenditures and
2184 revenues programmed by King County for capital purposes for road improvements over
2185 the next six-year period in the adopted CIP currently in effect.

2186 C. "Comprehensive Plan: means the adopted King County Comprehensive Plan.

2187 D. "Concurrency" means transportation facilities are in place at the time of
2188 development or that a financial commitment is in place to complete within six years the
2189 improvements needed to maintain the county level of service standards, according to
2190 RCW 36.70A.070(6).

2191 E. “Concurrency map” means the map displaying the concurrency status of all
2192 areas of unincorporated King County for residential and commercial land uses based
2193 upon the concurrency test. The map (~~(shall)~~) shall signify concurrency service status as
2194 designated in K.C.C. 14.45.060.

2195 F. “Concurrency status” means whether or not an area passes the concurrency
2196 test.

2197 G. “Concurrency test” means determining whether or not an area meets level of
2198 service standards as described in K.C.C. 14.70.220..

2199 H. “Department” means the King County department of transportation or its
2200 successor agency.

2201 I. “Development” means specified changes in use designed or intended to permit
2202 a use of land that will contain more dwelling units or buildings than the existing use of
2203 the land, or to otherwise change the use of the land or buildings or improvements on the
2204 land in a manner that increases the amount of vehicle traffic generated by the existing use
2205 of the land, and that requires a development permit from King County. This definition
2206 does not pertain to the rezoning of land or a grading permit.

2207 J. “Development application” means the request made to the department of
2208 (~~(development and environmental services)~~) permitting and environmental review, or its
2209 successor agency, for approval of a development.

2210 K. “Development approval” means an order, permit or other official action of the
2211 department of (~~(development and environmental services)~~) permitting and environmental
2212 review or its successor agency granting, or granting with conditions, an application for
2213 development.

2214 L. "Development units" means the number of dwelling units for residential
2215 development.

2216 M. "Director" means the director of the department.

2217 N. "Financial commitment" consists of:

2218 1. Revenue designated in the adopted CIP. The adopted CIP identifies all
2219 applicable and available revenue sources and forecasts these revenues through the six-
2220 year period with reasonable assurance that the funds will be timely put to those ends.

2221 Projects to be used in the concurrency analysis are fully funded for construction in the six
2222 years of the CIP. This funding commitment is reviewed through the annual budget
2223 process; or

2224 2. Revenue that is assured by an applicant in a form approved by the county in a
2225 voluntary agreement.

2226 O. "Highways of statewide significance that are not limited access and that
2227 function similar to county arterials" means segments of highways of statewide
2228 significance that:

2229 1. Allow driveways and side streets to connect directly to the highway;

2230 2. Provide primary connections between major centers of activity; and

2231 3. Function as high traffic corridors for intraarea travel between business
2232 districts and communities or rural towns.

2233 P. "Level of service standard" means the travel time standards that are adopted in
2234 the Comprehensive Plan and in this chapter.

2235 Q. "Peak period" means the one-hour weekday afternoon period during which the
2236 greatest volume of traffic uses the road system. For concurrency purposes, this period
2237 shall be in the afternoon of a typical weekday.

2238 R. "Road classification" means the classification of roadways as determined by
2239 the county council by ordinance based on the function and design of a specific road.

2240 S. "Rural Area" means a Rural Area as defined in the Comprehensive Plan.

2241 T. "Rural Mobility Area" means one of the rural towns as defined by the
2242 Comprehensive plan.

2243 U. "Rural Neighborhood Commercial Center" means the large rural
2244 neighborhood commercial centers of Cottage Lake, Maple Valley, Preston and
2245 Cumberland.

2246 V. "Rural Town" means a Rural Town as defined in the Comprehensive Plan.

2247 W. "Segment" means a portion of an arterial used in level of service standard
2248 calculation and defined consistent with methodology described in Federal Highway
2249 Administration Report FHWA-PL-98-035, March 1993, or as updated and used to
2250 calculate level of service.

2251 X. "Transportation facilities" means principal, minor and collector arterial roads,
2252 state highways and high occupancy vehicle facilities as well as associated sidewalks, bike
2253 lanes and other facilities supporting nonmotorized travel. Transportation facilities
2254 include any such a facility owned, operated or administered by the state of Washington
2255 and its political subdivisions, including the county and cities.

2256 Y. "Travel shed" means a geographic area within which all development would
2257 be likely to use or be affected by traffic on arterials within the travel shed.

2258 Z. "Travel time" means the time it takes a vehicle to travel from one specified
2259 point to another.

2260 AA. "Travel time standard" means the level of service standard used to judge the
2261 performance of arterial road segments. The level of service standard is identified by
2262 ranges of average travel speed by road classification.

2263 BB. "Urban Growth Area" means an Urban Growth Area as defined in the King
2264 County Comprehensive Plan.

2265 SECTION 45. Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240
2266 are each hereby amended to read as follows:

2267 A. The department of (~~development and environmental services~~) permitting and
2268 environmental review shall accept applications for a development approval only for
2269 development in areas that pass the concurrency test as shown on the concurrency map in
2270 effect at the time of application.

2271 B. Concurrency is valid for the development permit application period and
2272 subsequently for the same time as the development approval.

2273 SECTION 46. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260
2274 are each hereby amended to read as follows:

2275 A. Any issues relating to the adequacy of the concurrency analysis and test or to
2276 the accuracy of the concurrency map shall be raised to the county council during the
2277 annual council consideration of the concurrency map as provided in K.C.C. 14.70.270.

2278 B. There is no administrative appeal of the department of (~~development and~~
2279 ~~environmental services~~) permitting and environmental review's final decision of
2280 concurrency denial or approval based on the concurrency map.

2281 SECTION 47. Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270

2282 are each hereby amended to read as follows:

2283 A. The concurrency map shall be updated annually as part of the budget process
2284 or when authorized by the county council by ordinance. The update process shall include
2285 the most recently adopted roads CIP, updated traffic volumes and updated travel time
2286 surveys and standards and methodologies as described in K.C.C. 14.70.220 and
2287 14.70.230. The concurrency map shall be submitted to council for its approval by
2288 ordinance. The updates shall be deemed adequate for the purposes of concurrency
2289 analysis and the concurrency map shall be used to determine the concurrency of proposed
2290 development projects.

2291 B. An annual report shall be prepared by the road services division on the
2292 concurrency program update. The annual report shall explain the technical assumptions,
2293 land use changes, network changes and other parameters used to update the concurrency
2294 map and/or travel shed boundary map. The annual report shall be submitted to the
2295 council along with the annual update required by subsection A. of this section. Eleven
2296 copies of the report shall be filed with the clerk of the council, who shall retain the
2297 original and shall forward copies to each councilmember and to the lead staff of the
2298 council's transportation committee, or its successor.

2299 C.1. An independent expert review panel on concurrency shall be established to:
2300 a. review the annual report on the concurrency update; and
2301 b. evaluate proposed changes to the transportation concurrency process,
2302 analysis and test developed by the road services division.

2303 2. The panel shall be comprised of four to six persons and include
2304 representation from the development community, the environmental community,
2305 transportation planning professionals, the unincorporated area, the public at large and
2306 multimodal transportation interest groups. Each representative shall be appointed by the
2307 executive and confirmed by the council.

2308 3. A summary of the panel's review of the annual report on the concurrency
2309 update and its evaluation of proposed changes to the transportation concurrency process,
2310 analysis and test shall be included with the submittal of the annual report to the council.

2311 D. The concurrency map is a result of the concurrency analysis and test, as
2312 described in subsection A. of this section. The concurrency map indicates if an area does
2313 or does not comply with adopted level of service standards. Any changes to the
2314 concurrency status of an area or areas on the concurrency map other than those resulting
2315 from the update process may only be accomplished by the council, through an ordinance,
2316 by changing any combination of the adopted level of service standards, or the list of
2317 funded projects in the most recently adopted CIP.

2318 SECTION 48. Ordinance 17190, Section 5, and K.C.C. 14.75.075 are each
2319 hereby amended to read as follows:

2320 A.1. An applicant for a residential subdivision, short subdivision, urban planned
2321 development or planned unit development may defer payment of the mitigation payment
2322 system fee required by K.C.C. 14.75.070 if the applicant:

2323 a. records the subdivision or short subdivision;

2324 b. submits to the department of ~~((development and environmental services))~~

2325 permitting and environmental review a signed and notarized deferred mitigation payment

2326 system fee application and acknowledgement form for either one or more single detached
2327 dwelling units in the same development or all of the dwelling units in a multifamily
2328 residential building for which the property owner wishes to defer payment of the
2329 mitigation payment system fees; and

2330 c. pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2331 2. Unless the mitigation payment system fee is subsequently deferred under
2332 subsection B. of this section, the fee deferred under this subsection shall be paid at the
2333 time the building permit is issued.

2334 B. A building permit applicant may defer payment of the mitigation payment
2335 system fee required by K.C.C. 14.75.070 for a single detached dwelling unit,
2336 condominium unit, or all of the dwelling units in a multifamily residential building until
2337 the earlier of the seven days after the date of the sale of a single detached dwelling unit, a
2338 condominium unit or a multifamily residential building or eighteen months after issuance
2339 of the original building permit, but only if before issuance of the building permit, the
2340 applicant:

2341 1. Submits to the department of (~~development and environmental services~~)
2342 permitting and environmental review a signed and notarized deferred mitigation payment
2343 system fee application and acknowledgement form for each single detached dwelling
2344 unit, condominium unit or all of the dwelling units in a multifamily residential building
2345 for which the applicant wishes to defer payment of the mitigation payment system fees;

2346 2. Records at the applicant's expense a covenant and lien that:

2347 a. requires payment of the mitigation payment system fee to the department of
2348 (~~development and environmental services~~) permitting and environmental review at the

2349 earlier of seven days after the date of sale or eighteen months after issuance of the
2350 original building permit;

2351 b. provides that if the mitigation payment system fee is paid through escrow at
2352 closing of sale, in the absence of an agreement between the buyer and the seller to the
2353 contrary, the mitigation payment system fee shall be paid from the seller's proceeds;

2354 c. provides that the seller bears strict liability for the payment of the mitigation
2355 payment system fee;

2356 d. requires the seller or seller's agent of property subject to the covenant and
2357 lien to provide written disclosure of the covenant and lien to a purchaser or prospective
2358 purchaser. Disclosure of the covenant must include the amount of mitigation payment
2359 system fee payable and that the fee is to be paid to the department of ~~((development and
2360 environmental services))~~ permitting and environmental review on the date of sale; and

2361 e. makes the applicant legally liable for payment of the mitigation payment
2362 system fee if the fee is not paid by the earlier of seven days after the date of sale or
2363 eighteen months after the building permit has been issued; and

2364 3. Pays the nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2365 C. The administrative deferral fee paid under K.C.C. 14.75.080 shall not be
2366 credited against the mitigation payment system fee required by K.C.C. 14.75.070.

2367 D. Payment of mitigation payment system fees deferred under subsection A. or
2368 B. of this section shall be made by cash, escrow company check, cashier's check or
2369 certified check.

2370 E. Upon receipt of payment of mitigation payment system fees deferred under
2371 subsection A. or B. of this section, the department of ~~((development and environmental~~

2372 services)) permitting and environmental review shall execute a lien release for each
2373 single detached dwelling unit, condominium unit, or multifamily residential building for
2374 which the mitigation payment system fees have been received. Unless an agreement to
2375 the contrary is reached between buyer and seller, the seller, at the seller's expense, shall
2376 be responsible for recording the lien release.

2377 F. Compliance with the requirements for deferring mitigation payment system
2378 fees under subsection A. or B. of this section constitutes compliance with subdivision or
2379 short subdivision conditions relating to the timing of the mitigation payment system
2380 impact fees under this chapter.

2381 SECTION 49. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290
2382 are each hereby amended to read as follows:

2383 Section 105.5 of the International Building Code is not adopted and the following
2384 is substituted:

2385 **Expiration (IBC 105.5).** Every permit issued by the building official under the
2386 provisions of the Code shall expire by limitation and become null and void one year from
2387 date of issue. Issued permits may be extended for one year periods subject to the
2388 following conditions:

2389 1. An application for a permit extension together with the applicable fee is
2390 submitted to the department (~~(of development and environmental services)~~) at least seven
2391 (7), but no more than sixty (60), calendar days prior to the date the original permit
2392 becomes null and void. Once the permit extension application is submitted, work may
2393 continue past the expiration date of the original permit, provided that the extension

2394 application is not denied. If the extension application is denied, all work must stop until a
2395 valid permit is obtained.

2396 2. If construction of a building or structure has not substantially commenced, as
2397 determined by the building official, within two years from the date of the first issued
2398 permit and the building and the structure is no longer authorized by the zoning code or
2399 other applicable law, then the permit shall not be extended.

2400 3. An applicant may request a total of two permit extensions provided there are
2401 no substantial changes in the approved plans and specifications.

2402 4. The building official may extend a building permit beyond the second
2403 extension only to allow completion of a building, structure or mechanical system
2404 authorized by the original permit and substantially constructed. If substantial work, as
2405 determined by the building official, has not commenced on a building and/or structure
2406 authorized in the original permit, then a new permit will be required for construction to
2407 proceed.

2408 **Exception:** Until December 31, 2012, the building official may grant a third or
2409 fourth extension for building permits where substantial work has not commenced, if:

2410 1. The applicant makes a written request to the building official for an
2411 extension of the building permit;

2412 2. The applicant pays applicable permit extension fees; and

2413 3. There are no substantial changes in the approved plans or specifications.

2414 5. The staff of the department (~~of development and environmental services~~)
2415 may revise a permit at the permittee's request but such a revision does not constitute a
2416 renewal or otherwise extend the life of the permit.

2417 SECTION 50. Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040 are
2418 each hereby amended to read as follows:

2419 Whenever the following words appear in the code, they are to be changed as
2420 follows:

2421 A. Building official or code official to director, department of (~~development and~~
2422 ~~environmental services~~) permitting and environmental review;

2423 B. Name of jurisdiction to unincorporated King County;

2424 C. The department of building and safety to King County department of
2425 (~~development and environmental services~~) permitting and environmental review;

2426 D. Design flood elevation to base flood elevation;

2427 E. Mobile home to manufactured home.

2428 SECTION 51. Ordinance 14914, Section 104, and K.C.C. 16.03.120 are each
2429 hereby amended to read as follows:

2430 Department: the King County department of (~~development and environmental~~
2431 ~~services~~) permitting and environmental review or successor agency.

2432 SECTION 52. Ordinance 14914, Section 105, and K.C.C. 16.03.130 are each
2433 hereby amended to read as follows:

2434 Director: the director of the department of (~~development and environmental~~
2435 ~~services~~) permitting and environmental review, or successor agency, or the person
2436 designated by the director to act. "Director" includes "building official" and "code
2437 official."

2438 SECTION 53. Ordinance 12560, Section 69, as amended, and K.C.C. 16.04.570
2439 are each hereby amended to read as follows:

2440 The International Building Code is supplemented by the following appendix:

2441 **Application to existing buildings (IBC AZ 103).** Additions may be made to
2442 existing buildings or structures without making the entire building structure comply with
2443 all the requirements of this chapter for new construction. Additions shall be made to
2444 comply in the areas being added to the extent that it is deemed practical and effective by
2445 the director (~~(of the department of development and environmental services)~~) in meeting
2446 the intent of this chapter.

2447 Any change of use in the occupancy or use of a building previously unapproved
2448 for human occupancy to human occupancy use or one previously unused for sleeping
2449 purposes to sleeping use shall not be permitted unless the building, structure or portion of
2450 the building complies with this chapter.

2451 SECTION 54. Ordinance 12560, Section 71, as amended, and K.C.C. 16.04.590
2452 are each hereby amended to read as follows:

2453 The International Building Code is supplemented by the following appendix:

2454 **Fees (IBC AZ 105).** The director(~~(, department of development and~~
2455 ~~environmental services,)~~) is authorized to collect fees for administration, plan checking
2456 and inspection. This fee shall be known as the Sea-Tac Noise Fee. The fee shall be
2457 calculated as the sum of the fees for special plan review and supplemental inspection.

2458 SECTION 55. Ordinance 11622, Section 2, 1994, and K.C.C. 16.04.880 are each
2459 hereby amended to read as follows:

2460 The department (~~(of development and environmental services (hereafter referred~~
2461 ~~to as department))~~) shall not commence review of any application authorized by this title

2462 until the property owner has submitted the materials and fees specified for complete
2463 applications.

2464 SECTION 56. Ordinance 12380, Section 3, as amended, and K.C.C. 16.04.950
2465 are each hereby amended to read as follows:

2466 All mobile homes shall comply with the following requirements:

2467 A. "Insignia" Mobile Homes. Mobile homes approved by DLI or HUD shall
2468 have the appropriate insignia indicating such approval affixed to the unit, in accordance
2469 with chapter 43.22 RCW.

2470 B. "Noninsignia" Mobile Homes. Mobile homes without an insignia of approval
2471 in accordance with subsection A of this section are subject to the following provisions:

2472 1. Mobile homes currently located within King County may remain in their
2473 current location. However, prior to the relocation of such mobile home to another portion
2474 of King County, the owner shall provide evidence that the mobile home was located
2475 within King County before January 21, 1980. A "noninsignia" mobile home currently
2476 located outside of King County may be relocated to King County only when subject to
2477 forced relocation in accordance with RCW 59.21.105.

2478 2. Prior to installing a noninsignia mobile home, the mobile home shall be
2479 inspected and approved by the department (~~(of development and environmental~~
2480 ~~services)~~). The inspection shall review consistency with the following livability
2481 standards, but shall not be considered a warranty that the mobile home is safe or livable:

2482 a. the unit must have safe, operable heating facilities.

2483 b. the unit must be equipped with a water closet, lavatory, bathtub or shower,
2484 and kitchen sink; be provided with hot and cold running water; and all facilities shall be
2485 installed and maintained in a safe and sanitary condition.

2486 c. the structure must be weather-protected so as to provide shelter for the
2487 occupants against the elements and to exclude dampness.

2488 d. all openable windows and doors must be in operable condition to provide
2489 for adequate natural ventilation and emergency exit.

2490 e. at least one operable smoke detector shall be installed within the unit.

2491 f. the unit shall be structurally sound with no apparent unsafe condition in
2492 floors, walls, ceilings and roofs.

2493 g. the unit must be well maintained, free of debris and infestation of insects,
2494 vermin or rodents.

2495 C. All mobile homes are subject to the following installation requirements:

2496 1. Support systems and stabilizing devices shall be designed and installed in
2497 accordance with the provisions of WAC 296-150B-200.

2498 2. Electrical connections shall be inspected and approved by the Washington
2499 State Department of Labor and Industries.

2500 3. Mobile homes supported on piers shall be fully skirted.

2501 4. Mobile homes located outside of a mobile home park shall be subject to the
2502 setback and lot coverage provisions of the zone in which located.

2503 D. Accessory Structures.

2504 1. Accessory structures shall be subject to the provisions of the International
2505 Building Code or the International Residential Code, as applicable, as adopted in King
2506 County and a building permit shall be required before construction or installation.

2507 2. Separation between accessory structures and other structures shall be as set
2508 forth in K.C.C. 21A.14.170 or 21A.14.180. However, if the accessory structure is a
2509 carport constructed of combustible materials, the carport roof area shall not extend over
2510 or otherwise cover any bedroom windows and no other accessory structures other than
2511 decks, porches, stairs or ramps shall be permitted under the carport roof area.

2512 SECTION 57. Ordinance 12380, Section 4, as amended, and K.C.C. 16.04.960
2513 are each hereby amended to read as follows:

2514 A. Installation of a mobile home shall require the approval of a mobile home
2515 permit by the department (~~(of development and environmental services)~~) pursuant to the
2516 permit process and procedures for type 1 permits outlined in K.C.C. 20.20. The permit
2517 shall expire one year after date of issuance. A permit may be renewed for a maximum of
2518 one year upon request of the applicant, provided such requests are made within fifteen
2519 days of the date of expiration of the original permit. Mobile homes shall not be
2520 permanently occupied for more than forty-five days prior to issuance of a certificate of
2521 occupancy by the department (~~(of development and environmental services)~~).

2522 B. The following must be submitted with an application for a mobile home
2523 permit, except that when the mobile home is to be located in an approved mobile home
2524 park, subsection B.1.d., 1.e., 1.h., 1.i. and 3 shall not apply:

- 2525 1. Two copies of a site plan drawn to scale, showing:
2526 a. north arrow and scale,

- 2527 b. location and dimensions of all property lines or leased areas, and easements,
2528 c. proposed location of mobile home and/or accessory structure(s) on the site
2529 or space,
2530 d. distances from the mobile home and accessory structure(s) to property lines,
2531 e. approximate surface elevation at each corner of the site,
2532 f. location of parking spaces,
2533 g. name or number of street on which site or space is located,
2534 h. location of septic tank and drainfield, if sewers are not available,
2535 i. location of well or other water source, if public water supply is not available;
2536 2. A description of the mobile home, including:
2537 a. model number,
2538 b. Washington State and/or H.U.D. ID number,
2539 c. name of manufacturer and year of manufacture;
2540 3. Two copies of plans showing proposed foundation system, if more than one-fourth of
2541 the floor area of the mobile home, as measured from the bottom of the main frame
2542 members, will be more than three feet above the existing ground level, or when any
2543 supporting piers exceed sixty inches in height;
2544 4. A State Contractors or Mobile Home Dealers Registration Card, or photocopy
2545 of same and Certified Manufactured Home Installers number.
2546 C. An accessory structure in excess of 200 square feet of floor area including roof
2547 overhang shall require the approval of a building permit by the department (~~of~~
2548 ~~development and environmental services~~)) pursuant to the permit process and procedures
2549 for type 1 permits outlined in K.C.C. chapter 20.20. An application for a building permit

2550 for an accessory structure shall include site plans drawn consistent with the provisions of
2551 subsection B.1. If an application for a building permit for an accessory structure is
2552 submitted together with an application for a mobile home permit and if the accessory
2553 structure is less than 600 square feet in area, the fee for the accessory structure shall be
2554 waived.

2555 SECTION 58. Ordinance 12380, Section 5, as amended, and K.C.C. 16.04.970
2556 are each hereby amended to read as follows:

2557 A. Factory-built commercial structures and coaches shall be located, installed and
2558 used in the same manner as conventional commercial structures, except to the extent that
2559 construction standards are regulated by the Washington State Department of Labor and
2560 Industries or the U.S. Department of Housing and Urban Development.

2561 B. Factory-built commercial structures and commercial coaches shall be installed
2562 subject to the following:

2563 1. A building permit must be obtained for any factory-built commercial
2564 structure or commercial coach pursuant to the permit process and procedures for type 1
2565 permits outlined in K.C.C. chapter 20.20.

2566 2. The following criteria must be satisfied for the permanent installation of a
2567 factory-built commercial structure or commercial coach before a building permit can be
2568 issued:

2569 a. The appropriate insignia of the Washington State Department of Labor and
2570 Industries of the U.S. Department of Housing and Urban Development must be affixed to
2571 the unit. If the unit is lacking the appropriate insignia it must satisfy the structural,
2572 mechanical, electrical and plumbing requirements of the International Building,

2573 Mechanical and other applicable codes as adopted in King County for conventional
2574 commercial structures.

2575 b. The foundation, entry/exit stairs or ramps, and all accessory structures shall
2576 be designed and installed in accordance with the provisions of the International Building
2577 Code as adopted in King County.

2578 c. Occupancy of the structure shall not be permitted before inspection and
2579 approval.

2580 3. The temporary installation of factory-built commercial structures and
2581 commercial coaches may be permitted for a period not to exceed one year. The support
2582 system recommended by the manufacturer, or designed by a professional structural
2583 engineer registered by the state, may be substituted for a foundation designed in
2584 accordance with the provisions of the International Building Code as adopted in King
2585 County, subject to the approval of the department (~~of development and environmental~~
2586 ~~services~~)).

2587 4. Factory-built construction office trailers may be placed without an additional
2588 permit as long as the site is covered by a valid building permit.

2589 SECTION 59. Resolution 21284, Section 3, as amended, and K.C.C. 16.05.106
2590 are each hereby amended to read as follows:

2591 **Appendix G - Swimming pools, spas and hot tubs - General.** Appendix AG
2592 101 of the International Residential Code is supplemented with the following:

2593 **Submission of plans prior to construction - Inspection and approval of pool -**
2594 **Use before approval constitutes violation (IRC AG 101.4).** Plans for swimming pools
2595 to be constructed shall be submitted to the department (~~of development and~~

2596 ~~environmental services,))~~ and shall show on their face the form of proposed compliance
2597 with the requirements of this chapter and the final inspection and approval of all pools
2598 hereafter constructed shall be withheld until all requirements of this chapter have been
2599 complied with. Use of the swimming pool before final inspection and approval
2600 constitutes a violation of this chapter.

2601 SECTION 60. Resolution 21284 (part), as amended, and K.C.C. 16.05.108 are
2602 each hereby amended to read as follows:

2603 Appendix AG 101 of the International Residential Code is supplemented with the
2604 following:

2605 **Enforcement (IRC AG 101.5).** The director (~~(of the department of development~~
2606 ~~and environmental services))~~ is authorized to enforce the provisions of this chapter, the
2607 ordinances and resolutions codified in it, and any rules and regulations promulgated
2608 thereunder pursuant to the enforcement and penalty provisions of Title 23.

2609 SECTION 61. Ordinance 8766, Section 1, as amended, and K.C.C. 16.08.010 are
2610 each hereby amended to read as follows:

2611 The purpose of this chapter is to grant the department (~~(of development and~~
2612 ~~environmental services, hereafter called the department,))~~ the authority to assign road
2613 names and numbers, and address the principal entrances of all buildings or other uses in
2614 conformance with the grid system adopted by King County Resolution 16622.

2615 SECTION 62. Ordinance 12560, Section 119, as amended, and K.C.C. 16.14.180
2616 are each hereby amended to read as follows:

2617 Section 108.1.3 of the International Property Maintenance Code is supplemented
2618 with the following:

2663 Section 109 of the International Property Maintenance Code is supplemented with
2664 the following:

2665 **Rapid abatement plan - time frame for completion of abatement (IPMC**
2666 **109.16).** Approval by the code official of the rapid abatement plan or the application for
2667 emergency demolition in lieu of a rapid abatement plan constitutes authority to proceed
2668 with abatement. If the code official approves the rapid abatement plan or the application
2669 for an emergency demolition permit in lieu of preparing a rapid abatement plan, the
2670 owner, or owner's agent, shall complete abatement in accordance with the plan within
2671 forty-eight hours of obtaining approval of the plan. Within twenty-four hours of
2672 completion of the abatement work, the owner, or owner's agent, shall provide the code
2673 official with a written signed verification that the abatement has been completed in
2674 conformance with the approved rapid abatement plan. When the abatement includes
2675 structural repairs, the verification shall include a written, signed and stamped report from
2676 the owner's architect or structural or civil engineer attesting that the engineer has visited
2677 the site and that repairs have been completed in general conformance with the approved
2678 rapid abatement plan or an application for emergency demolition permit in lieu of
2679 preparing a rapid abatement plan. This written signed and stamped report from the
2680 owner's architect or structural or civil engineer and the written and signed verification by
2681 the owner or owner's agent may be made by completing and signing and standard form
2682 provided by the department (~~(of development and environmental services)~~).

2683 SECTION 65. Ordinance 1283 (part), as amended, and K.C.C. 16.78.060 are
2684 each hereby amended to read as follows:

2685 The director (~~(of the department of development and environmental services)~~) is
2686 authorized to enforce the provisions of this chapter, the ordinances and resolutions
2687 codified in it, and any rules and regulations promulgated thereunder pursuant to the
2688 enforcement and penalty provisions of K.C.C. Title 23.

2689 SECTION 66. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are
2690 each hereby amended to read as follows:

2691 Certain words and phrases used in this chapter, unless otherwise clearly indicated
2692 by their context, mean as follows:

2693 A. "Applicant" means a property owner or a public agency or public or private
2694 utility that owns a right-of-way or other easement or has been adjudicated the right to
2695 such an easement in accordance with RCW 8.12.090, or any person or entity designated
2696 or named in writing by the property or easement owner to be the applicant, in an
2697 application for a development proposal, permit or approval.

2698 B. "Bench" means a relatively level step excavated or constructed on the face of a
2699 graded slope surface for drainage and maintenance purposes.

2700 C. "Civil engineer" means an engineer who is licensed as a professional engineer
2701 in the branch of civil engineering by the state of Washington.

2702 D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or
2703 other organic material by physical, mechanical, chemical or any other similar means.

2704 E. "Compaction" means the densification of a fill by mechanical means.

2705 F. "Cutting" means the severing of the main trunk or stem of woody vegetation at
2706 any point.

2707 G. "Department" means the department of (~~development and environmental~~
2708 ~~services~~) permitting and environmental review.

2709 H. "Director" means the director of the department of (~~development and~~
2710 ~~environmental services~~) permitting and environmental review or the director's designee.

2711 I. "Earth material" means any rock, natural soil or any combination thereof.

2712 J. "Erosion" means the wearing away of the ground surface as the result of the
2713 movement of wind, water or ice.

2714 K. "Excavation" means the removal of earth material.

2715 L. "Fill" means a deposit of earth material or recycled or reprocessed waste
2716 material consisting primarily of organic or earthen materials, or any combination thereof,
2717 placed by mechanical means.

2718 M. "Geotechnical engineer" means an engineer who is licensed as a professional
2719 engineer by the state of Washington and who has at least four years of relevant
2720 professional employment.

2721 N. "Grade" means the elevation of the ground surface.

2722 1. "Existing grade" means the grade before grading.

2723 2. "Finish grade" means the final grade of the site that conforms to the approved
2724 plan as required in K.C.C. 16.82.060.

2725 3. "Rough grade" means the stage at which the grade approximately conforms to
2726 the approved plan as required in K.C.C. 16.82.060.

2727 O. "Grading" means any excavating, filling, or removing of the duff layer, or
2728 combination thereof.

2729 P. "Grading and clearing permit" means the permit required by this chapter for
2730 grading and clearing activities, including temporary permits.

2731 Q. "Reclamation" means the final grading and restoration of a site to establish the
2732 vegetative cover, soil surface water and groundwater conditions appropriate to
2733 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

2734 R. "Shorelines" means those lands defined as shorelines in the state Shorelines
2735 Management Act of 1971.

2736 S. "Site" means a single lot or parcel of land two or more contiguous lots that are
2737 under common ownership or documented legal control, used as a single parcel for a
2738 development proposal in order to calculate compliance with the standards and regulations
2739 of this chapter. For purposes of this definition:

2740 1. "Documented legal control" includes fee simple or leasehold rights, or an
2741 easement, or any combination thereof, which allows uses associated with the overall
2742 development proposal; and

2743 2. Lots that are separated only by a public road right-of-way shall be considered
2744 to be contiguous.

2745 T. "Slope" means inclined ground surface, the inclination of which is expressed
2746 as a ratio of horizontal distance to vertical distance.

2747 U. "Structural engineer" means an engineer who is licensed as a professional
2748 engineer in the branch of structural engineering by the state of Washington.

2749 V. "Structure" means that which is built or constructed, an edifice or building of
2750 any kind or any piece of work artificially built up or composed of parts jointed together in
2751 some definite manner.

2752 W. "Tree" means a large woody perennial plant usually with a single main stem
 2753 or trunk and generally over twelve feet tall at maturity.

2754 X. "Understory" means the vegetation layer of a forest that includes shrubs,
 2755 herbs, grasses and grass-like plants, but excludes native trees.

2756 Y. "Vegetation" means any organic plant life growing at, below or above the soil
 2757 surface.

2758 SECTION 67. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051
 2759 are each hereby amended to read as follows:

2760 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06
 2761 apply to the activities described in this section.

2762 B. The following activities are excepted from the requirement of obtaining a
 2763 clearing or grading permit before undertaking forest practices or clearing or grading
 2764 activities, as long as those activities conducted in critical areas are in compliance with the
 2765 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may
 2766 be included in more than one activity category, the most-specific description of the
 2767 activity shall govern whether a permit is required. For activities involving more than one
 2768 critical area, compliance with the conditions applicable to each critical area is required.
 2769 Clearing and grading permits are required when a cell in this table is empty and for
 2770 activities not listed on the table.

KEY														
"NP" in a cell means	O A	CO	ER	FL	CH	L A	SEI	VO	S H	C R	WE	A A	W A	
		AL	OSI	OO	AN		S MI	LC			TLA			
	U R	MIN	ON	DH	NE	A N	CH	ANI	T A	R E	ND	Q N	I N	
		EH	HA	AZ	LMI		AZ	CH			SA		L	

	T O F C R I T U I C A L E R	A Z A R D	Z A R D	A R D	G R A T I O N	N D B S U L F I F D E R H A Z A R D	A R D	A Z A R D	E Z E A P R S D L A O N P D E B U R U I F E R R	I C T H I C A R L G A E Q A U I F E R	N D B U F F E R	U D A B T U I F F T C A E R R R E K A	D D N L E I F F T F E W O R R R E K A
no permit required													
if conditions are met.													
A number in a cell													
means the													
Numbered condition													
in subsection C.													
applies.													
"Wildlife area													

and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network													
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP												
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12		NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

culvert	13, 14, 15												
Construction of farm field access drive	NP 16												
Maintenance of farm field access drive	NP 17												
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 18	NP 19	NP 19	NP 19							
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11												
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11												
Maintenance or repair of flood protection facility	NP 20												
Maintenance or repair of existing instream structure	NP	NP 11	NP 11	NP									
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13												

Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13

consumption													
Maintenance of golf course	NP												
	13	13	13	13	13	13			13	13	13	13	13

2771 C. The following conditions apply:

2772 1. Excavation less than five feet in vertical depth, or fill less than three feet in
 2773 vertical depth that, cumulatively over time, does not involve more than one hundred
 2774 cubic yards on a single site.

2775 2. Grading that produces less than two thousand square feet of new impervious
 2776 surface on a single site added after January 1, 2005, or that produces less than two
 2777 thousand square feet of replaced impervious surface or less than two thousand square feet
 2778 of new plus replaced impervious surface after October 30, 2008. For purposes of this
 2779 subsection C.2., "new impervious surface" and "replaced impervious surface" are defined
 2780 in K.C.C. 9.04.020.

2781 3. Cumulative clearing of less than seven thousand square feet including, but
 2782 not limited to, collection of firewood and removal of vegetation for fire safety. This
 2783 exception shall not apply to development proposals:

2784 a. regulated as a Class IV forest practice under chapter 76.09 RCW;

2785 b. in a critical drainage areas established by administrative rules;

2786 c. subject to clearing limits included in property-specific development
 2787 standards and special district overlays under K.C.C. chapter 21A.38; or

2788 d. subject to urban growth area significant tree retention standards under
 2789 K.C.C. 16.82.156 and 21A.38.230.

2790 4. Cutting firewood for personal use in accordance with a forest management
2791 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
2792 condition, personal use shall not include the sale or other commercial use of the firewood.

2793 5. Limited to material at any solid waste facility operated by King County.

2794 6. Allowed to prevent imminent danger to persons or structures.

2795 7. Cumulative clearing of less than seven thousand square feet annually or
2796 conducted in accordance with an approved farm management plan, forest management
2797 plan or rural stewardship plan.

2798 8. Cumulative clearing of less than seven thousand square feet and either:

2799 a. conducted in accordance with a farm management plan, forest management
2800 plan or a rural stewardship plan; or

2801 b. limited to removal with hand labor.

2802 9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and
2803 Title 222 WAC.

2804 10. If done in compliance with K.C.C. 16.82.065.

2805 11. Only when conducted by or at the direction of a government agency in
2806 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
2807 less than two thousand square feet of new impervious surface on a single site added after
2808 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
2809 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
2810 K.C.C. 9.04.020.

2811 12. Limited to clearing conducted by or at the direction of a government agency
2812 or by a private utility that does not involve:

- 2813 a. slope stabilization or vegetation removal on slopes; or
- 2814 b. ditches that are used by salmonids.
- 2815 13. In conjunction with normal and routine maintenance activities, if:
- 2816 a. there is no alteration of a ditch or aquatic area that is used by salmonids:
- 2817 b. the structure, condition or site maintained was constructed or created in
- 2818 accordance with law; and
- 2819 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
- 2820 culvert or other improved area being maintained.
- 2821 14. If a culvert is used by salmonids or conveys water used by salmonids and
- 2822 there is no adopted farm management plan, the maintenance is limited to removal of
- 2823 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization
- 2824 of the area within three feet of the culvert where the maintenance disturbed or damaged
- 2825 the bank or bed and does not involve the excavation of a new sediment trap adjacent to
- 2826 the inlet.
- 2827 15. If used by salmonids, only in compliance with an adopted farm plan in
- 2828 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:
- 2829 a. The King Conservation District;
- 2830 b. King County department of natural resources and parks;
- 2831 c. King County department of ~~((development and environmental services))~~
- 2832 permitting and environmental review; or
- 2833 d. Washington state Department of Fish and Wildlife.
- 2834 16. Only if consistent with an adopted farm plan in accordance with K.C.C.
- 2835 Title 21A.

- 2836 17. Only if:
- 2837 a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 2838 b. conducted in accordance with best management practices in the Natural
- 2839 Resource Conservation Service Field Office Technical Guide.
- 2840 18. In accordance with a franchise permit.
- 2841 19. Only within the roadway in accordance with a franchise permit.
- 2842 20. When:
- 2843 a. conducted by a public agency;
- 2844 b. the height of the facility is not increased;
- 2845 c. the linear length of the facility is not increased;
- 2846 d. the footprint of the facility is not expanded waterward;
- 2847 e. done in accordance with the Regional Road Maintenance Guidelines;
- 2848 f. done in accordance with the adopted King County Flood Hazard
- 2849 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 2850 State Aquatic Habitat Guidelines Program, 2002); and
- 2851 f. monitoring is conducted for three years following maintenance or repair and
- 2852 an annual report is submitted to the department.
- 2853 21. Only if:
- 2854 a. the activity is not part of a mitigation plan associated with another
- 2855 development proposal or is not corrective action associated with a violation; and
- 2856 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 2857 resource management as its primary function or a federally-recognized tribe, and the
- 2858 activity is limited to:

2859 (1) revegetation of the critical area and its buffer with native vegetation or the
2860 removal of noxious weeds or invasive vegetation;

2861 (2) placement of weirs, log controls, spawning gravel, woody debris and
2862 other specific salmonid habitat improvements;

2863 (3) hand labor except:

2864 (a) the use of riding mower or light mechanical cultivating equipment and
2865 herbicides or biological control methods when prescribed by the King County noxious
2866 weed control board for the removal of noxious weeds or invasive vegetation; or

2867 (b) the use of helicopters or cranes if they have no contact with or otherwise
2868 disturb the critical area or its buffer.

2869 22. If done with hand equipment and does not involve any clearing.

2870 23. Limited to removal of vegetation for forest fire prevention purposes in
2871 accordance with best management practices approved by the King County fire marshal.

2872 24. Limited to the removal of downed trees.

2873 SECTION 68. Ordinance 14259, Section 4, as amended, and K.C.C. 16.82.052
2874 are each hereby amended to read as follows:

2875 A. The director shall have the authority to issue temporary permits for
2876 excavations, processing, quarrying and mining, and removal of sand, gravel, rock and
2877 other natural deposits, together with the necessary buildings, apparatus or appurtenances
2878 incident thereto for specific jobs on application for highway, road, street, airport
2879 construction, flood control and other public works projects. In conjunction with such
2880 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants
2881 and asphalt-batching plants may be authorized by this temporary permit. The director

2882 shall also have the authority to issue temporary permits for the removal of existing
2883 stockpiles of previously mined materials for the reclamation of land to its best use,
2884 consistent with the underlying zoning.

2885 B. The department (~~(of development and environmental services)~~) shall consider
2886 the effect of the proposed operation on the county road system and any effect it may have
2887 on surface or groundwater drainage and flood control, and shall make such
2888 recommendations as are necessary to protect the public interest in this regard.

2889 C. The department (~~(of development and environmental services)~~) shall also
2890 consider the effect of the proposed operation on the current and future land use in the area
2891 affected by the proposed operation and shall condition permits as necessary to protect the
2892 public interest in this regard. Temporary permits are good for the life of the contract of
2893 the specific job but must be reviewed annually. Each temporary permit site shall be fully
2894 restored during the term of the temporary permit, unless the site is subsequently
2895 designated with an M zone classification.

2896 SECTION 69. Ordinance 15053, Section 11, and K.C.C. 16.82.105 are each
2897 hereby amended to read as follows:

2898 A. Hours of operation for clearing and grading activities, unless otherwise
2899 specified by the director, shall be between seven a.m. and seven p.m. Monday through
2900 Saturday and between ten a.m. and five p.m. Sunday.

2901 B. Before approving any variation of the hours of operation, the department (~~(of~~
2902 ~~development and environmental services)~~), in consultation with the Seattle-King County
2903 department of public health, shall:

2904 1. Determine whether the development proposal can comply with nighttime
2905 noise standards in accordance with K.C.C. chapter 12.88;

2906 2. Determine whether the development proposal will cause significant adverse
2907 noise effects to the community; and

2908 3. Require mitigation for any identified impacts before the department (~~of~~
2909 ~~development and environmental services~~) approves a variation in the hours of operation.

2910 C. The department's (~~of development and environmental services~~) decision to
2911 approve a variation in the hours of operation shall be in writing and shall include a
2912 specific finding of compliance with the noise standards, the facts and conclusions
2913 supporting that finding and any mitigation, conditions or limitations imposed. All
2914 decisions made under this section shall be compiled by the department (~~of development~~
2915 ~~and environmental services~~) and made available for public inspection.

2916 SECTION 70. Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020 are
2917 each hereby amended to read as follows:

2918 Whenever the following words appear in this code, they are to be changed as
2919 follows:

2920 A. "Fire chief", "chief of the fire department," "fire prevention engineer" and
2921 "fire code official" to "King County fire marshal".

2922 B. "Fire department" to "King County fire marshal division."

2923 C. "Department" to "the department of (~~development and environmental~~
2924 ~~services~~) permitting and environmental review."

2925 SECTION 71. Ordinance 12560, Section 154, as amended, and K.C.C. 17.04.230
2926 are each hereby amended to read as follows:

2927 Section 104.1 of the International Fire Code is supplemented with the following:

2928 **Duties of the fire marshal (~~(division)~~) and fire districts (IFC 104.1.3).**

2929 1. The fire marshal (~~(division within the King County department of development~~
2930 ~~and environmental services shall be operated under the direction of the Fire marshal,~~
2931 ~~and~~) shall have responsibility for (~~(investigation,)~~) administration and inspection
2932 functions to promote compliance of the fire prevention provisions of this code.

2933 2. The Chiefs of the King County Fire Districts and Fire Departments shall have
2934 responsibility for fire suppression or extinguishing provisions of this code within their
2935 respective jurisdictions.

2936 3. The fire marshal may, by written contract, delegate to the chiefs of the fire
2937 districts or fire departments authority for inspections of the fire prevention provisions of
2938 this code within their respective jurisdictions.

2939 4. The fire marshal (~~(division)~~) may, at the request of a fire districts or fire
2940 department, assume an advisory status in matters of operations, function, expenditure,
2941 tactics, personnel and equipment or any other function performed by the fire district or
2942 fire department.

2943 SECTION 72. Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270
2944 are each hereby amended to read as follows:

2945 Section 104.8 of the International Fire Code is supplemented with the following:

2946 **Deviations (IFC 104.8.1).** The (~~(Fire Marshal)~~) fire marshal or his/her designee
2947 shall have the authority to consider deviations from the standards established for life
2948 safety/rescue access, fire detection systems and fire sprinkler systems.

2949 1. If the ~~((Fire Marshal))~~ fire marshal finds that the deviation would not
2950 unreasonably reduce fire protection to the area or structures served, and determines that
2951 the deviation should be approved, the ~~((Fire Marshal))~~ fire marshal shall notify the fire
2952 chief of the applicable fire district of the deviation request. The ~~((Fire Marshal))~~ fire
2953 marshal may approve the deviation if the fire chief of the applicable fire district either
2954 concurs in writing with the ~~((Fire Marshal))~~ fire marshal or does not respond in writing
2955 within seven working days after notification of the deviation request. The fire district
2956 chief's lack of response shall be taken as an indication that the fire chief concurs with the
2957 ~~((Fire Marshal's))~~ fire marshal's finding.

2958 2. If a response is received within seven days which is not in accordance with the
2959 opinion of the director of the department of ~~((development and environmental services))~~
2960 permitting and environmental review or his/her designee, the issue shall be submitted to
2961 the King County fire code appeals board.

2962 SECTION 73. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are
2963 each hereby amended to read as follows:

2964 Section 503.3 of the International Fire Code is not adopted and the following is
2965 substituted:

2966 **Marking of and establishment of fire lanes (IFC 503.3).**

2967 A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall
2968 be established by the King County fire marshal or his authorized designee, and shall be
2969 referred to as designated fire lanes in this section.

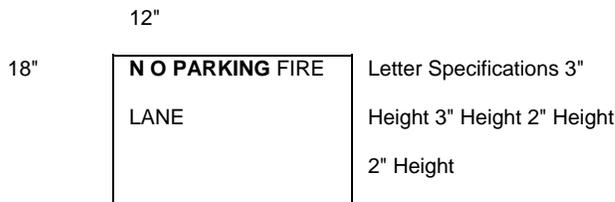
2970 B. Definition of Fire Lanes. The area within any public right-of-way, easement,
2971 or on private property designated for the purpose of permitting fire trucks and other fire
2972 fighting or emergency equipment to use, travel upon, and park.

2973 C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the
2974 following manner:

2975 1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending
2976 the length of the designated fire lane. The pavement adjacent to the painted curbs shall
2977 be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush
2978 stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at
2979 50 foot or portion thereof intervals, or

2980 2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe
2981 painted extending the length of the designated fire lane. The surface adjacent to the stripe
2982 shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch
2983 brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and
2984 spaced at 50 ft. or portion thereof intervals, or

2985 3. Fire lane signs shall be installed per the illustration:



- 2986 a. Reflective in nature.
- 2987 b. Red letters on white background.
- 2988 c. Signs to be spaced 50 feet or portion thereof apart and posted on or
2989 immediately next to the curb.

2990 d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.

2991 e. Signs may be placed on a building when approved by the fire marshal as the
2992 designee of the manager of the department of (~~development and environmental~~
2993 ~~services~~) permitting and environmental review.

2994 When posts are required they shall be a minimum of 2 inch galvanized steel or 4
2995 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the
2996 vehicular travel.

2997 D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire
2998 lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard
2999 as defined in state law and an immediate hazard to life and property.

3000 E. Alternate Materials and Methods. The fire marshal as designee of the manager
3001 of the department of (~~development and environmental services~~) permitting and
3002 environmental review may modify any of the provisions herein where practical
3003 difficulties exist. The particulars of a modification shall be granted by the fire marshal
3004 and shall be entered into the records of the office.

3005 F. Existing fire lane signs and markings.

3006 1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a
3007 need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

3008 2. Markings may be allowed to remain until there is a need for repainting and at
3009 that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

3010 G. Maintenance. Fire lane markings shall be maintained at the expense of the
3011 property owner(s) as often as needed to clearly identify the designated area as being a fire
3012 lane.

3013 H. Towing notification. At each entrance to property where fire lanes have been
3014 designated, signs shall be posted in a clearly conspicuous location and shall clearly state
3015 that vehicles parked in fire lanes may be impounded, and the name, telephone number,
3016 and address of the towing firm where the vehicle may be redeemed.

3017 I. Property owner responsible. The owner, manager, or person in charge of any
3018 property upon which designated fire lanes have been established shall prevent the parking
3019 of vehicles or placement of other obstructions in such fire lanes.

3020 J. Violation - Civil infraction. Any person who fails to mark or maintain the
3021 marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in,
3022 allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire
3023 lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The
3024 penalty for failing to mark or maintain the marking of a designated fire lane shall be one
3025 hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a
3026 vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty
3027 dollars.

3028 K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions
3029 of subsection E, any person who fails to meet the provisions of the fire lane requirements
3030 codified in this title shall be subject to civil penalties in conformance with K.C.C.
3031 Chapter 23.

3032 L. Impoundment. Any vehicle or object obstructing a designated fire lane is
3033 hereby declared a traffic hazard and may be abated without prior notification to its owner
3034 by impoundment pursuant to the applicable state law.

3035 SECTION 74. Section 75 of this ordinance expires December 31, 2013.

3036 SECTION 75. Ordinance 16147, Section 2, and K.C.C. 18.17.010 are each
3037 hereby amended to read as follows:

3038 The definitions in this section apply throughout this chapter unless the context
3039 clearly requires otherwise.

3040 A. "Capital project" refers to a project with a scope that includes one or more of
3041 the following elements: acquisition of a site or acquisition of an existing structure, or
3042 both; program or site master planning; environmental analysis; design; construction;
3043 major equipment acquisition; reconstruction; demolition; or major alteration of a capital
3044 asset. A capital project shall include: a project program plan; scope; budget by task; and
3045 schedule.

3046 B. "County green building team" or "green building team" means a group that
3047 includes representatives from county agencies with capital project or building
3048 management staff including, but not limited to, the department of transportation, the
3049 department of natural resources and parks, the department of executive services, the
3050 department of ~~((development and environmental services))~~ permitting and environmental
3051 review, the department of public health and the historic preservation program in the
3052 office of business relations and economic development. The members represent staff
3053 with expertise in project management, construction management, architecture, landscape
3054 architecture, environmental planning, design, engineering, historic preservation and
3055 resource conservation, public health, building energy systems, building management,
3056 budget analysis and other skills as needed. The green building team provides assistance
3057 and helps to disseminate information to project managers in all county agencies.

3058 C. "Facility" means all or any portion of buildings, structures, infrastructure,
3059 sites, complexes, equipment, utilities and conveyance lines.

3060 D. "GreenTools program" means the support team located within the solid waste
3061 division of the department of natural resources and parks that provides green building
3062 technical assistance to county divisions, cities and the general public within King County.

3063 E. "Integrated design process" means an approach to project design that seeks to
3064 achieve high performance on a wide variety of well-defined environmental and social
3065 goals while staying within budgetary and scheduling constraints. It relies on a
3066 multidisciplinary and collaborative team whose members make decisions together based
3067 on a shared vision and a holistic understanding of the project. It is an iterative process
3068 that follows the design through the entire project life, from predesign through operation.

3069 F. "Leadership in Energy and Environmental Design" or "LEED" means a
3070 voluntary, consensus-based national standard for developing high-performance,
3071 sustainable buildings. A LEED certification is available for: new construction and major
3072 renovation projects, which is LEED-NC; existing building operations, which is LEED-
3073 EB; commercial interior projects, which is LEED-CI; and core and shell projects, which
3074 is LEED-CS. LEED certifications that are in the pilot phase now include LEED for
3075 Homes and LEED for Neighborhood Development.

3076 G. "LEED-eligible building" means a new construction project larger than five
3077 thousand gross square feet of occupied or conditioned space as defined in the Washington
3078 state energy code, which is chapter 51-11 WAC, or a major building remodel or
3079 renovation project.

3080 H. "Major remodel or renovation" means work that demolishes space down to the
3081 shell structure and rebuilds it with new interior walls, ceilings, floor coverings and
3082 systems, when the work affects more than twenty-five percent of a LEED-eligible
3083 building's square footage and the affected space is at least five-thousand square feet or
3084 larger.

3085 I. "Minor remodel or renovation" means any type of remodel or renovation that
3086 does not qualify as a major remodel or renovation.

3087 J. "New construction" means a new building or structure.

3088 K. "Present value" means the value on a given date of a future payment or series
3089 of future payments, discounted to reflect the time value of money and other factors such
3090 as investment risk.

3091 L. "Retrocommissioning" is a detailed, systematic process for investigating an
3092 existing building's operations and identifying ways to improve performance. The
3093 primary focus is to identify operational improvements to obtain comfort and energy
3094 savings.

3095 M. "Sustainable development practices" means whole system approaches to the
3096 design, construction and operation of buildings and infrastructure that help to mitigate the
3097 negative environmental, economic, health and social impacts of construction, demolition,
3098 operation and renovation while maximizing the facilities' positive fiscal, environmental
3099 and functional contribution. Sustainable development practices recognize the
3100 relationship between natural and built environments and seek to minimize the use of
3101 energy, water and other natural resources while providing maximum benefits and
3102 contribution to service levels to the system and the connecting infrastructures.

3103 N. "Sustainable infrastructures" means those infrastructures and facilities that are
3104 designed, constructed and operated to optimize fiscal, environmental and functional
3105 performance for the lifecycle of the facility. Sustainable performance of infrastructure
3106 shall be determined through an integrated assessment, one that accounts for fiscal,
3107 environmental and functional costs and benefits, over the life of the facility.

3108 SECTION 76. Ordinance 13694, Section 13, and K.C.C. 19A.04.100 are each
3109 hereby amended to read as follows:

3110 Department: the King County department of (~~development and environmental~~
3111 ~~services~~) permitting and environmental review.

3112 SECTION 77. Ordinance 13694, Section 14, and K.C.C. 19A.04.110 are each
3113 hereby amended to read as follows:

3114 Development engineer: the director of the department of (~~development and~~
3115 ~~environmental services~~) permitting and environmental review or his or her designee,
3116 authorized to oversee the review, conditioning, inspection and acceptance of right-of-way
3117 use permits, road and drainage projects constructed pursuant to permits administered by
3118 the department and required pursuant to this title. The designee shall be a professional
3119 civil engineer registered and licensed pursuant to chapter 18.43 RCW.

3120 SECTION 78. Ordinance 13694, Section 15, and K.C.C. 19A.04.120 are each
3121 hereby amended to read as follows:

3122 Director: the director of the King County department of (~~development and~~
3123 ~~environmental services~~) permitting and environmental review or his or her designee.

3124 SECTION 79. Ordinance 3694, Section 78, as amended, and K.C.C. 19A.24.030

3125 are each hereby amended to read as follows:

3126 An approval block for the department or its successor in substantially the
3127 following form shall be added to the recording document:

3128 "Approval of the Department of (~~Development and Environmental Services~~)

3129 Permitting and Environmental Review:

3130 Examined and Approved this ____ day of _____, 2____.

3131 (~~Division Director, Land Use Services Division~~) [Director or Director's

3132 Designee]"

3133 SECTION 80. Ordinance 13694, Section 81, and K.C.C. 19A.28.030 are each

3134 hereby amended to read as follows:

3135 A. A title insurance certificate updated-not more than thirty days prior to
3136 recording of the adjustment, which includes all parcels within the adjustment, must be
3137 submitted to the department with boundary line adjustment final review documents. All
3138 persons having an ownership interest within the boundary line adjustment shall sign the
3139 final recording document in the presence of a notary public.

3140 B. Prior to final approval, documentation authorizing the transfer of property
3141 ownership shall be placed on the original boundary line map along with the legal
3142 descriptions of those portions of land being transferred when lots are under separate
3143 ownership. Lot lines within lots under the same ownership will be adjusted upon the
3144 recording of the boundary line adjustment.

3145 C. Final record-of-survey document must be prepared by a land surveyor in
3146 accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must
3147 contain a land surveyor's certificate and a recording certificate.

3148 D. The final map page shall contain the following approval blocks:

3149 1. The King County department of assessments to be signed by the King County
3150 assessor and deputy King County assessor; and

3151 2. The department of ~~((development and environmental services))~~ permitting
3152 and environmental review, to be signed by the director.

3153 SECTION 81. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050
3154 are each hereby amended to read as follows:

3155 Zoning adopted pursuant to this section shall constitute official zoning for all of
3156 unincorporated King County.

3157 A. Official zoning, including but not limited to p-suffix, so-suffix and potential
3158 zoning, is contained in the SITUS file and is depicted on the official zoning maps, as
3159 maintained by the department of ~~((development and environmental services))~~ permitting
3160 and environmental review.

3161 B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby
3162 adopted to constitute and contain all property-specific development standards (p-suffix
3163 conditions) applicable in unincorporated King County. The property specific
3164 development standards (p-suffix conditions) in effect or hereinafter amended shall be
3165 maintained by the department of ~~((development and environmental services))~~ permitting
3166 and environmental review in the Property Specific Development Conditions notebook.

3167 Any adoption, amendment or repeal of property-specific development standards shall
3168 amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or
3169 hereafter amended.

3170 C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 (~~and~~)
3171 and as amended by Ordinance 15028, is hereby adopted to constitute and contain special
3172 district overlays applied through Ordinance 12824. The special district overlays in effect
3173 or hereinafter amended shall be maintained by the department of (~~development and~~
3174 ~~environmental services~~) permitting and environmental review in the Special District
3175 Overlay Application Maps notebook. Any adoption, amendment or repeal of special
3176 district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as
3177 currently in effect or hereafter amended.

3178 SECTION 82. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050
3179 are each hereby amended to read as follows:

3180 A. Site-specific land use map and shoreline master program map amendments are
3181 legislative actions that may only be initiated by property owner application, by council
3182 motion or by executive proposal. All site-specific land use map and shoreline master
3183 program map amendments must be evaluated by the hearing examiner before adoption by
3184 the council in accordance with this chapter.

3185 1. If initiated by council motion, the motion shall refer the proposed site-
3186 specific land use map or shoreline master program map amendment to the department of
3187 (~~development and environmental services~~) permitting and environmental review for
3188 preparation of a recommendation to the hearing examiner. The motion shall also identify
3189 the resources and the work program required to provide the same level of review

3190 accorded to applicant-generated amendments. An analysis of the motion's fiscal impact
3191 shall be provided to the council before adoption. If the executive determines that
3192 additional funds are necessary to complete the work program, the executive may transmit
3193 an ordinance requesting the appropriation of supplemental funds;

3194 2. If initiated by executive proposal, the proposal shall refer the proposed site-
3195 specific land use map or shoreline master program map amendment to the department of
3196 ~~((development and environmental services))~~ permitting and environmental review for
3197 preparation of a recommendation to the hearing examiner; and

3198 3. If initiated by property owner application, the property owner shall submit a
3199 docketed request for a site-specific land use map or shoreline master program map
3200 amendment. Upon receipt of a docketed request for a site-specific land use map or
3201 shoreline master program map amendment, the request shall be referred to the department
3202 of ~~((development and environmental services))~~ permitting and environmental review for
3203 preparation of a recommendation to the hearing examiner.

3204 B. All proposed site-specific land use map or shoreline master program map
3205 amendments, whether initiated by property owner application, by council motion or by
3206 executive proposal shall include the following:

- 3207 1. Name and address of the owner or owners of record;
- 3208 2. Description of the proposed amendment;
- 3209 3. Property description, including parcel number, property street address and
3210 nearest cross street;
- 3211 4. County assessor's map outlining the subject property; and
- 3212 5. Related or previous permit activity.

3213 C. Upon initiation of a site specific land use map or shoreline master program
3214 map amendment, an initial review conference will be scheduled by the department of
3215 ~~((development and environmental services))~~ permitting and environmental review. The
3216 owner or owners of record of the property shall be notified of and invited to attend the
3217 initial review conference. At the initial review conference, the department will review
3218 the proposed amendment's consistency with applicable county policies or regulatory
3219 enactments including specific reference to comprehensive plan policies, countywide
3220 planning policies and state Growth Management Act requirements. The proposed
3221 amendment will be classified in accordance with K.C.C. 20.18.040 and this information
3222 either will be provided at the initial review conference or in writing to the owner or
3223 owners of record within thirty days after the initial review conference.

3224 D. If a proposed site-specific land use map or shoreline master program map
3225 amendment is initiated by property owner application, the property owner shall,
3226 following the initial review conference, submit the completed application including an
3227 application fee and an environmental checklist to the department of ~~((development and
3228 environmental services))~~ permitting and environmental review to proceed with review of
3229 the proposed amendment.

3230 E. If a proposed site-specific land use map or shoreline master program map
3231 amendment is initiated by council motion, following the initial review conference, the
3232 council shall submit an environmental checklist to the department of ~~((development and
3233 environmental services))~~ permitting and environmental review to proceed with review of
3234 the proposed amendment.

3235 F. If a proposed site-specific land use map or shoreline master program map
3236 amendment is initiated by executive proposal, following the initial review conference, the
3237 executive shall submit an environmental checklist to the department of ~~((development~~
3238 ~~and environmental services))~~ permitting and environmental review to proceed with
3239 review of the proposed amendment.

3240 G. Following the submittal of the information required by subsections D., E. or F.
3241 of this section, the department of ~~((development and environmental services))~~ permitting
3242 and environmental review shall submit a report including an executive recommendation
3243 on the proposed amendment to the hearing examiner within one hundred twenty days.
3244 The department of ~~((development and environmental services))~~ permitting and
3245 environmental review shall provide notice of a public hearing and notice of threshold
3246 determination in accordance with K.C.C. 20.20.060.F., G., and H. The hearing will be
3247 conducted by the hearing examiner in accordance with K.C.C. 20.24.400. Following the
3248 public hearing, the hearing examiner shall prepare a report and recommendation on the
3249 proposed amendment in accordance with K.C.C. 20.24.400. A compilation of all
3250 completed reports will be considered by the council in accordance with K.C.C.
3251 20.18.070.

3252 H. A property-owner-initiated for a site-specific land use map or shoreline master
3253 program map amendment may be accompanied by an application for a zone
3254 reclassification to implement the proposed amendment, in which case administrative
3255 review of the two applications shall be consolidated to the extent practical consistent with
3256 Ordinance 13147 and K.C.C. chapter 20.20. The council's consideration of a site-
3257 specific land use map or shoreline master program map amendment is a legislative

3258 decision which will be determined before and separate from their consideration of a zone
3259 reclassification which is a quasi-judicial decision. If a zone reclassification is not
3260 proposed in conjunction with an application for a site-specific land use map or shoreline
3261 master program map amendment and the amendment is adopted, the property shall be
3262 given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 will
3263 be required in order to implement the potential zoning.

3264 I. Site-specific land use map or shoreline master program map amendments for
3265 which a completed recommendation by the hearing examiner has been submitted to the
3266 council by January 15 will be considered concurrently with the annual amendment to the
3267 comprehensive plan. Site specific land use map or shoreline master program map
3268 amendments for which a recommendation has not been issued by the hearing examiner
3269 by January 15 will be included in the next appropriate review cycle following issuance of
3270 the examiner's recommendation.

3271 J.1. No amendment to a land use designation or shoreline environment
3272 designation for a property may be initiated unless at least three years have elapsed since
3273 council adoption or review of the current designation for the property. This time limit
3274 may be waived by the executive or the council if the proponent establishes that there
3275 exists either an obvious technical error or a change in circumstances justifying the need
3276 for the amendment.

3277 2. A waiver by the executive shall be considered after the proponent has
3278 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
3279 render a waiver decision within forty-five days of receiving a docket request and shall
3280 mail a copy of this decision to the proponent.

3281 3. A waiver by the council shall be considered by motion.

3282 K. A shoreline master program map amendment and redesignation must meet the
3283 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state
3284 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master
3285 program map amendment and redesignation must be approved by the Washington state
3286 Department of Ecology.

3287 SECTION 83. Ordinance 13147, Section 25, and K.C.C. 20.18.090 are each
3288 hereby amended to read as follows:

3289 The department of (~~development and environmental services~~) permitting and
3290 environmental review shall prepare implementing development regulations to accompany
3291 any proposed comprehensive plan amendments. In addition, from time to time,
3292 department of (~~development and environmental services~~) permitting and environmental
3293 review may propose development regulations to further implement the comprehensive
3294 plan, consistent with the requirements of the Washington State Growth Management Act.
3295 Notice of proposed amendments to development regulations shall be provided to the state
3296 and to the public pursuant to K.C.C. 20.18.150.

3297 SECTION 84. Section 85 of this ordinance expires December 31, 2012.

3298 SECTION 85. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
3299 are each hereby amended to read as follows:

3300 A. Land use permit decisions are classified into four types, based on who makes
3301 the decision, whether public notice is required, whether a public hearing is required
3302 before a decision is made and whether administrative appeals are provided. The types of
3303 land use decisions are listed in subsection E. of this section.

3304 1. Type 1 decisions are made by the director, or his or her designee, ("director")
3305 of the department of (~~development and environmental services~~) permitting and
3306 environmental review ("department"). Type 1 decisions are nonappealable administrative
3307 decisions.

3308 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
3309 decisions that are subject to administrative appeal.

3310 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
3311 following an open record hearing. Type 3 decisions may be appealed to the county
3312 council, based on the record established by the hearing examiner.

3313 4. Type 4 decisions are quasi-judicial decisions made by the council based on
3314 the record established by the hearing examiner.

3315 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless
3316 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in
3317 consolidated permit applications that would require more than one type of land use
3318 decision process may be processed and decided together, including any administrative
3319 appeals, using the highest-numbered land use decision type applicable to the project
3320 application.

3321 C. Certain development proposals are subject to additional procedural
3322 requirements beyond the standard procedures established in this chapter.

3323 D. Land use permits that are categorically exempt from review under SEPA do
3324 not require a threshold determination (determination of nonsignificance ["DNS"] or
3325 determination of significance ["DS"]). For all other projects, the SEPA review
3326 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

3327

E. Land use decision types are classified as follow:

<p>TYPE 1</p>	<p>(Decision by director, no administrative appeal)</p>	<p>Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.</p>
<p>TYPE 21,2</p>	<p>(Decision by director appealable to hearing)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use</p>

	<p>examiner, no further administrative appeal)</p>	<p>permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit³; location of an antenna under K.C.C. 21A.26.451.C.4; location of minor communication facility support structure less than forty feet high in a nonresidential zone under K.C.C. 21A.26.451.C.2; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.</p>
<p>TYPE 31</p>	<p>(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on</p>	<p>Preliminary plat; plat alterations; preliminary plat revisions; location of a tower or antenna that exceeds forty feet in height in a nonresidential zone under K.C.C. 21A.26.451.C.2.</p>

	the record)	
TYPE 41,4	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

3328 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 3329 appeals and appeals of Type 3 and 4 decisions to the council.

3330 ² When an application for a Type 2 decision is combined with other permits requiring
 3331 Type 3 or 4 land use decisions under this chapter (~~or under K.C.C. 25.32.080~~), the
 3332 examiner, not the director, makes the decision.

3333 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
 3334 the state Shorelines Hearings Board and not to the hearing examiner.

3335 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
 3336 council at any time. Zone reclassifications that are not consistent with the
 3337 Comprehensive Plan require a site-specific land use map amendment and the council's
 3338 hearing and consideration shall be scheduled with the amendment to the Comprehensive
 3339 Plan under K.C.C. 20.18.040 and 20.18.060.

3340 F. The definitions in K.C.C. 21A.45.020 apply to this section.

3341 G. In the Kirkland Finn Hill/Juanita/Kingsgate Annexation Area, as shown on the
 3342 map in Ordinance 17029, the manner of concealment for any minor communication

3343 facility that is a Type II or Type III land use decision shall be reviewed and determined as
3344 part of that process.

3345 SECTION 86. Section 87 of this ordinance takes effect December 31, 2012.

3346 SECTION 87. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
3347 are each hereby amended to read as follows:

3348 A. Land use permit decisions are classified into four types, based on who makes
3349 the decision, whether public notice is required, whether a public hearing is required
3350 before a decision is made and whether administrative appeals are provided. The types of
3351 land use decisions are listed in subsection E. of this section.

3352 1. Type 1 decisions are made by the director, or his or her designee, ("director")
3353 of the department of ~~((development and environmental services))~~ permitting and
3354 environmental review ("department"). Type 1 decisions are nonappealable administrative
3355 decisions.

3356 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
3357 decisions that are subject to administrative appeal.

3358 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
3359 following an open record hearing. Type 3 decisions may be appealed to the county
3360 council, based on the record established by the hearing examiner.

3361 4. Type 4 decisions are quasi-judicial decisions made by the council based on
3362 the record established by the hearing examiner.

3363 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless
3364 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in
3365 consolidated permit applications that would require more than one type of land use

3366 decision process may be processed and decided together, including any administrative
 3367 appeals, using the highest-numbered land use decision type applicable to the project
 3368 application.

3369 C. Certain development proposals are subject to additional procedural
 3370 requirements beyond the standard procedures established in this chapter.

3371 D. Land use permits that are categorically exempt from review under SEPA do
 3372 not require a threshold determination (determination of nonsignificance ["DNS"] or
 3373 determination of significance ["DS"]). For all other projects, the SEPA review
 3374 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

3375 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development
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		<p>proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.</p>
<p>TYPE 21,2</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit³; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.</p>

<p>TYPE 31</p>	<p>(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)</p>	<p>Preliminary plat; plat alterations; preliminary plat revisions.</p>
<p>TYPE 41,4</p>	<p>(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)</p>	<p>Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.</p>

3376 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 3377 appeals and appeals of Type 3 and 4 decisions to the council.

3378 ² When an application for a Type 2 decision is combined with other permits requiring
 3379 Type 3 or 4 land use decisions under this chapter (~~or under K.C.C. 25.32.080~~), the
 3380 examiner, not the director, makes the decision.

3381 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
 3382 the state Shorelines Hearings Board and not to the hearing examiner.

3383 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
 3384 council at any time. Zone reclassifications that are not consistent with the
 3385 Comprehensive Plan require a site-specific land use map amendment and the council's

3386 hearing and consideration shall be scheduled with the amendment to the Comprehensive
3387 Plan under K.C.C. 20.18.040 and 20.18.060.

3388 F. The definitions in K.C.C. 21A.45.020 apply to this section.

3389 SECTION 88. Ordinance 16950, Section 10, and K.C.C. 20.20.035 are each
3390 hereby amended to read as follows:

3391 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community
3392 meeting, under this section, before filing of an application, notice of the meeting shall be
3393 given and the meeting shall be conducted as follows:

3394 A. At least two weeks in advance, the applicant shall:

3395 1. Publish notice of the meeting in the local paper and mail and email to the
3396 department and to the unincorporated area council serving the area in which potential
3397 sites are contemplated, and

3398 2. Mail notice of the meeting to all property owners within five hundred feet or
3399 at least twenty of the nearest property owners, whichever is greater, as provided in
3400 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
3401 development, to be discussed at the community meeting. The mailed notice shall, at a
3402 minimum, contain a brief description and purpose of the proposal, approximate location
3403 noted on an assessor map with address and parcel number, photograph or sketch of any
3404 existing or proposed structures, a statement that alternative sites proposed by citizens can
3405 be presented at the meeting that will be considered by the applicant, a contact name and
3406 telephone number to obtain additional information and other information deemed
3407 necessary by the department of ~~((development and environmental services))~~ permitting
3408 and environmental review. Because the purpose of the community meeting is to promote

3409 early discussion, applicants shall to note any changes to the conceptual information
3410 presented in the mailed notice when they submit an application.

3411 B. At the community meeting at which at least one employee of the department
3412 of ~~((development and environmental services))~~ permitting and environmental review,
3413 assigned by the director of the department, shall be in attendance, the applicant shall
3414 provide information relative to the proposal and any modifications proposed to existing
3415 structures or any new structures and how the proposal is compatible with the character of
3416 the surrounding neighborhood. An applicant shall also provide with the applicant's
3417 application a list of meeting attendees, those receiving mailed notice of the meeting and a
3418 record of the published meeting notice.

3419 C. The applicant shall, in the notice required under subsection A.2. of this
3420 section, and at the community meeting required under subsection B. of this section ,
3421 advise that persons interested in the applicant's proposal may monitor the progress of the
3422 permitting of that proposal by contacting the department or by viewing the department's
3423 website, the address of which will be provided in the notice and at the community
3424 meeting.

3425 SECTION 89. Ordinance 16026, Section 2, and K.C.C. 20.24.085 are each
3426 hereby amended to read as follows:

3427 A. As provided in K.C.C. chapter 27.50, on appeals of permit fee estimates and
3428 billings by the department of ~~((development and environmental services))~~ permitting and
3429 environmental review, the examiner shall receive and examine the available information,
3430 conduct public hearings and issue final decisions, including findings and conclusions,
3431 based on the issues and evidence.

3432 B. The examiner that conducts the appeal hearing or hearings under K.C.C.
3433 chapter 27.50 of a permit fee estimate and/or permit fee billing related to a development
3434 permit application by the department of (~~development and environmental services~~)
3435 permitting and environmental review shall not have conducted and shall not conduct the
3436 hearing on any other component of that development permit application.

3437 SECTION 90. Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197
3438 are each hereby amended to read as follows:

3439 Whenever the examiner in the course of conducting hearings or reviewing
3440 preliminary plat applications receives documentation that the public schools in the district
3441 where the development is proposed would not meet the standards set out in K.C.C.
3442 21A.28.160 if the development were approved, the examiner shall remand to the
3443 department of (~~development and environmental services~~) permitting and environmental
3444 review to require or recommend phasing or provision of the needed facilities and sites as
3445 appropriate to address the deficiency, or deny the proposal if required by this chapter.
3446 The examiner shall prepare findings to document the facts that support the action taken.
3447 The examiner shall recommend such phasing as may be necessary to coordinate the
3448 development of the housing with the provision of sufficient school facilities, or shall
3449 require the provision of the needed facilities. An offer of payment of a school impact fee
3450 as required by ordinance shall not be a substitute for the phasing, but the fee is still
3451 assessable. The examiner shall recommend a payment schedule for the fee to coordinate
3452 the payment with phasing of an impact mitigation fee if the provision or payment is
3453 satisfactory to the district. The examiner must determine independently that the
3454 conditions of approval and assessable fees will provide for adequate schools.

3455 SECTION 91. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are
3456 each hereby amended to read as follows:

3457 The procedures and standards regarding the timing and content of environmental
3458 review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the
3459 following:

3460 A. The optional provision of WAC 197-11-060(3)(c) is adopted.

3461 B. Under WAC 197-11-100, the applicant shall prepare the initial environmental
3462 checklist, unless the lead agency specifically elects to prepare the checklist. The lead
3463 agency shall make a reasonable effort to verify the information in the environmental
3464 checklist and shall have the authority to determine the final content of the environmental
3465 checklist.

3466 C. The department of (~~development and environmental services~~) permitting and
3467 environmental review may set reasonable deadlines for the submittal of information,
3468 studies, or documents necessary for, or subsequent to, threshold determinations. Failure
3469 to meet such deadlines shall cause the application to be deemed withdrawn, and plans or
3470 other data previously submitted for review may be returned to the applicant together with
3471 any unexpended portion of the application review fees.

3472 SECTION 92. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050 are
3473 each hereby amended to read as follows:

3474 The procedures and standards for preparation of environmental impact statements
3475 and other environmental documents pursuant to WAC 197-11-400 through 197-11-460
3476 and 197-11-600 through 197-11-640 are adopted, subject to the following:

3477 A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of
3478 significance and scoping notices shall be in writing, except where a public meeting on
3479 EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

3480 B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county
3481 department acting as lead agency shall be responsible for preparation and content of EIS's
3482 and other environmental documents. The department shall contract with consultants as
3483 necessary for the preparation of environmental documents. The department may consider
3484 the opinion of the applicant regarding the qualifications of the consultant but the
3485 department shall retain sole authority for selecting persons or firms to author, co-author,
3486 provide special services or otherwise participate in the preparation of required
3487 environmental documents.

3488 C. Consultants or subconsultants selected by King County to prepare
3489 environmental documents for a private development proposal shall not: act as agents for
3490 the applicant in preparation or acquisition of associated underlying permits; have a
3491 financial interest in the proposal for which the environmental document is being
3492 prepared; perform any work or provide any services for the applicant in connection with
3493 or related to the proposal.

3494 D. The department shall establish and maintain one or more lists of qualified
3495 consultants who are eligible to receive contracts for preparation of environmental
3496 documents. Separate lists may be maintained to reflect specialized qualifications or
3497 expertise. When the department requires consultant services to prepare environmental
3498 documents, the department shall select a consultant from the lists and negotiate a contract
3499 for such services. The department director may waive these requirements as provided for

3500 in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to
3501 K.C.C. 2.98, the department of (~~development and environmental services~~) permitting
3502 and environmental review shall (~~promulgate administrative rules prior to the effective~~
3503 ~~date of Ordinance 8998~~) adopt public rules that establish processes to: create and
3504 maintain a qualified consultant list; select consultants from the list; remove consultants
3505 from the list; provide a method by which applicants may request a reconsideration of
3506 selected consultants based upon costs, qualifications, or timely production of the
3507 environmental document; and waive the consultant selection requirements of this chapter
3508 on any basis provided by K.C.C. 4.16.

3509 E. All costs of preparing the environment document shall be borne by the
3510 applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of
3511 (~~development and environmental services~~) permitting and environmental review shall
3512 promulgate administrative rules which establish a trust fund for consultant payment
3513 purposes, define consultant payment schedules, prescribe procedures for treating interest
3514 from deposited funds, and develop other procedures necessary to implement this chapter.

3515 F. In the event an applicant decides to suspend or abandon the project, the
3516 applicant must provide formal written notice to the department and consultant. The
3517 applicant shall continue to be responsible for all monies expended by the division or
3518 consultants to the point of receipt of notification to suspend or abandon, or other
3519 obligations or penalties under the terms of any contract let for preparation of the
3520 environmental documents.

3521 G. The department shall only publish an environmental impact statement (EIS)
3522 when it believes that the EIS adequately disclose: the significant direct, indirect, and

3523 cumulative adverse impacts of the proposal and its alternatives; mitigation measures
3524 proposed and committed to by the applicant, and their effectiveness in significantly
3525 mitigating impacts; mitigation measures that could be implemented or required; and
3526 unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a
3527 final environmental impact statement shall be issued by the department within 270 days
3528 following the issuance of a DS for the proposal, except for public projects and nonproject
3529 actions, unless the department determines at the time of issuance of the DS that a longer
3530 time period will be required because of the extraordinary size of the proposal or the scope
3531 of the environmental impacts resulting therefrom; provided that the additional time shall
3532 not exceed ninety days unless agreed to by the applicant.

3533 H. The following periods shall be excluded from the two hundred seventy day
3534 time period for issuing a final environmental impact statement:

- 3535 1. Any time period during which the applicant has failed to pay required
3536 environmental review fees to the department;
- 3537 2. Any period of time during which the applicant has been requested to provide
3538 additional information required for preparation of the environmental impact statement,
3539 and
- 3540 3. Any period of time during which the applicant has not authorized the
3541 department to proceed with preparation of the environmental impact statement.

3542 SECTION 93. Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100
3543 are each hereby amended to read as follows:

3544 All requests from other agencies that King County consult on threshold
3545 investigations, the scope process, EIS's or other environmental documents shall be

3546 submitted to the department of (~~development and environmental services~~) permitting
3547 and environmental review. The department shall be responsible for coordination with
3548 other affected county departments and for compiling and transmitting King County's
3549 response to such requests for consultation.

3550 SECTION 94. Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130
3551 are each hereby amended to read as follows:

3552 A. County departments which administer activities subject to SEPA may prepare
3553 rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA,
3554 WAC chapter 197-11 and this chapter.

3555 B. The rules and regulations prepared by the department of (~~development and~~
3556 ~~environmental services~~) permitting and environmental review, which exercises initial
3557 jurisdiction over a private proposal, shall not become effective until approved by the
3558 council by motion.

3559 SECTION 95. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are
3560 each hereby amended to read as follows:

3561 The following words and terms shall, when used in this chapter, be defined as
3562 follows unless a different meaning clearly appears from the context:

3563 A. "Alteration" is any construction, demolition, removal, modification,
3564 excavation, restoration or remodeling of a landmark.

3565 B. "Building" is a structure created to shelter any form of human activity, such as
3566 a house, barn, church, hotel or similar structure. Building may refer to an historically
3567 related complex, such as a courthouse and jail or a house and barn.

3568 C. "Certificate of appropriateness" is written authorization issued by the
3569 commission or its designee permitting an alteration to a significant feature of a
3570 designated landmark.

3571 D. "Commission" is the landmarks commission created by this chapter.

3572 E. "Community landmark" is an historic resource which has been designated
3573 pursuant to K.C.C. 20.62.040 but which may be altered or changed without application
3574 for or approval of a certificate of appropriateness.

3575 F. "Designation" is the act of the commission determining that an historic
3576 resource meets the criteria established by this chapter.

3577 G. "Designation report" is a report issued by the commission after a public
3578 hearing setting forth its determination to designate a landmark and specifying the
3579 significant feature or features thereof.

3580 H. "Director" is the director of the King County department of ~~((development and
3581 environmental services))~~ permitting and environmental review or his or her designee.

3582 I. "District" is a geographically definable area, urban or rural, possessing a
3583 significant concentration, linkage, or continuity of sites, buildings, structures, or objects
3584 united by past events or aesthetically by plan or physical development. A district may
3585 also comprise individual elements separated geographically but linked by association or
3586 history.

3587 J. "Heritage" is a discipline relating to historic preservation and archaeology,
3588 history, ethnic history, traditional cultures and folklore.

3589 K. "Historic preservation officer" is the King County historic preservation officer
3590 or his or her designee.

3591 L. "Historic resource" is a district, site, building, structure or object significant in
3592 national, state or local history, architecture, archaeology, and culture.

3593 M. "Historic resource inventory" is an organized compilation of information on
3594 historic resources considered to be significant according to the criteria listed in K.C.C.
3595 20.62.040A. The historic resource inventory is kept on file by the historic preservation
3596 officer and is updated from time to time to include newly eligible resources and to reflect
3597 changes to resources.

3598 N. "Incentives" are such compensation, rights or privileges or combination
3599 thereof, which the council, or other local, state or federal public body or agency, by virtue
3600 of applicable present or future legislation, may be authorized to grant to or obtain for the
3601 owner or owners of designated landmarks. Examples of economic incentives include but
3602 are not limited to tax relief, conditional use permits, rezoning, street vacation, planned
3603 unit development, transfer of development rights, facade easements, gifts, preferential
3604 leasing policies, private or public grants-in-aid, beneficial placement of public
3605 improvements, or amenities, or the like.

3606 O. "Interested person of record" is any individual, corporation, partnership or
3607 association which notifies the commission or the council in writing of its interest in any
3608 matter before the commission.

3609 P. "Landmark" is an historic resource designated as a landmark pursuant to
3610 K.C.C. 20.62.060.

3611 Q. "Nomination" is a proposal that an historic resource be designated a landmark.

3612 R. "Object" is a material thing of functional, aesthetic, cultural, historical, or
3613 scientific value that may be, by nature or design, movable yet related to a specific setting
3614 or environment.

3615 S. "Owner" is a person having a fee simple interest, a substantial beneficial
3616 interest of record or a substantial beneficial interest known to the commission in an
3617 historic resource. Where the owner is a public agency or government, that agency shall
3618 specify the person or persons to receive notices under this chapter.

3619 T. "Person" is any individual, partnership, corporation, group or association.

3620 U. "Person in charge" is the person or persons in possession of a landmark
3621 including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a
3622 receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly
3623 in control of the landmark.

3624 V. "Preliminary determination" is a decision of the commission determining that
3625 an historic resource which has been nominated for designation is of significant value and
3626 is likely to satisfy the criteria for designation.

3627 W. "Significant feature" is any element of a landmark which the commission has
3628 designated pursuant to this chapter as of importance to the historic, architectural or
3629 archaeological value of the landmark.

3630 X. "Site" is the location of a significant event, a prehistoric or historic occupation
3631 or activity, or a building or structure, whether standing, ruined, or vanished, where the
3632 location itself maintains an historical or archaeological value regardless of the value of
3633 any existing structures.

3634 Y. "Structure" is any functional construction made usually for purposes other
3635 than creating human shelter.

3636 SECTION 96. Ordinance 10870, Section 40, and K.C.C. 21A.04.190 are each
3637 hereby amended to read as follows:

3638 A. The location and boundaries of the zones defined by this chapter shall be
3639 shown and delineated on zoning maps adopted by ordinance.

3640 B. Changes in the boundaries of the zones, including application or amendment
3641 of interim zoning, shall be made by ordinance adopting or amending a zoning map.

3642 C. Zoning maps are available for public review at the department of
3643 ~~((development and environmental services))~~ permitting and environmental review permit
3644 center during business hours.

3645 SECTION 97. Ordinance 10870, Section 96, and K.C.C. 21A.06.280 are each
3646 hereby amended to read as follows:

3647 Department: the King County department of ~~((development and environmental
3648 services))~~ permitting and environmental review or its successor agency.

3649 SECTION 98. Ordinance 10870, Section 105, and K.C.C. 21A.06.325 are each
3650 hereby amended to read as follows:

3651 Director: the director of King County department of ~~((development and
3652 environmental services))~~ permitting and environmental review, or his or her designee.

3653 SECTION 99. Ordinance 10870, Section 340, as amended, and K.C.C.
3654 21A.12.030 are each hereby amended to read as follows:

3655 A. Densities and dimensions - residential zones.

RESIDENTIAL

STANDARDS	Z O N E S	RURAL				URBA N RE- SERV E	URBAN 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: Dwelling Unit/Acre (15)		0.2 du/ ac	0.2 du/ ac	0.1 du/a c	0.05 du/a c	0.2 du/ac (21)	1 du/a c	4 du/a c (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)						6 du/a c (22) 8 du/a c (27)	9 du/ ac (27)	12 du/ ac (27)	18 du/ ac (27)	27 du/ ac (27)	36 du/ ac (27)	72 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	30ft	30 ft	30 ft
Minimum Street Setback (3)		30 ft (9)	30 ft (9)	30ft (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)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)		5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	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	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	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) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5 % (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70 % (26)	75 % (26)	85 % (26)	85 % (26)	85 % (26)	90 % (26)

3656 B. Development conditions.

3657 1. This maximum density may be achieved only through the application of
 3658 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of
 3659 development rights in accordance with K.C.C. chapter 21A.37, or any combination of
 3660 density incentive or density transfer.

3661 2. Also see K.C.C. 21A.12.060.

3662 3. These standards may be modified under the provisions for zero-lot-line and
 3663 townhouse developments.

3664 4. Height limits may be increased if portions of the structure that exceed the
 3665 base height limit provide one additional foot of street and interior setback for each foot
 3666 above the base height limit, but the maximum height may not exceed seventy-five feet.
 3667 Netting or fencing and support structures for the netting or fencing used to contain golf
 3668 balls in the operation of golf courses or golf driving ranges are exempt from the
 3669 additional interior setback requirements but the maximum height shall not exceed
 3670 seventy-five feet, except for large active recreation and multiuse parks, where the

3671 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
3672 trajectory study requires a higher fence.

3673 5. Applies to each individual lot. Impervious surface area standards for:

3674 a. Regional uses shall be established at the time of permit review;

3675 b. Nonresidential uses in residential zones shall comply with K.C.C.

3676 21A.12.120 and 21A.12.220;

3677 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
3678 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
3679 comparable R-6 or R-8 zone; and

3680 d. A lot may be increased beyond the total amount permitted in this chapter
3681 subject to approval of a conditional use permit.

3682 6. Mobile home parks shall be allowed a base density of six dwelling units per
3683 acre.

3684 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
3685 square feet in area.

3686 8. At least twenty linear feet of driveway shall be provided between any garage,
3687 carport or other fenced parking area and the street property line. The linear distance shall
3688 be measured along the center line of the driveway from the access point to such garage,
3689 carport or fenced area to the street property line.

3690 9.a. Residences shall have a setback of at least one hundred feet from any
3691 property line adjoining A, M or F zones or existing extractive operations. However,
3692 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
3693 existing extractive operations shall have a setback from the rear property line equal to

3694 fifty percent of the lot width and a setback from the side property equal to twenty-five
3695 percent of the lot width.

3696 b. Except for residences along a property line adjoining A, M or F zones or
3697 existing extractive operations, lots between one acre and two and one-half acres in size
3698 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
3699 to the requirements of the R-4 zone.

3700 10.a. For developments consisting of three or more single-detached dwellings
3701 located on a single parcel, the setback shall be ten feet along any property line abutting
3702 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
3703 K.C.C. 21A.14.190, which shall have a setback of five feet.

3704 b. For townhouse and apartment development, the setback shall be twenty feet
3705 along any property line abutting R-1 through R-8, RA and UR zones, except for
3706 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
3707 of five feet, unless the townhouse or apartment development is adjacent to property upon
3708 which an existing townhouse or apartment development is located.

3709 11. Lots smaller than one-half acre in area shall comply with standards of the
3710 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
3711 larger, the maximum impervious surface area allowed shall be at least ten thousand
3712 square feet. On any lot over one acre in area, an additional five percent of the lot area
3713 may be used for buildings related to agricultural or forestry practices. For lots smaller
3714 than two acres but larger than one-half acre, an additional ten percent of the lot area may
3715 be used for structures that are determined to be medically necessary, if the applicant

3716 submits with the permit application a notarized affidavit, conforming with K.C.C.
3717 21A.32.170A.2.

3718 12. For purposes of calculating minimum density, the applicant may request that
3719 the minimum density factor be modified based upon the weighted average slope of the
3720 net buildable area of the site in accordance with K.C.C. 21A.12.087.

3721 13. The minimum lot area does not apply to lot clustering proposals as provided
3722 in K.C.C. chapter 21A.14.

3723 14. The base height to be used only for projects as follows:

3724 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
3725 fifteen percent finished grade; and

3726 b. in R-18, R-24 and R-48 zones using residential density incentives and
3727 transfer of density credits in accordance with this title.

3728 15. Density applies only to dwelling units and not to sleeping units.

3729 16. Vehicle access points from garages, carports or fenced parking areas shall
3730 be set back from the property line on which a joint use driveway is located to provide a
3731 straight line length of at least twenty-six feet as measured from the center line of the
3732 garage, carport or fenced parking area, from the access point to the opposite side of the
3733 joint use driveway.

3734 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
3735 be clustered if the property is located within or contains:

3736 (1) a floodplain;

3737 (2) a critical aquifer recharge area;

3738 (3) a regionally or locally significant resource area;

- 3739 (4) existing or planned public parks or trails, or connections to such facilities;
3740 (5) a category type S or F aquatic area or category I or II wetland;
3741 (6) a steep slope; or
3742 (7) an urban separator or wildlife habitat network designated by the
3743 Comprehensive Plan or a community plan.

3744 b. The development shall be clustered away from critical areas or the axis of
3745 designated corridors such as urban separators or the wildlife habitat network to the extent
3746 possible and the open space shall be placed in a separate tract that includes at least fifty
3747 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
3748 homeowner's association or other suitable organization, as determined by the director,
3749 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
3750 designated urban separators shall be placed within the open space tract to the extent
3751 possible. Passive recreation, with no development of recreational facilities, and natural-
3752 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3753 18. See K.C.C. 21A.12.085.

3754 19. All subdivisions and short subdivisions in R-1 and RA zones within the
3755 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
3756 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
3757 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
3758 Sammamish Community Planning Area that drains to Patterson Creek shall have a
3759 maximum impervious surface area of eight percent of the gross acreage of the plat.
3760 Distribution of the allowable impervious area among the platted lots shall be recorded on
3761 the face of the plat. Impervious surface of roads need not be counted towards the

3762 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
3763 more restrictive shall be required.

3764 20. This density may only be achieved on RA 2.5 zoned parcels receiving
3765 density from rural forest focus areas through a transfer of density credit pursuant to
3766 K.C.C. chapter 21A.37.

3767 21. Base density may be exceeded, if the property is located in a designated
3768 rural city urban growth area and each proposed lot contains an occupied legal residence
3769 that predates 1959.

3770 22. The maximum density is four dwelling units per acre for properties zoned
3771 R-4 when located in the Rural Town of Fall City.

3772 23. The minimum density requirement does not apply to properties located
3773 within the Rural Town of Fall City.

3774 24. The impervious surface standards for the county fairground facility are
3775 established in the King County Fairgrounds Site Development Plan, Attachment A to
3776 Ordinance 14808 on file at the department of natural resources and parks and the
3777 department of ~~((development and environmental services))~~ permitting and environmental
3778 review. Modifications to that standard may be allowed provided the square footage does
3779 not exceed the approved impervious surface square footage established in the King
3780 County Fairgrounds Site Development Plan Environmental Checklist, dated September
3781 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

3782 25. For cottage housing developments only:

3783 a. The base height is eighteen feet.

3784 b. Buildings have pitched roofs with a minimum slope of six and twelve may
3785 extend up to twenty-five feet at the ridge of the roof.

3786 26. Impervious surface does not include access easements serving neighboring
3787 property and driveways to the extent that they extend beyond the street setback due to
3788 location within an access panhandle or due to the application of King County Code
3789 requirements to locate features over which the applicant does not have control.

3790 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

3791 SECTION 100. Ordinance 10870, Section 384, as amended, and K.C.C.
3792 21A.14.240 are each hereby amended to read as follows:

3793 Trail design shall be reviewed by the department (~~(of development and~~
3794 ~~environmental services)~~) for consistency with adopted standards for:

- 3795 A. Width of the trail corridor;
- 3796 B. Location of the trail corridor on the site;
- 3797 C. Surfacing improvements; and
- 3798 D. Use(s) permitted within the corridor.

3799 SECTION 101. Ordinance 14045, Section 38, as amended, and K.C.C.
3800 21A.14.370 are each hereby amended to read as follows:

3801 The county shall accept a voluntary grant of easement for the preservation or
3802 relocation of a rural equestrian community trail in the RA, A or F zone whenever:

3803 A. The department makes a determination in writing that:

- 3804 1. The equestrian community trail is listed or mapped on an inventory of
3805 equestrian community trails maintained by the King County parks and recreation

3806 department. The department shall field verify the presence of a trail where an inventory
3807 indicates the general location of a trail that has not yet been field verified:

3808 2. The equestrian community trail connects to a state, county or other trail open
3809 to the public;

3810 3. The equestrian community trail, following a site inspection by the department
3811 of natural resources and parks, is reasonably fit for use as a rural equestrian community
3812 trail;

3813 4. If the equestrian community trail traverses or impacts an environmentally
3814 sensitive area, it can be modified to meet code requirements for trails in sensitive areas;
3815 and

3816 5. Permanent protection or relocation of an equestrian community trail can be
3817 accomplished without interference with allowed uses and development of the subject
3818 property, and the site can be developed without interference with the trail and allows for
3819 future owners of the property to access historically existing or public trails in the vicinity
3820 of the site.

3821 B. If the trail is proposed to be granted as part of a mitigation package for a
3822 development proposal, the department of ~~((development and environmental services))~~
3823 permitting and environmental review determines and reports to the department of natural
3824 resources that permanent protection or relocation of an equestrian community trail can be
3825 accomplished without interference with the proposed use and development of the subject
3826 property, and the site can be developed without interference with the trail and in a manner
3827 that allows future owners of the property to access historically existing or public trails in
3828 the vicinity that are linked to the subject site. The department of ~~((development and~~

3829 ~~environmental services))~~ permitting and environmental review shall report its findings in
3830 writing.

3831 SECTION 102. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each
3832 hereby amended to read as follows:

3833 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are
3834 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat
3835 conservation areas, when an agricultural activity is currently occurring on the site and the
3836 alteration is in compliance with an approved farm management plan in accordance with
3837 this section or, for livestock activities, a farm management plan in accordance with
3838 K.C.C. chapter 21A.30.

3839 B. This section does not modify any requirement that the property owner obtain
3840 permits for activities covered by the farm management plan.

3841 C. The department of natural resources and parks or its designee shall serve as
3842 the single point of contact for King County in providing information on farm
3843 management plans for purposes of this title. The department of natural resources and
3844 parks shall adopt a public rule governing the development of farm management plans.
3845 The rule may provide for different types of farms management plans related to different
3846 kinds of agricultural activities, including, but not limited to the best management
3847 practices for dairy nutrient management, livestock management, horticulture
3848 management, site development and agricultural drainage.

3849 D. A property owner or applicant seeking to use the process to allow alterations
3850 in critical area buffers shall develop a farm management plan based on the following
3851 goals, which are listed in order of priority:

3852 1. To maintain the productive agricultural land base and economic viability of
3853 agriculture on the site;

3854 2. To maintain, restore or enhance critical areas to the maximum extent practical
3855 in accordance with the site specific goals of the landowner;

3856 3. To the maximum extent practical in accordance with the site specific goals of
3857 the landowner, maintain and enhance natural hydrologic systems on the site;

3858 4. To use federal, state and local best management practices and best available
3859 science for farm management to achieve the goals of the farm management plan; and

3860 5. To monitor the effectiveness of best management practices and implement
3861 additional practices through adaptive management to achieve the goals of the farm
3862 management plan.

3863 E. The property owner or applicant may develop the farm management plan as
3864 part of a program offered or approved by King County. The plan shall include, but is not
3865 limited to, the following elements:

3866 1. A site inventory identifying critical areas, structures, cleared and forested
3867 areas, and other significant features on the site;

3868 2. Site-specific performance standards and best management practices to
3869 maintain, restore or enhance critical areas and their buffers and maintain and enhance
3870 native vegetation on the site including the best management practices for the installation
3871 and maintenance of farm field access drives and agricultural drainages;

3872 3. A plan for future changes to any existing structures or for any changes to the
3873 landscape that involve clearing or grading;

3874 4. A plan for implementation of performance standards and best management
3875 practices;

3876 5. A plan for monitoring the effectiveness of measures taken to protect critical
3877 areas and their buffers and to modify the farm management plan if adverse impacts occur;
3878 and

3879 6. Documentation of compliance with flood compensatory storage and flood
3880 conveyance in accordance with K.C.C. 21A.24.240.

3881 F. A farm management plan is not effective until approved by the county. Before
3882 approval, the county may conduct a site inspection, which may be through a program
3883 offered or approved by King County, to verify that the plan is reasonably likely to
3884 accomplish the goals in subsection D. of this section.

3885 G. Once approved, activities carried out in compliance with the approved farm
3886 management plan shall be deemed in compliance with this chapter. In the event of a
3887 potential code enforcement action, the department of ~~((development and environmental
3888 services))~~ permitting and environmental review shall first inform the department of
3889 natural resources and parks of the activity. Prior to taking code enforcement action, the
3890 department of ~~((development and environmental services))~~ permitting and environmental
3891 review shall consult with the department of natural resources and parks and the King
3892 Conservation District to determine whether the activity is consistent with the farm
3893 management plan.

3894 SECTION 103. Ordinance 15051, Section 139, as amended, and K.C.C.
3895 21A.24.055 are each hereby amended to read as follows:

3896 A. On a site zoned RA, the department may approve a modification of the
3897 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation
3898 areas and maximum clearing restrictions through a rural stewardship plan for single
3899 family detached residential development in accordance with this section.

3900 B. The property owner or applicant shall develop the rural stewardship plan as
3901 part of a rural stewardship program offered or approved by King County and has the
3902 option of incorporating appropriate components of a county-approved farm management
3903 or a county-approved forest stewardship plan.

3904 C. In its evaluation of any proposed modification of the minimum buffer widths
3905 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
3906 restrictions, the department shall consider the following factors:

3907 1. The existing condition of the drainage basin or marine shoreline as designated
3908 on the Basin and Shoreline Conditions Map;

3909 2. The existing condition of wetland and aquatic area buffers;

3910 3. The existing condition of wetland functions based on the adopted Washington
3911 State Wetland Rating System for Western Washington, Washington state department of
3912 ecology publication number 04-06-025, published August 2004;

3913 4. The location of the site in the drainage basin;

3914 5. The percentage of impervious surfaces and clearing on the site; and

3915 6. Any existing development on the site that was approved as a result of a
3916 variance or alteration exception that allowed development within a critical area or critical
3917 area buffer. If the existing development was approved through a variance or alteration
3918 exception, the rural stewardship plan shall demonstrate that the plan will result in

3919 enhancing the functions and values of critical areas located on the site as if the
3920 development approved through the variance or alteration exception had not occurred.

3921 D. A rural stewardship plan does not modify the requirement for permits for
3922 activities covered by the rural stewardship plan.

3923 E. Modifications of critical area buffers shall be based on the following
3924 prioritized goals:

3925 1. To the maximum extent practical, to avoid impacts to critical areas and, if
3926 applicable, to the shoreline jurisdiction;

3927 2. To avoid impacts to the higher quality wetland or aquatic area or the more
3928 protected fish or wildlife species, if there is a potential to affect more than one category
3929 of wetland or aquatic area or more than one species of native fish or wildlife;

3930 3. To maintain or enhance the natural hydrologic systems on the site to the
3931 maximum extent practical;

3932 4. To maintain, restore or enhance native vegetation;

3933 5. To maintain, restore or enhance the function and value of critical areas or
3934 critical area buffers located on the site;

3935 6. To minimize habitat fragmentation and enhance corridors between wetlands,
3936 riparian corridors, wildlife habitat conservation areas and other priority habitats;

3937 7. To minimize the impacts of development over time by implementing best
3938 management practices and meeting performance standards during the life of the
3939 development; and

3940 8. To monitor the effectiveness of the stewardship practices and implement
3941 additional practices through adaptive management to maintain, restore or enhance critical
3942 area functions when necessary.

3943 F. If a part or all of the site is located within the shoreline jurisdiction, the rural
3944 stewardship plan shall:

3945 1. Consider and be consistent with the goals of the Shoreline Management Act
3946 and the policies of the King County Shoreline Master Program;

3947 2. Consider the priorities of the King County Shoreline Protection and
3948 Restoration Plan; and

3949 3. Ensure no net loss of shoreline ecological functions.

3950 G. A rural stewardship plan may include, but is not limited to, the following
3951 elements:

3952 1. Critical areas designation under K.C.C. 21A.24.500;

3953 2. Identification of structures, cleared and forested areas and other significant
3954 features on the site;

3955 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3956 4. Analysis of impacts of planned changes to any existing structures, for other
3957 changes to the site that involve clearing or grading or for new development;

3958 5. Site-specific best management practices that mitigate impacts of development
3959 and that protect and enhance the ecological values and functions of the site;

3960 6. A schedule for implementation of the elements of the rural stewardship plan;
3961 and

3962 7. A plan for monitoring the effectiveness of measures approved under the rural
3963 stewardship plan and to modify if adverse impacts occur.

3964 H. A rural stewardship plan may be developed as part of a program offered or
3965 approved by King County and shall include a site inspection by the county to verify that
3966 the plan is reasonably likely to accomplish the goals in subsection E. of this section to
3967 protect water quality, reduce flooding and erosion, maintain, restore or enhance the
3968 function and value of critical areas and their buffers and maintain or enhance native
3969 vegetation on the site of this section.

3970 I. A property owner who completes a rural stewardship plan that is approved by
3971 the county may be eligible for tax benefits under the public benefit rating system in
3972 accordance with K.C.C. 20.36.100.

3973 J. If a property owner withdraws from the rural stewardship plan, in addition to
3974 any applicable penalties under the public benefit rating system, the following apply:

3975 1. Mitigation is required for any structures constructed in critical area buffers
3976 under the rural stewardship plan; and

3977 2. The property owner shall apply for buffer averaging or an alteration
3978 exception, as appropriate, to permit any structure or use that has been established under
3979 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3980 K. A rural stewardship plan is not effective until approved by the county. Before
3981 approval, the county may conduct a site inspection, which may be through a program
3982 offered or approved by King County, to verify that the plan is reasonably likely to
3983 accomplish the goals in subsection E. of this section.

3984 L. Once approved, activities carried out in compliance with the approved rural
3985 stewardship plan shall be deemed in compliance with this chapter. In the event of a
3986 potential code enforcement action, the department of ~~((development and environmental
3987 services))~~ permitting and environmental review shall first inform the department of
3988 natural resources and parks of the activity. Before taking code enforcement action, the
3989 department of ~~((development and environmental services))~~ permitting and environmental
3990 review shall consult with the department of natural resources and parks to determine
3991 whether the activity is consistent with the rural stewardship plan.

3992 SECTION 104. Ordinance 15051, Section 140, and K.C.C. 21A.24.061 are each
3993 hereby amended to read as follows:

3994 A. The King County council recognizes that rural stewardship plans and farm
3995 management plans are key elements of this chapter that provide flexibility to rural area
3996 residents to establish and maintain a rural lifestyle that includes activities such as
3997 farming and forestry while maintaining and enhancing rural character and environmental
3998 quality.

3999 B. The department of natural resources and parks and department of
4000 ~~((development and environmental services))~~ permitting and environmental review shall
4001 adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051 relating to rural
4002 stewardship plans and farm management plans, consistent with the provisions of this
4003 section. The rules shall not compromise the King Conservation District's mandate or
4004 standards for farm management planning.

4005 C. County departments or approved agencies shall provide technical assistance
4006 and resources to landowners to assist them in preparing the plans. The technical

4007 assistance shall include, but is not limited to, web-based information, instructional
4008 manuals and classroom workshops. When possible, the assistance shall be provided at
4009 little or no cost to landowners. In addition, the department of natural resources and parks
4010 shall develop, in consultation as necessary with the department of ~~((development and
4011 environmental services))~~ permitting and environmental review and the King
4012 Conservation District, and make available to the public, model farm management, forest
4013 management and rural stewardship plans illustrating examples of plan application
4014 content, drawings and site plans, to assist landowners in their development of site-
4015 specific plans for their property.

4016 D. The department of natural resources and parks is the primary county agency
4017 responsible for rural stewardship plans and farm management plans that are filed with the
4018 county under this chapter. The department of natural resources and parks shall consult
4019 with the department of ~~((development and environmental services))~~ permitting and
4020 environmental review in carrying out its responsibilities under this chapter relating to
4021 rural stewardship plans and farm management plans. The department of natural
4022 resources and parks, department of ~~((development and environmental services))~~
4023 permitting and environmental review and the King Conservation District may enter into
4024 agreements to carry out the provisions of this chapter relating to rural stewardship plans
4025 and farm management plans.

4026 E. Not later than March 1, 2005, the department of natural resources and parks
4027 and department of ~~((development and environmental services))~~ permitting and
4028 environmental review shall prepare and submit to the chair of the growth management
4029 and unincorporated areas committee, or its successor, a report summarizing the public

4030 rules adopted to implement the provisions of this chapter related to farm management
4031 plans and rural stewardship plans and how the rules implement the requirements of this
4032 section.

4033 F. The department of natural resources and parks and department of
4034 ~~((development and environmental services))~~ permitting and environmental review shall
4035 monitor and evaluate the effectiveness of rural stewardship and farm management plans
4036 in meeting the goals and objectives of those plans established in this chapter. Beginning
4037 March 31, 2006, the departments shall present an annual report to the chair of the
4038 metropolitan King County council, providing an evaluation of the prior year's activity
4039 related to rural stewardship and farm management plans.

4040 SECTION 105. Ordinance 15051, Section 230, as amended, and K.C.C.
4041 21A.24.515 are each hereby amended to read as follows:

4042 The department of natural resources and parks, in consultation with the
4043 department ~~((of development and environmental services))~~, shall conduct monitoring to
4044 evaluate the effect of this chapter on protecting the functions and values of critical areas.

4045 SECTION 106. Ordinance 3688, Section 801, as amended, and K.C.C.
4046 21A.25.290 are each hereby amended to read as follows:

4047 A. Development within the shoreline jurisdiction, including preferred uses and
4048 uses that are exempt from permit requirements, shall be undertaken only if that
4049 development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the
4050 King County shoreline master program and will not result in a net loss of shoreline
4051 ecological functions or in a significant adverse impact to shoreline uses, resources and
4052 values, such as navigation, recreation and public access. The proponent of a shoreline

4053 development shall employ measures to mitigate adverse impacts on shoreline functions
4054 and processes following the sequencing requirements of K.C.C. 21A.25.080.

4055 B. A substantial development permit shall be required for all proposed uses and
4056 modifications within the shoreline jurisdiction unless the proposal is specifically exempt
4057 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040
4058 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of
4059 substantial development, a written statement of exemption is required for any proposed
4060 uses and modifications if:

- 4061 1. WAC 173-27-050 applies; or
- 4062 2. Except for the maintenance of agricultural drainage that is not used by
4063 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
4064 modification will occur at or below the ordinary high water mark.

4065 C. Whether or not a written statement of exemption is required, all permits issued
4066 for development activities within the shoreline jurisdiction shall include a record of
4067 review indicating compliance with the shoreline master program and regulations.

4068 D. As necessary to ensure consistency of the project with the shoreline master
4069 program and this chapter, the department may attach conditions of approval to a
4070 substantial development permit or a statement of exemption or to the approval of a
4071 development proposal that does not require either.

4072 E. The department may issue a programmatic statement of exemption as follows:

- 4073 1. For an activity for which a statement of exemption is required, the activity
4074 shall:

- 4075 a. be repetitive and part of a maintenance program or other similar program;

4076 b. have the same or similar identifiable impacts, as determined by the
4077 department, each time the activity is repeated at all sites covered by the programmatic
4078 statement of exemption; and

4079 c. be suitable to having standard conditions that will apply to any and all sites;

4080 2. The department shall uniformly apply conditions to each activity authorized
4081 under the programmatic statement of exemption at all locations covered by the statement
4082 of exemption. The department may require that the applicant develop and propose the
4083 uniformly applicable conditions as part of the statement of exemption application and
4084 may approve, modify or reject any of the applicant's proposed conditions. The
4085 department shall not issue a programmatic statement of exemption until applicable
4086 conditions are developed and approved;

4087 3. Activities authorized under a programmatic statement of exemption shall be
4088 subject to inspection by the department. The applicant may be required to notify the
4089 department each time work subject to the programmatic statement of exemption is
4090 undertaken for the department to schedule inspections. In addition, the department may
4091 require the applicant to submit periodic status reports. The frequency, method and
4092 contents of the notifications and reports shall be specified as conditions in the
4093 programmatic statement of exemption;

4094 4. The department may require revisions, impose new conditions or otherwise
4095 modify the programmatic statement of exemption or withdraw the programmatic
4096 statement of exemption and require that the applicant apply for a standard statement of
4097 exemption, if the department determines that:

4098 a. The programmatic statement of exemption or activities authorized under the
4099 statement of exemption no longer comply with law;

4100 b. The programmatic statement of exemption does not provide adequate
4101 regulation of the activity;

4102 c. The programmatic statement of exemption conditions or the manner in
4103 which the conditions are implemented are not adequate to protect against the impacts
4104 resulting from the activity; or

4105 d. A site requires site-specific regulation; and

4106 5. If an activity covered by a programmatic statement of exemption also
4107 requires other county, state and federal approvals, to the extent feasible, the department
4108 shall attempt to incorporate conditions that comply with those other approvals into the
4109 programmatic statement of exemption.

4110 F. A statement of exemption is not required for maintenance of agricultural
4111 drainage used by salmonids if:

4112 1. The agricultural drainage is located within an agricultural production district;

4113 2. The maintenance project is conducted in compliance with a hydraulic project
4114 approval issued by the Washington Department of Fish and Wildlife pursuant to RCW
4115 77.55;

4116 3. The maintenance project complies with the King County agricultural drainage
4117 assistance program as agreed to by the Washington Department of Fish and Wildlife, the
4118 Washington Department of Ecology, the department of ~~((development and environmental
4119 services))~~ permitting and environmental review and the department of natural resources
4120 and parks;

4121 4. The person performing the agricultural drainage maintenance and the land
4122 owner has attended training provided by King County on the King County agricultural
4123 drainage assistance program and the best management practices required under that
4124 program; and

4125 5. The maintenance project complies with the requirements of K.C.C. chapter
4126 16.82.

4127 SECTION 107. Ordinance 13129, Section 2, and K.C.C. 21A.27.010 are each
4128 hereby amended to read as follows:

4129 When a new transmission support structure is proposed, a community meeting
4130 shall be convened by the applicant prior to submittal of an application.

4131 A. At least two weeks in advance, notice of the meeting shall be provided as
4132 follows:

4133 1. Published in the local paper and mailed to the department and to the
4134 unincorporated area council serving the area in which potential sites are contemplated,
4135 and

4136 2. Mailed notice shall be provided to all property owners within five hundred
4137 feet (or at least twenty of the nearest property owners, whichever is greater) as required
4138 by K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
4139 development, to be discussed at the community meeting. When the proposed
4140 transmission support structure exceeds a height of one hundred twenty feet, the mailed
4141 notice shall be provided to all property owners within one thousand feet. The mailed
4142 notice shall at a minimum contain a brief description and purpose of the project, the
4143 estimated height, approximate location noted on an assessor map with address and parcel

4144 number, photo or sketch of proposed facility, a statement that alternative sites proposed
4145 by citizens can be presented at the meeting which will be considered by the applicant, a
4146 contact name and telephone number to obtain additional information and other
4147 information deemed necessary by King County. Because the purpose of the community
4148 meeting is to promote early discussion, applicants are encouraged to note any changes to
4149 the conceptual information presented in the mailed notice when they submit an
4150 application.

4151 B. At the community meeting at which at least one employee of the department
4152 (~~(of development and environmental services)~~), assigned by the director of the
4153 department, shall be in attendance, the applicant shall provide information relative to
4154 existing transmission support structures and other nonresidential structures, such as water
4155 towers and electrical transmission lines, within one-quarter mile of potential sites, and
4156 shall discuss reasons why those existing structures are unfeasible. Furthermore, any
4157 alternative sites within one-quarter mile, identified by community members and provided
4158 to the applicant in writing at least five days in advance of the meeting, shall be evaluated
4159 by the applicant to the extent possible given the timeframe, and discussed at the meeting.
4160 A listing of the sites, identified in writing and provided to the applicant at or before the
4161 community meetings, shall be submitted to the department with the proposed application.
4162 Applicants shall also provide a list of meeting attendees and those receiving mailed
4163 notice and a record of the published meeting notice at the time of application submittal.

4164 SECTION 108. Ordinance 13129, Section 22, and K.C.C. 21A.27.160 are each
4165 hereby amended to read as follows:

4166 The department (~~(of development and environmental services)~~) shall retain the
4167 services of a registered professional electrical engineer accredited by the state of
4168 Washington who holds a Federal Communications General Radio telephone Operator
4169 License. The engineer will provide technical evaluation of permit applications for minor
4170 communications facilities. The department is authorized to charge the applicant for these
4171 services. The specifications for an RFP to retain a consulting engineer shall specify at
4172 least the qualifications noted above, the capacity to provide a three week turnaround on
4173 data review, a request for a proposed fixed fee for services and shall state a preference for
4174 a qualified professional with a balance of experience in both the private and public
4175 sectors. Such a review shall be performed in a timely manner, be limited to the data
4176 necessary to establish findings pursuant to K.C.C. 21A.27.130.C. and 21A.27.130.D, and
4177 avoid any conflicts with the department's duty to review permit applications within one
4178 hundred twenty days of acceptance pursuant to RCW 36.70B.090. This review shall be
4179 performed when requested by affected residents pursuant to K.C.C. 21A.27.090.

4180 SECTION 109. Ordinance 11621, Section 90, as amended, and K.C.C.
4181 21A.28.154 are each hereby amended to read as follows:

4182 A. There is hereby created a school technical review committee (STRC) within
4183 King County. The committee shall consist of three county staff persons, one each from
4184 the department of (~~(development and environmental services)~~) permitting and
4185 environmental review, the office of financial management and the county council.

4186 B. The committee shall be charged with reviewing each school district's capital
4187 facilities plan, enrollment projections, standard of service, the district's overall capacity
4188 for the next six years to ensure consistency with the Growth Management Act, King

4189 County Comprehensive Plan, and adopted community plans, and the district's calculation
4190 and rationale for proposed impact fees.

4191 C. Notice of the time and place of the committee meeting where the district's
4192 documents will be considered shall be provided to the district.

4193 D. At the meeting where the committee will review or act upon the district's
4194 documents, the district shall have the right to attend or to be represented, and shall be
4195 permitted to present testimony to the committee. Meetings shall also be open to the
4196 public.

4197 E. In its review, the committee shall consider the following factors:

4198 1. Whether the district's forecasting system for enrollment projections has been
4199 demonstrated to be reliable and reasonable.

4200 2. The historic levels of funding and voter support for bond issues in the district;

4201 3. The inability of the district to obtain the anticipated state funding or to
4202 receive voter approval for district bond issues;

4203 4. An emergency or emergencies in the district which required the closing of a
4204 school facility or facilities resulting in a sudden and unanticipated decline in districtwide
4205 capacity; and

4206 5. The standards of service set by school districts in similar types of
4207 communities. While community differences will be permitted, the standard established
4208 by the district should be reasonably consistent with the standards set by other school
4209 districts in communities of similar socioeconomic profile.

4210 6. The committee shall consider the standards identified by the state concerning
4211 the ratios of certificated instructional staff to students.

4212 F. In the event that the district's standard of service reveals a deficiency in its
4213 current facilities, the committee shall review the district's capital facilities plan to
4214 determine whether the district has identified all sources of funding necessary to achieve
4215 the standard of service.

4216 G. The district in developing the financing plan component of the capital
4217 facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by
4218 taking the following steps:

4219 1. Establish a six-year financing plan, and propose the necessary bond issues
4220 and levies required by and consistent with that plan and as approved by the school board
4221 and consistent with RCW 28A.53.020 and RCW 84.52.052 and [84.52.].056 as amended;
4222 and

4223 2. Apply to the state for funding, and comply with the state requirement for
4224 eligibility to the best of the district's ability.

4225 H. The committee is authorized to request the school district to review and to
4226 resubmit its capital facilities plan, or to establish a different standard of service, or to
4227 review its capacity for accommodating new students, under the following circumstances:

4228 1. The standard of service established by the district is not reasonable in light of
4229 the factors set forth in subsection E. of this section.

4230 2. The committee finds that the district's standard of service cannot reasonably
4231 be achieved in light of the secured financial commitments and the historic levels of
4232 support in the district; or

4233 3. Any other basis which is consistent with the provisions of this section.

4234 I. The committee shall prepare and submit an annual report to the King County
4235 council for each school district recommending a certification of concurrency in the
4236 district, except as provided in Subsection L of this section using the school concurrency
4237 standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital
4238 facilities plan for review by the STRC, King County shall assume the district has
4239 adequate capacity to accommodate growth for the following six years.

4240 J. The committee shall submit copies of its recommendation of concurrency for
4241 each school district to the director of DDES, to the hearing examiner, and to the district.

4242 K. The committee shall recommend to the council a comprehensive plan
4243 amendment adopting the district's capital facilities plan as part of the comprehensive
4244 plan, for any plan which the committee concludes accurately reflects the district's
4245 facilities status.

4246 L. In the event that after reviewing the district's capital facilities plan and other
4247 documents, the committee is unable to recommend certifying concurrency in a school
4248 district, the committee shall submit a statement to the council, the director and the
4249 hearing examiner stating that the committee is unable to recommend certifying
4250 concurrency in a specific school district. The committee shall recommend to the
4251 executive that he propose to the council, amendments to the land use element of the King
4252 County Comprehensive Plan or amendments to the development regulations
4253 implementing the plan to more closely conform county land use plans and school
4254 facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs
4255 or multifamily development located within the district's boundary. The necessary draft
4256 amendments shall accompany such recommendations.

4257 SECTION 110. Ordinance 11168, Section 9, and K.C.C. 21A.30.066 are each
4258 hereby amended to read as follows:

4259 A. Education. Enforcement of these livestock standards shall initially emphasize
4260 achieving compliance with the standards as the primary objective, rather than the
4261 collection of fines or penalties. Fines or penalties are appropriate when a property owner
4262 or livestock operator has been advised of necessary corrective actions, and has not made
4263 those corrections. Where violations of the standards do occur, and such violations are
4264 directly linked to identified hazards or the discharge of prohibited contaminants, as
4265 enumerated in K.C.C. 9.12.025, code enforcement must emphasize immediate correction
4266 of the practices resulting in the hazard or prohibited discharge.

4267 B. Both the property owner and any renter or lessee of the property, hereinafter
4268 referred to "livestock operator," shall be held responsible for compliance with these
4269 standards.

4270 C. Prima facie evidence. Establishment and adherence to a farm management
4271 plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C.
4272 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of
4273 K.C.C. 9.12.035.

4274 D. Violations of specific standards. The department of (~~development and~~
4275 ~~environmental services~~) permitting and environmental review shall be responsible for
4276 enforcement of the standards set out in this chapter. The surface water management
4277 division shall be responsible for enforcement of water quality violations pursuant to
4278 K.C.C. Chapter 9.12 for prohibited discharges and hazards. If a specific standard
4279 identified in this chapter is not being adhered to, the operator and owner shall be given

4280 notice of non-compliance. The notice shall specify what actions must be taken to bring
4281 the property into compliance. The operator and owner shall be given 45 days in which to
4282 adhere to the management standards of K.C.C. 21A.30.060, or establish a farm
4283 management plan pursuant to K.C.C. 21A.30.050 as the owner and/or livestock operator
4284 may elect for the purpose of compliance. Should the owner and/or livestock operator fail
4285 to bring the property into compliance with the standards, the county, after notice, may
4286 commence abatement proceedings and impose civil fines 30 days thereafter, to the extent
4287 necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the
4288 operator and owner to comply with any continuing order to abate, the operator and owner
4289 shall be subject to civil and criminal penalties, and other procedures, as set forth in this
4290 title and K.C.C. Title 23 Enforcement.

4291 SECTION 111. Ordinance 13274, Section 6, Section , as amended, and K.C.C.
4292 21A.37.040 are each hereby amended to read as follows:

4293 A. The number of residential development rights that an unincorporated sending
4294 site is eligible to send to a receiving site shall be determined by applying the TDR
4295 sending site base density established in subsection D. of this section to the area of the
4296 sending site, after deducting the area associated with any existing development, any
4297 retained development rights and any portion of the sending site already in a conservation
4298 easement or other similar encumbrance. For each existing dwelling unit or retained
4299 development right, the sending site area shall be reduced by an area equivalent to the base
4300 density for that zone under K.C.C. 21A.12.030.

4301 B. Any fractions of development rights that result from the calculations in
4302 subsection A. of this section shall not be included in the final determination of total
4303 development rights available for transfer.

4304 C. For purposes of calculating the amount of development rights a sending site
4305 can transfer, the amount of land contained within a sending site shall be determined as
4306 follows:

4307 1. If the sending site is an entire tax lot, the square footage or acreage shall be
4308 determined:

4309 a. by the King County department of assessments records; or

4310 b. by a survey funded by the applicant that has been prepared and stamped by a
4311 surveyor licensed in the state of Washington; and

4312 2. If the sending site consists of a lot that is divided by a zoning boundary, the
4313 square footage or acreage shall be calculated separately for each zoning classification.
4314 The square footage or acreage within each zoning classification shall be determined by
4315 the King County record of the action that established the zoning and property lines, such
4316 as an approved lot line adjustment. When such records are not available or are not
4317 adequate to determine the square footage or acreage within each zoning classification, the
4318 department of ~~((development and environmental services))~~ permitting and environmental
4319 review shall calculate the square footage or acreage through the geographic information
4320 system (GIS) mapping system.

4321 D. For the purposes of the transfer of development rights (TDR) program only,
4322 the following TDR sending site base densities apply:

4323 1. Sending sites designated in the King County Comprehensive Plan as urban
4324 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4325 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
4326 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
4327 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
4328 acres;

4329 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
4330 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
4331 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
4332 on additional TDR for each vacant lot that is smaller than two and one-half acres or five
4333 acres, respectively;

4334 4. Sending sites zoned RA and that have a designation under the King County
4335 Shoreline Master Program of conservancy or natural shall be allocated one additional
4336 TDR;

4337 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
4338 unit per five acres for transfer purposes only;

4339 6. Sending sites zoned F within the forest production district shall have a base
4340 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
4341 between fifteen and eighty acres in size.

4342 E. A sending site zoned RA, A or F may send one development right for every
4343 legal lot larger than five thousand square feet that was created on or before September 17,
4344 2001, if that number is greater than the number of development rights determined under
4345 subsection A. of this section. A sending site zoned R-1 may send one development right

4346 for every legal lot larger than two thousand five hundred square feet that was created on
4347 or before September 17, 2001, if that number is greater than the number of development
4348 rights determined under subsection A. of this section.

4349 F. The number of development rights that a King County unincorporated rural or
4350 natural resources land sending site is eligible to send to a King County incorporated
4351 urban area receiving site shall be determined through the application of a conversion ratio
4352 established by King County and the incorporated municipal jurisdiction. The conversion
4353 ratio will be applied to the number of available sending site development rights
4354 determined under subsection A. or E. of this section.

4355 G. Development rights from one sending site may be allocated to more than one
4356 receiving site and one receiving site may accept development rights from more than one
4357 sending site.

4358 H. The determination of the number of residential development rights a sending
4359 site has available for transfer to a receiving site shall be valid for transfer purposes only,
4360 shall be documented in a TDR certificate letter of intent and shall be considered a final
4361 determination, not to be revised due to changes to the sending site's zoning.

4362 I. Each residential development right that originates from a sending site zoned
4363 RA, A or F shall be designated "Rural" and is equivalent to two additional units above
4364 base density in eligible receiving sites located in unincorporated urban King County.
4365 Each residential development right that originates from a sending site zoned R-1 urban
4366 separator shall be designated "Urban" and is equivalent to one additional unit above base
4367 density.

4368 SECTION 112. Ordinance 14190, Section 8, as amended, and K.C.C.

4369 21A.37.060 are each hereby amended to read as follows:

4370 A. Prior to issuing a certificate for transferable development rights to a sending
4371 site, the department of natural resources and parks, or its successor shall record deed
4372 restrictions in the form of a conservation easement documenting the development rights
4373 that have been removed from the property and shall place a notice on the title of the
4374 sending site. The department of (~~development and environmental services~~) permitting
4375 and environmental review, or its successor, shall establish and maintain an internal
4376 tracking system that identifies all certified transfer of developments rights sending sites.

4377 B. A conservation easement granted to the county or other appropriate land
4378 management agency shall be required for land contained in the sending site. The
4379 conservation easement shall be documented by a map. The conservation easement shall
4380 be placed on the entire lot or lots. The conservation easement shall identify in limitations
4381 in perpetuity on future residential and nonresidential development consistent with this
4382 chapter, as follows:

4383 1. A conservation easement, which contains the easement map, shall be
4384 recorded on the entire sending site to indicate development limitations on the sending
4385 site;

4386 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
4387 consistent in form and substance with the purchase agreements used in the agricultural
4388 land development rights purchase program. The conservation easement shall preclude
4389 subdivision of the subject property but may permit not more than one dwelling per
4390 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

4391 3. For a rural sending site the conservation easement shall allow for restoration,
4392 maintenance or enhancement of native vegetation. A present conditions report shall be
4393 required to document the location of existing structures and existing native vegetation
4394 and the baseline conservation values of protected property at the time the conservation
4395 easement is put in place. If residential development will be allowed on the site under the
4396 conservation easement, the present conditions report shall be used to guide the location of
4397 residential development;

4398 4. For a sending site qualifying as habitat for federal listed endangered or
4399 threatened species, the conservation easement shall protect habitat and allow for
4400 restoration, maintenance or enhancement of native vegetation. A present conditions
4401 report shall be required to document the location of existing structures. If existing or
4402 future residential development will be allowed on the site under the conservation
4403 easement, the present conditions report shall be used by the owner to guide the location
4404 of residential development; and

4405 5. For a sending site zoned F, the conservation easement shall encumber the
4406 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
4407 participate in the TDR program if they include any existing dwelling units intended to be
4408 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
4409 eighty acres in size, the sending site must include the entire lot. For lots greater than
4410 eighty acres in size, the sending site shall be a minimum of eighty acres. The
4411 conservation easement shall permit forestry uses subject to a forest stewardship plan
4412 prepared by the applicant and approved by the county for ongoing forest management
4413 practices. The Forest Stewardship Plan shall include a description of the site's forest

4414 resources and the long term forest management objectives of the property owner, and
4415 shall not impose standards that exceed Title 222 WAC.

4416 SECTION 113. Ordinance 13274, Section 7, as amended, and K.C.C.

4417 21A.37.070 are each hereby amended to read as follows:

4418 A. An interagency review committee, chaired by the directors of the department
4419 of ~~((development and environmental services))~~ permitting and environmental review and
4420 the department of natural resources and parks, or their designees, shall be responsible for
4421 qualification of sending sites. Determinations on sending site certifications made by the
4422 committee are appealable to the examiner under K.C.C. 20.24.080. The department of
4423 natural resources and parks shall be responsible for preparing a written report, which
4424 shall be signed by the director of the department of natural resources and parks or the
4425 director's designee, documenting the review and decision of the committee. The
4426 committee shall issue a TDR certification letter within sixty days of the date of submittal
4427 of a completed sending site certification application.

4428 B. Responsibility for preparing a completed application rests exclusively with the
4429 applicant. Application for sending site certification shall include:

- 4430 1. A legal description of the site;
- 4431 2. A title report;
- 4432 3. A brief description of the site resources and public benefit to be preserved;
- 4433 4. A site plan showing the existing and proposed dwelling units, nonresidential
4434 structures, driveways, submerged lands and any area already subject to a conservation
4435 easement or other similar encumbrance;
- 4436 5. Assessors map or maps of the lot or lots;

4437 6. A statement of intent indicating whether the property ownership, after TDR
4438 certification, will be retained in private ownership or dedicated to King County or another
4439 public or private nonprofit agency;

4440 7. Any or all of the following written in conformance with criteria established
4441 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
4442 habitat for a threatened or endangered species:

4443 a. a wildlife habitat conservation plan;

4444 b. a wildlife habitat restoration plan; or

4445 c. a wildlife present conditions report;

4446 8. A forest stewardship plan, written in conformance with criteria established
4447 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
4448 21A.37.060.B.3. and 6.;

4449 9. An affidavit of compliance with the reforestation requirements of the Forest
4450 Practices Act and any additional reforestation conditions of the forest practices permit for
4451 the site, if required under K.C.C. 21A.37.020.E;

4452 10. A completed density calculation worksheet for estimating the number of
4453 available development rights; and

4454 11. The application fee consistent with K.C.C. 27.36.020.

4455 SECTION 114. Ordinance 13274, Section 8, as amended, and K.C.C.

4456 21A.37.080 are each hereby amended to read as follows:

4457 A. TDR development rights where both the proposed sending and receiving sites
4458 would be within unincorporated King County shall be transferred using the following
4459 process:

4460 1. Following interagency review committee review and approval of the sending
4461 site application as described in K.C.C. 21A.37.070 the interagency review committee
4462 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in
4463 exchange for the proposed sending site conservation easement. After signing and
4464 notarizing the conservation easement and receiving the TDR certificate from the county,
4465 the sending site owner may market the TDR sending site development rights to potential
4466 purchasers. The TDR certificate shall be in the name of the property owner and separate
4467 from the land title. If a TDR sending site that has been reviewed and approved by the
4468 interagency review committee changes ownership, the TDR certificate letter of intent
4469 may be transferred to the new owner if requested in writing to the department of natural
4470 resources by the person or persons that owned the property when the TDR certificate
4471 letter of intent was issued, provided that the documents evidencing the transfer of
4472 ownership are also provided to the department of natural resources;

4473 2. In applying for receiving site approval, the applicant shall provide the
4474 department of ~~((development and environmental services))~~ permitting and environmental
4475 review with one of the following:

- 4476 a. a TDR certificate letter of intent issued in the name of the applicant,
- 4477 b. a TDR certificate letter of intent issued in the name of another person or
4478 persons and a copy of a signed option to purchase those TDR sending site development
4479 rights,
- 4480 c. a TDR certificate issued in the name of the applicant, or
- 4481 d. a TDR certificate issued in the name of another person or persons and a
4482 copy of a signed option to purchase those TDR sending site development rights;

4483 3. Following building permit approval, but before building permit issuance by
4484 the department of (~~development and environmental services~~) permitting and
4485 environmental review or following preliminary plat approval or preliminary short plat
4486 approval, but before final plat or short plat recording of a receiving site development
4487 proposal which includes the use of TDR development rights, the receiving site applicant
4488 shall deliver the TDR certificate issued in the applicant's name for the number of TDR
4489 development rights being used and the TDR extinguishment document to the county;

4490 4. When the receiving site development proposal requires a public hearing
4491 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as
4492 the hearing on the TDR proposal. The reviewing authority shall make a consolidated
4493 decision on the proposed development and use of TDR development rights and consider
4494 any appeals of the TDR proposal under the same appeal procedures set forth for the
4495 development proposal; and

4496 5. When the development proposal does not require a public hearing under this
4497 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
4498 development proposal, and any appeals of the TDR proposal shall be considered under
4499 the same appeal procedures set forth for the development proposal.

4500 6. Development rights from a sending site shall be considered transferred to a
4501 receiving site when a final decision is made on the TDR receiving area development
4502 proposal, the sending site is permanently protected by a completed and recorded land
4503 dedication or conservation easement, notification has been provided to the King County
4504 assessor's office and a TDR extinguishment document has been provided to the
4505 department of natural resources and parks, or its successor agency.

4506 B. TDR development rights where the proposed receiving site would be within an
4507 incorporated King County municipal jurisdiction shall be reviewed and transferred using
4508 that jurisdiction's development application review process.

4509 SECTION 115. Ordinance 10870, Section 576, as amended, and K.C.C.
4510 21A.38.030 are each hereby amended to read as follows:

4511 A. Property-specific development standards, denoted by the zoning map symbol -
4512 P after the zone's map symbol or a notation in the SITUS File, shall be established on
4513 individual properties through either reclassifications or area zoning. All property-specific
4514 development standards are contained in Appendix of Ordinance 12824 as currently in
4515 effect or hereinafter amended and shall be maintained by the department of
4516 ~~((development and environmental services))~~ permitting and environmental review in the
4517 Property Specific Development Conditions notebook. Upon the effective date of
4518 reclassification of a property to a zone with a -P suffix, the property-specific development
4519 standards adopted thereby shall apply to any development proposal on the subject
4520 property subject to county review, including, but not limited to, a building permit,
4521 grading permit, subdivision, short subdivision, subsequent reclassification to a potential
4522 zone, urban planned development, conditional use permit, variance, and special use
4523 permit.

4524 B. Property-specific development standards shall address problems unique to
4525 individual properties or a limited number of neighboring properties that are not addressed
4526 or anticipated by general minimum requirements of this title or other regulations.

4527 C. Property-specific development standards shall cite the provisions of this title,
4528 if any, that are to be augmented, limited, or increased, shall be supported by

4529 documentation that addresses the need for such condition(s), and shall include street
4530 addresses, tax lot numbers or other clear means of identifying the properties subject to the
4531 additional standards. Property-specific development standards are limited to:

- 4532 1. Limiting the range of permitted land uses;
- 4533 2. Requiring special development standards for property with physical
4534 constraints (e.g. environmental hazards, view corridors);
- 4535 3. Requiring specific site design features (e.g. building orientation, lot layout,
4536 clustering, trails or access location);
- 4537 4. Specifying the phasing of the development of a site;
- 4538 5. Requiring public facility site dedications or improvements (e.g. roads,
4539 utilities, parks, open space, trails, school sites); or
- 4540 6. Designating sending and receiving sites for transferring density credits as
4541 provided in K.C.C. 21A.36.

4542 D. Property-specific development standards shall not be used to expand permitted
4543 uses or reduce minimum requirements of this title.

4544 SECTION 116. Ordinance 10870, Section 577, as amended, and K.C.C.
4545 21A.38.040 are each hereby amended to read as follows:

4546 Special district overlays shall be designated on official area zoning maps and as a
4547 notation in the department's electronic parcel record, as follows:

4548 A. A special district overlay shall be designated through the area zoning process
4549 as provided in K.C.C. chapters 20.12 and 20.16. Designation of an overlay district shall
4550 include policies that prescribe the purposes and location of the overlay;

4551 B. A special district overlay shall be applied to land through an area zoning
4552 process as provided in K.C.C. chapters 20.12 and 20.16 and shall be indicated on the
4553 zoning map and as a notation in the department's electronic parcel record and shall be
4554 designated in Appendix B of Ordinance 12824 as maintained by the department of
4555 ~~((development and environmental services))~~ permitting and environmental review, with
4556 the suffix "-SO" following the map symbol of the underlying zone or zones;

4557 C. The special district overlays in this chapter are the only overlays authorized by
4558 the code. New or amended overlays to carry out new or different goals or policies shall
4559 be adopted as part of this chapter and be available for use in all appropriate community,
4560 subarea or neighborhood planning areas;

4561 D. The special district overlays in this chapter may waive, modify and substitute
4562 for the range of permitted uses and development standards established by this title for any
4563 use or underlying zone;

4564 E. Unless they are specifically modified by this chapter, the standard
4565 requirements of this title and other county ordinances and regulations govern all
4566 development and land uses within special district overlays;

4567 F. A special district overlay on an individual site may be modified by property-
4568 specific development standards as provided in K.C.C. 21A.38.030;

4569 G. A special district overlay may not be deleted by a zone reclassification; and

4570 H. Special district overlay development standards may be modified or waived
4571 through the consideration of a variance, subject to the variance criteria in K.C.C.
4572 21A.44.030.

4573 SECTION 117. Ordinance 10870, Section 583, as amended, and K.C.C.

4574 21A.39.020 are each hereby amended to read as follows:

4575 A. King County shall accept an application for an UPD permit only in areas
4576 designated urban by the comprehensive plan and contained within the boundaries of UPD
4577 Special District Overlays designated by a community plan or comprehensive plan,
4578 provided that density transfer from adjacent rural lands is allowed as provided for in
4579 K.C.C. chapter 21A.36.

4580 B. A UPD permit application, or modifications of an approved UPD permit that
4581 requires council review, shall be reviewed pursuant to the hearing examiner process
4582 outlined in K.C.C. chapter 21A.42, provided that:

4583 1. the review of the UPD permit application shall not be completed until
4584 applicable sewer and/or water comprehensive utility plans or plan amendments are
4585 identified;

4586 2. A UPD permit may be processed concurrently with any application for a
4587 subsequent development approval implementing the UPD permit.

4588 C. A processing memorandum of understanding (MOU) shall be adopted
4589 containing any of the following elements:

4590 1. Schedule for processing including timelines for EIS, drainage master plan,
4591 UPD permit hearings, plats or other permits or approvals;

4592 2. Budget for permit processing and review;

4593 3. Establishment of a core UPD review team with one representative from each
4594 county department having a principal UPD permit review role. The department
4595 responsible for coordinating review of the UPD shall enter into memorandums of

4596 understanding with other county departments specifying special tasks and timetables
4597 consistent with the schedule for performance by each department and/or independent
4598 consulting;

4599 4. Retention of a third-party facilitator at the applicant's cost to assist the
4600 county's review;

4601 5. Establishment of baseline monitoring requirements and design parameters
4602 that are to apply under existing law during the UPD application and review process;

4603 6. Final scope for EIS, that shall be adjusted for adopted county substantive
4604 environmental or mitigation requirements that will apply to the UPD permit such as
4605 K.C.C. chapter 21A.24, the SWM Manual, road and school adequacy standards, impact
4606 fee or mitigation programs or other adopted standards.

4607 D. The processing MOU shall be completed initially within ninety days after the
4608 request by a UPD permit applicant, unless the county and applicant agree to a different
4609 time. If the county and applicant have not reached agreement within ninety days, then
4610 either may request final resolution of the processing MOU by a committee consisting of
4611 the directors of the departments of transportation, ~~((development and environmental
4612 services))~~ permitting and environmental review, and natural resources and parks;

4613 E. The county shall prepare a UPD application form consistent with the
4614 information required under K.C.C. 21A.39.030, that shall take into account that detailed
4615 information that may not be available at the time of the application will be developed
4616 through the environmental impact statement and review process.

4617 SECTION 118. Ordinance 11621, Section 113, and K.C.C. 21A.43.040 are each
4618 hereby amended to read as follows:

4619 Fees shall be collected by the department of (~~development and environmental~~
4620 ~~services~~) permitting and environmental review and maintained in a separate account for
4621 each school district, pursuant to K.C.C. 21A.43.070. Fees shall be paid to the district
4622 pursuant to administrative rules of an interlocal agreement between the county and the
4623 district.

4624 SECTION 119. Ordinance 11621, Section 117, and K.C.C. 21A.43.080 are each
4625 hereby amended to read as follows:

4626 A. Low or moderate income housing projects being developed by public housing
4627 agencies or private non-profit housing developers shall be exempt from the payment of
4628 school impact fees. The amount of the school impact fees not collected from low or
4629 moderate income household development shall be paid from public funds other than
4630 impact fee accounts. The impact fees for these units shall be considered paid for by the
4631 district through its other funding sources, without the district actually transferring funds
4632 from its other funding sources into the impact fee account. The planning and community
4633 development division shall review proposed developments of low or moderate income
4634 housing by such public or non-profit developers pursuant to criteria and procedures
4635 adopted by administrative rule, and shall advise the department of (~~development and~~
4636 ~~environmental services~~) permitting and environmental review as to whether the project
4637 qualifies for the exemption.

4638 B. Private developers who dedicate residential units for occupancy by low or
4639 moderate income households may apply to the division for reductions in school impact
4640 fees pursuant to the criteria established for public housing agencies and private non-profit
4641 housing developers pursuant to subsection A, and subject to the provisions of subsection

4642 A. The division shall review proposed developments of low or moderate income housing
4643 by such private developers pursuant to criteria and procedures adopted by administrative
4644 rule, and shall advise the department of (~~development and environmental services~~)
4645 permitting and environmental review as to whether the project qualifies for the
4646 exemption. If the division recommends the exemption, the department of (~~development
4647 and environmental services~~) permitting and environmental review shall reduce the
4648 calculated school impact fee for the development by an amount that is proportionate to
4649 the number of units in the development that satisfy the adopted criteria.

4650 C. Individual low or moderate income home purchasers (as defined pursuant to
4651 the King County Comprehensive Housing Affordability Strategy (CHAS) who are
4652 purchasing homes at prices within their eligibility limits based on standard lending
4653 criteria and meet other means tests established by rule by the division are exempted from
4654 payment of the impact fee, provided that at such time as the property in question is
4655 transferred to another owner who does not qualify for the exemption, at which time the
4656 fee shall be due and payable.

4657 D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C.
4658 Chapter 2.98, administrative rules to implement this section. Such rules shall provide for
4659 the administration of this program and shall:

4660 1. Encourage the construction of housing for low or moderate income
4661 households by public housing agencies or private non-profit housing developers
4662 participating in publicly sponsored or subsidized housing programs;

4663 2. Encourage the construction in private developments of housing units for low
4664 or moderate income households that are in addition to units required by another housing
4665 program or development condition;

4666 3. Ensure that housing that qualifies as low or moderate cost meets appropriate
4667 standards regarding household income, rent levels or sale prices, location, number of
4668 units and development size; and

4669 4. Ensure that developers who obtain an exemption from or reduction of school
4670 impact fees will in fact build the proposed low or moderate cost housing and make it
4671 available to low or moderate income households for a minimum of fifteen (15) years.

4672 5. Ensure that individual low or moderate income purchasers meet appropriate
4673 eligibility standards based on income and other financial means tests.

4674 E. As a condition of receiving an exemption under paragraph B or C, the owner
4675 must execute and record a county-drafted lien, covenant, and/or other contractual
4676 provision against the property for a period of ten (10) years for individual owners, and
4677 fifteen (15) years for private developers, guaranteeing that the proposed development will
4678 continue to be used for low or moderate income housing. In the event that the pattern of
4679 development or the use of the development is no longer for low or moderate income
4680 housing, then the owner shall pay the impact fee amount from which the owner or any
4681 prior owner was exempt. The lien, covenant, or other contractual provision shall run with
4682 the land and apply to subsequent owners.

4683 SECTION 120. Ordinance 12627, Section 2, and K.C.C. 21A.55.020 are each
4684 hereby amended to read as follows:

4685 A. Authority and Application of Demonstration Projects. In establishing any
4686 demonstration project, the council shall specify the following provisions:

- 4687 1. The purpose of the demonstration project;
- 4688 2. The location(s) of the demonstration project;
- 4689 3. The scope of authority to modify standards and the lead agency/department
4690 with authority to administer the demonstration project;
- 4691 4. The development standards established by this title or other titles of the King
4692 County Code which affect the development of property that are subject to administrative
4693 modifications or waivers;
- 4694 5. The process through which requests for modifications or waivers are
4695 reviewed and any limitations on the type of permit or action;
- 4696 6. The criteria for modification or waiver approval;
- 4697 7. The effective period for the demonstration project and any limitations on
4698 extensions of the effective period;
- 4699 8. The scope of the evaluation of the demonstration project and the date by
4700 which the executive shall submit an evaluation of the demonstration project; and
- 4701 9. The date by which the executive shall submit an evaluation of specific
4702 alternative standards and, if applicable, proposed legislation.

4703 B. A demonstration project shall be designated by the Metropolitan King County
4704 Council through the application of a demonstration project overlay to properties in a
4705 specific area or areas. A demonstration project shall be indicated on the zoning map or a
4706 notation in the SITUS File maintained by the department of ~~((development and
4707 environmental services))~~ permitting and environmental review, by the suffix "-DPA"

4708 (meaning demonstration project area) following the map symbol of the underlying zone
4709 or zones. Within a designated demonstration project area, approved alternative
4710 development regulations may be applied to development applications.

4711 SECTION 121. Ordinance 13275, Section 1, as amended, and K.C.C.
4712 21A.55.050 are each hereby amended to read as follows:

4713 A. The purpose of the rural forest demonstration project is to test techniques to
4714 maintain long-term forest uses in areas with a predominant parcel size of significantly
4715 less than eighty acres that are located in proximity to residential development. The
4716 demonstration project will also provide information and data to assist in the development
4717 of King County Comprehensive Plan policies to guide application and refinement of
4718 forest protection regulations.

4719 B. The rural forest demonstration project will be implemented on the five-
4720 hundred-ten-acre site located east of the Rattlesnake Mountain Scenic Area, as shown in
4721 Attachment A to Ordinance 13275.

4722 C. The rural forest demonstration project shall include:

4723 1. Preparation of a forest management plan for the entire demonstration project
4724 site. The forest management plan shall be developed jointly by the department of natural
4725 resources and parks and the property owner with input from the Washington state
4726 Department of Natural Resources, local tribes and citizens, and shall be approved by the
4727 director of the department of natural resources and parks. The forest management plan
4728 shall include:

4729 a. an inventory of existing conditions, including current tree species and
4730 respective size ranges, understory composition, critical areas, natural and human induced
4731 disturbance regimes and history of ecosystem changes;

4732 b. objectives for forest management including water quality protection, habitat
4733 enhancement, maintenance of scenic areas, surface water management and minimal
4734 impacts to neighbors.

4735 c. a reforestation element consistent with these management objectives
4736 including establishment of stream buffers of one hundred eighty-three feet for Class II
4737 streams with salmonids and one hundred feet for Class III streams; and

4738 d. an operation and maintenance element including anticipated harvest
4739 activities;

4740 2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners
4741 Association the proceeds of which may be expended solely to implement and monitor the
4742 forest management plan. The net proceeds of any harvest of forest products from the
4743 common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the
4744 extent necessary to bring the aggregate amount of money in such fund to an amount
4745 reasonably anticipated to be needed to pay the cost of implementing and monitoring the
4746 forest management plan for the current and next two calendar years;

4747 3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley
4748 Homeowners Association to implement the forest management plan. The stewardship
4749 committee shall, in consultation with King County and Washington state Department of
4750 Natural Resources: ensure sufficient funding is available for implementation of the forest
4751 management plan, hire a qualified forester or foresters to implement the forest

4752 management plan and hire qualified staff to monitor implementation of the forest
4753 management plan and prepare required reports. King County and the Washington state
4754 Department of Natural Resources shall annually inspect the property for compliance with
4755 the forest management plan consistent with the terms of the conservation easement and
4756 King County shall offer training to the members of the stewardship committee on forestry
4757 techniques and issues;

4758 4. Application and review of a formal subdivision of forty-one lots, exclusive of
4759 common tracts, on the five hundred-ten-acre site. The subdivision and infrastructure
4760 shall be designed to integrate with the forest landscape, including pavement widths no
4761 wider than needed to meet safety considerations. A goal of the demonstration project is to
4762 test the marketability of these forest lots in a timely manner; to that end, it is a goal of
4763 King County to render a decision on the subdivision application within six months of
4764 submittal of the application. A priority review process shall be implemented as permitted
4765 by K.C.C. 21A.55.010. The department of (~~development and environmental services~~)
4766 permitting and environmental review shall assign a permit coordinator and a project
4767 review team to complete review of all aspects of the application, and shall negotiate
4768 appropriate fees for the review process with the applicant. Neither the designation of the
4769 site as a demonstration project nor approval of the forest management plan constitute
4770 approval of the subdivision application or in any way limit King County discretion in
4771 SEPA review or application of regulations to the subdivision application;

4772 5. Dedication or conveyance, upon final plat approval, to King County or a
4773 qualified nonprofit conservation organization of a conservation easement in perpetuity
4774 upon the demonstration project site that: prohibits any future subdivision activity;

4775 prohibits all development of the site other than residential development of no more than
4776 forty-one lots; restricts such residential development and associated lawn, landscaped
4777 areas, driveways and fenced areas to an area not to exceed two acres within each lot;
4778 restricts the uses of the remaining nonresidential portion of the site to open space and
4779 forest practices and incidental uses necessary for the residential use on the forty-one lots
4780 such as for roads, access drives (not including on-site driveways) utilities and storm
4781 detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2;
4782 requires the owner to exercise its reasonable best efforts to implement the forest
4783 management plan and provides for enforcement of the terms of the conservation
4784 easement first through nonbinding mediation. Adoption of this demonstration project
4785 shall be subject to council review of the conservation easement, a copy of which shall be
4786 provided to the council by August 20, 1998; and

4787 6. An inventory of properties within King County with similar characteristics to
4788 the rural forest demonstration project site and an analysis of the potential effects of
4789 development of those properties under the same requirements as the demonstration
4790 project.

4791 D. Application to modify or waive development standards of K.C.C. Title 21A
4792 for this individual development proposal shall be administratively approved by the
4793 director of the department of (~~development and environmental services~~) permitting and
4794 environmental review and shall be consistent with an approved forest management plan
4795 developed for the entire five-hundred-ten acre site.

4796 E. The application to modify or waive development standards for this
4797 development proposal shall be evaluated on the merits of the specific proposal. Approval

4798 or denial of a proposed modification or waiver shall not be construed as precedent setting
4799 for elsewhere in the county.

4800 F. Modification or waivers approved pursuant to the rural forest demonstration
4801 project shall be in addition to those modifications or waivers that are currently allowed by
4802 K.C.C. Title 21A. The range of proposed modifications to development regulations that
4803 may be considered pursuant to the rural forest demonstration project shall only include
4804 the following zoning code regulations:

4805 1. Development Standards - Landscaping and Water Use, K.C.C. chapter
4806 21A.16, limited to the following sections:

4807 a. landscaping - street frontages, K.C.C. 21A.16.050;

4808 b. landscaping - interior lot lines, K.C.C. 21A.16.060; and

4809 c. landscaping - additional standards for required landscape areas, K.C.C.
4810 21A.16.090.

4811 2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18,
4812 limited to the following sections:

4813 a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and

4814 b. off-street parking plan design standards, K.C.C. 21A.18.110.

4815 G. The modification or waiver review process is as follows:

4816 1. Requests for modifications or waivers may only be submitted in relation to a
4817 formal subdivision proposal;

4818 2. Requests shall be:

4819 a. submitted to the department of (~~development and environmental services~~)
4820 permitting and environmental review prior to or in conjunction with the subdivision
4821 application for preliminary approval of a formal subdivision on the project site; and

4822 b. in writing, along with any supporting documentation. The supporting
4823 documentation must illustrate how the proposed modification meets the criteria of K.C.C.
4824 21A.55.050.H;

4825 3. Notice of application, review and approval of proposed modifications or
4826 waivers submitted in conjunction with a formal subdivision application shall be treated as
4827 a Type 2 land use decision. In approving a proposed modification or waiver, the director
4828 must conclude that the criteria for approval in K.C.C. 21A.55.050.H have been met;

4829 4. A preapplication meeting to determine the need for, and the likely scope of, a
4830 proposed modification or modifications or waiver or waivers shall be required prior to
4831 submittal of a modification request; and

4832 5. Administrative appeals of director approved modifications or waivers shall be
4833 combined with consideration of the underlying application for preliminary subdivision
4834 approval.

4835 H. The application for a rural forest demonstration project must, for modification
4836 or waiver approval, demonstrate how the proposed project, with modifications or waivers
4837 to the code, will be consistent with and implement the approved forest management plan.
4838 This shall be demonstrated by documenting that the development with modifications or
4839 waivers:

4840 1. Enhances the preservation of forestry for resource value, open space, scenic
4841 views and wildlife habitat;

4842 2. Reduces impacts on the natural environment or restores natural functions; and

4843 3. Supports the integration of forest uses and homesites.

4844 I. The forest management plan for a rural forest demonstration project shall be
4845 developed and a decision on its approval or denial shall be reached no more than thirty
4846 days after designation of the site as a rural forest demonstration project. If the forest
4847 management plan is not approved thirty days after designation as a rural forest
4848 demonstration project, the executive shall propose restoring the site to its prior land use
4849 designations and zoning classifications as part of the 1999 amendments to the King
4850 County Comprehensive Plan. Regulatory modification or waiver applications authorized
4851 by Ordinance 13275 shall not be accepted by the department of ~~((development and
4852 environmental services))~~ permitting and environmental review after March 1, 1999.
4853 Modifications or waivers to the King County Code contained within an approved
4854 development proposal shall be valid as long as the underlying permit. The rural forest
4855 demonstration project shall continue for a period of five years from the final approval of
4856 the subdivision application, with reporting periods specific to measuring the goals of the
4857 forest management plan.

4858 J. The director of the department of natural resources and parks shall submit a
4859 report on the rural forest demonstration project to the council following approval of the
4860 forest management plan evaluating the process used to prepare the forest management
4861 plan, an inventory of other properties that have similar characteristics to the
4862 demonstration project site, the applicability and potential effects of allowing these other
4863 properties to develop under the same requirements as the demonstration project and
4864 recommending any changes that should be made to county policy or regulations to

4865 maintain long-term forestry in areas no longer managed for large-scale commercial
4866 forestry. In addition, a report shall be prepared annually by qualified staff retained by the
4867 Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or
4868 subsequent management entity of the forest management plan and submitted to the Rural
4869 Forest Commission. The annual reporting shall commence six months following final
4870 approval of the subdivision. The first two annual reports shall describe the annual work
4871 program and budget for implementation of the forest management plan, progress made in
4872 implementing the work program, and success in marketing the homesites. Annual reports
4873 for the subsequent three years shall document the annual budget and continued progress
4874 in implementing the forest management plan, the level of involvement by homeowners in
4875 forest management and any problems in implementation generated by homeowners. The
4876 Rural Forest Commission shall review the annual reports and shall inform the director of
4877 the department of natural resources and parks if it has found that necessary
4878 implementation measures of the forest management plan have not been followed. If so,
4879 and if the director of the department of natural resources and parks determines it is
4880 necessary, the director shall request the Stewardship Committee of the Uplands
4881 Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory
4882 action is not taken, the director may invoke the enforcement mechanism of the
4883 conservation easement. The annual reports will also provide information for further
4884 consideration of changes to county policies or regulations for maintenance of long-term
4885 forestry.

4886 SECTION 122. Ordinance 14662, Section 1, as amended, and K.C.C.
4887 21A.55.060 are each hereby amended to read as follows:

4888 A. The purpose of the low-impact development and Built Green demonstration
4889 projects is to determine whether innovative permit processing, site development and
4890 building construction techniques based on low-impact development and building
4891 construction practices result in environmental benefits, affordable housing and lead to
4892 administrative and development cost savings for project applicants and King County.
4893 The demonstration projects will provide information on application of these techniques to
4894 an urban infill mixed-use redevelopment project, an urban single family residential
4895 project, a Vashon Town housing project and an urban infill residential redevelopment
4896 project. The demonstration projects will also provide information to assist in the
4897 development of King County Comprehensive Plan policies to guide application and
4898 refinement of regulations such as zoning, subdivision, roads and stormwater regulations.
4899 Expected benefits from the demonstration projects include: improved conditions of
4900 habitat, ground and surface waters within a watershed; reduced impervious surface areas
4901 for new site infrastructure in developed and redeveloped projects; greater use of recycled-
4902 content building materials and more efficient use of energy and natural resources; and the
4903 opportunity to identify and evaluate potential substantive changes to land use
4904 development regulations that support and improve natural functions of watersheds. The
4905 demonstration projects will also evaluate whether consolidated administrative approval of
4906 modifications or waivers and any subsequent hearings, if required, effectively speeds the
4907 development review process while maintaining land use coordination and environmental
4908 protection, and whether that leads to administrative costs savings for project applicants
4909 and King County.

4910 B. The department shall implement the low-impact development and Built Green
4911 demonstration projects in all or a portion of each of the following: the White Center
4912 neighborhood of the Greenbridge Project as described in Attachment A to Ordinance
4913 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue
4914 Southwest and Southwest 116th Street known as Park Lake Homes II as described in
4915 Attachment A to Ordinance 16099 the unincorporated Urban Area east of Renton at
4916 approximately 148th Avenue Southeast and Southeast 128th Street as described in
4917 Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C
4918 to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are
4919 expanded, the provisions of this ordinance may apply provided the criteria in subsection
4920 L. of this section are met.

4921 C. A request by the applicant to modify or waive development standards for the
4922 development proposals shall be evaluated by the department based on the criteria in
4923 subsection L. of this section. A request shall first be either approved or denied
4924 administratively and may be further reviewed as described in subsection H.3. of this
4925 section. Approval or denial of the proposed modification or waiver shall not be
4926 construed as applying to any other development application either within the
4927 demonstration project area or elsewhere in the county.

4928 D. A modification or waiver approved by the department in accordance with the
4929 low-impact development and Built Green demonstration projects shall be in addition to
4930 those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title.
4931 The range of proposed modifications or waivers to development regulations that may be
4932 considered pursuant to the low-impact development and Built Green demonstration

4933 projects shall include only the following King County code regulations and related public
4934 rules:

4935 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
4936 Design Manual;

4937 2. King County road standards: K.C.C. 14.42.010 and the King County road
4938 design and construction standards;

4939 3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of
4940 the zone applied to the entire demonstration project and if the minimum density is not
4941 less than the minimum residential density of the zone calculated for the portion of the site
4942 to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a
4943 demonstration project provides fifty-one percent or more of the housing to households
4944 that, at the time of initial occupancy, have incomes of eighty percent or less of median
4945 income for King County as periodically published by the United States Department of
4946 Housing and Urban Development, or its successor agency, or if fifty-one percent or more
4947 of the rental housing is permanently priced to serve low-income senior citizens, then the
4948 director may approve:

4949 a. less than the minimum density; and

4950 b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue
4951 SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the
4952 Greenbridge Project, greater than the maximum density, up to a maximum of R-48
4953 (Residential forty-eight dwelling units per acre);

4954 4. Design requirements: K.C.C. chapter 21A.14;

4955 5. Landscaping and water use: K.C.C. chapter 21A.16;

- 4956 6. Parking and circulation: K.C.C. chapter 21A.18;
4957 7. Signs: K.C.C. chapter 21A.20; and
4958 8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification
4959 results in a net improvement to the functions of the sensitive area.

4960 E. A demonstration project authorized by this section and located in the R-12
4961 through R-48 zones may contain residential and limited nonresidential uses subject to the
4962 following provisions:

4963 1. The demonstration project may request a modification or waiver of any of the
4964 development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
4965 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process
4966 described in subsection H. of this section and the criteria described in subsection L. of
4967 this section.

4968 2. The demonstration project may include single family detached residential
4969 dwelling units as a permitted use, subject to the review process described in subsection H.
4970 of this section and the criteria described in subsection L. of this section.

4971 3. The demonstration project may include any nonresidential use allowed as a
4972 permitted use in the NB zone, subject to any development conditions contained in K.C.C.
4973 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without
4974 the need to request a modification or waiver as described in subsection H. of this section.

4975 The applicant may request a modification or waiver of the development conditions
4976 contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070,
4977 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a
4978 nonresidential use is permitted in the R-12 through R-48 zones, subject to development

4979 conditions, and is permitted in the NB zone without development conditions, the use shall
4980 be permitted in the demonstration project without development conditions and without
4981 the need to request a modification or waiver.

4982 4. If a nonresidential use is subject to a conditional use permit in the R-12
4983 through R-48 zones and not subject to a conditional use permit in the NB zone, the use
4984 shall be permitted in the demonstration project without requiring a conditional use
4985 permit.

4986 5. If a use is subject to a conditional use permit in both the R-12 through R-48
4987 zones and the NB zone or only in the NB zone, the use may be permitted in the
4988 demonstration project if the demonstration project applies for and obtains a conditional
4989 use permit and satisfies the conditional use permit criteria.

4990 6. Uses authorized by this subsection shall be allowed only as part of a
4991 demonstration project under this section. All such uses shall be subject to the
4992 development standards in KCC 21A.12.030, except as may be modified or waived under
4993 subsection D. of this section and this subsection E.

4994 F. A site in the NB and R-12 through R-48 zones located in a demonstration
4995 project authorized by this section may contain residential uses subject to the following:

4996 1. The demonstration project may request a modification or waiver for the site
4997 of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040,
4998 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review
4999 process described in subsection H. of this section and the criteria described in subsection
5000 M. of this section;

5001 2. The site may include single family detached residential dwelling units as a
5002 permitted use, subject to the review process under subsection H. of this section and the
5003 criteria described in subsection M of this section;

5004 3. The site may include any residential use allowed as a permitted use in the R-
5005 12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030,
5006 without the need to request a modification or waiver under subsection H. of this section.
5007 The applicant may request a modification or waiver of the development conditions in
5008 K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential
5009 use is permitted, subject to development conditions, in the NB zone and is permitted
5010 without conditions in the R-12 through R-48 zones, the use shall be permitted without
5011 development conditions and without the need to request a modification or waiver;

5012 4. If a residential use is a conditional use in the NB zone and is a permitted use
5013 in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the
5014 conditions that apply in the R12 through R-48 zones;

5015 5. If a use is subject to a conditional use permit in both the R-12 through R-48
5016 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted
5017 in the demonstration project if the demonstration project applies for and obtains a
5018 conditional use permit and satisfies the conditional use permit criteria; and

5019 6. Uses authorized by this subsection shall be allowed only as part of a
5020 demonstration project under this section. All such uses shall be subject to the
5021 development standards in K.C.C. 21A.12.040, except as may be modified or waived
5022 under subsection D. of this section and this subsection F.

5023 G. This subsection authorizes a residential basics program for townhouse and
5024 apartment building types if such housing are located in a demonstration project located in
5025 the R-12 through R-48 zones, even if not otherwise authorized by the department of
5026 ~~((development and environmental services))~~ permitting and environmental review public
5027 rules chapter 16-04: residential basics program.

5028 H.1. Requests for a modification or waiver made in accordance with this section
5029 may only be submitted in writing in relation to the following types of applications:

- 5030 a. a site development permit;
- 5031 b. a binding site plan;
- 5032 c. a building permit;
- 5033 d. a short subdivision;
- 5034 e. a subdivision;
- 5035 f. a conditional use permit; or
- 5036 g. a clearing and grading permit.

5037 2. Requests shall be submitted to the department in writing before or in
5038 conjunction with an application for one or more of the permits listed in this subsection,
5039 together with any supporting documentation. The supporting documentation must
5040 illustrate how the proposed modification meets the criteria of subsection L. of this
5041 section.

5042 3. Except for an applicant's request for a modification or waiver submitted in
5043 conjunction with an application for a subdivision, the notice of application, review and
5044 approval of a proposed modification or waiver shall be treated as a Type 2 land use
5045 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver

5046 submitted in conjunction with an application for a subdivision shall be treated as a Type 3
5047 land use decision in accordance with K.C.C. 20.20.020.

5048 4. A preapplication meeting with the applicant and the department to determine
5049 the need for and the likely scope of a proposed modification or waiver is required before
5050 submittal of such a request. The department of natural resources and parks and the
5051 department of transportation shall be invited to participate in the preapplication meeting,
5052 if necessary.

5053 5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the
5054 Surface Water Design Manual, the director shall consult with the department of natural
5055 resources and parks before granting the modification or waiver.

5056 6. If the applicant requests a variance from the county road standards, the
5057 director shall refer the request to the county road engineer for decision under KCC
5058 14.42.060, with the right to appeal within the department of transportation as provided in
5059 K.C.C. 14.42.062. The purposes of this demonstration ordinance are intended as a factor
5060 to be considered relative to the public interest requirement for road variances described in
5061 K.C.C. 14.42.060.

5062 7. Administrative appeals of modifications or waivers approved by the director
5063 shall be combined with any appeal of the underlying permit decision, if the underlying
5064 permit is subject to appeal.

5065 I. The hearing examiner may consider an environmental impact statement
5066 adequacy appeal in conjunction with a demonstration project plat appeal if the
5067 environmental impact statement is prepared by a lead agency other than the department

5068 and if its adequacy has not previously been adjudicated, even if not otherwise authorized
5069 by K.C.C. 20.44.120.

5070 J. An approved development proposal for any of the applications listed in
5071 subsection H.1. of this section, including site plan elements or conditions of approval,
5072 may be amended or modified at the request of the applicant or the applicant's successor in
5073 interest designated by the applicant in writing. The director may administratively
5074 approve minor modifications to an approved development proposal. Modifications that
5075 result in major changes as determined by the department or as defined by the approval
5076 conditions, shall be treated as a new application for purposes of vesting and shall be
5077 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any
5078 increase in the total number of dwelling units above the maximum number set forth in the
5079 development proposal permit or approval shall be deemed a major modification. The
5080 county, through the applicable development proposal permit or approval conditions, may
5081 specify additional criteria for determining whether proposed modifications are major or
5082 minor. The modifications allowed under this section supersede other modification or
5083 revision provisions of K.C.C. Title 16, Title 19A and this title.

5084 K.1. The preliminary subdivision approval of a subdivision with more than four
5085 hundred units that is part of a demonstration project under this section shall be effective
5086 for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The
5087 director may administratively grant a one-time extension, extending the preliminary
5088 subdivision approval an additional five years, only if the applicant has shown substantial
5089 progress towards development of the demonstration project. Before granting the
5090 extension, the director will assess the applicant's compliance with the demonstration

5091 project conditions and may modify or impose new standards deemed necessary for the
5092 public health or safety.

5093 2. A code modification or waiver approved under this section is effective during
5094 the validity of the underlying development permit or for forty-eight months, whichever is
5095 longer.

5096 L.1. To be eligible to use the provisions of the demonstration project,
5097 development proposals must be located within the boundaries of the Greenbridge Project
5098 as described in Attachment A to Ordinance 15654, or as may be modified as described in
5099 subsection B. of this section; in the unincorporated urban area north of Burien at
5100 approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake
5101 Homes II as described in Attachment A to Ordinance 16099; in the area east of Renton at
5102 approximately 148th Avenue Southeast and Southeast 128th Street as described in
5103 Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment
5104 C to Ordinance 14662.

5105 2. Proposals to modify or waive development regulations for a development
5106 application must be consistent with general health, safety and public welfare standards,
5107 and must not violate state or federal law.

5108 3.a. Applications must demonstrate how the proposed project, when considered
5109 as a whole with the proposed modifications or waivers to the code, will meet all of the
5110 criteria listed in this subsection, as compared to development without the modification or
5111 waiver, and achieves higher quality urban development; enhances infill, redevelopment
5112 and greenfield development; optimizes site utilization; stimulates neighborhood
5113 redevelopment; and enhances pedestrian experiences and sense of place and community.

5114 b. Any individual request for a modification or waiver must meet two or more
5115 of the following criteria:

5116 (1) uses the natural site characteristics to protect the natural systems;

5117 (2) addresses stormwater and drainage safety, function, appearance,
5118 environmental protection and maintainability based upon sound engineering judgment;

5119 (3) contributes to achievement of a two-star or a three-star rating for the
5120 project site under the Built Green "Green Communities" program recognized by the
5121 Master Builders Association of King and Snohomish counties; or

5122 (4) where applicable, reduces housing costs for future project residents or
5123 tenants without decreasing environmental protection.

5124 4. The criteria of this subsection supersede other variance, modification or
5125 waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

5126 M.1. Except for Park Lake Homes II and the part of Greenbridge that was added
5127 to the demonstration project by Ordinance 15654, regulatory modification and waiver
5128 applications, or both, authorized by this section shall be filed with the department by
5129 December 31, 2007, or by such a later date as may be specified in the conditions of any
5130 development approval for any type of modification or waiver for which the opportunity
5131 for future application is expressly granted in those conditions. For Park Lake Homes II
5132 and the part of Greenbridge that was added to the demonstration project by Ordinance
5133 15654, regulatory modification and waiver applications, or both, authorized by this
5134 section shall be filed with the department by December 31, 2010, or by such a later date
5135 as may be specified in the conditions of any development approval for any type of

5136 modification or waiver for which the opportunity for future application is expressly
5137 granted in those conditions.

5138 2. Modifications or waivers contained within an approved development
5139 proposal shall be valid as long as the underlying permit or development application
5140 approval is valid. A permit or approval that implements an approved code modification
5141 or waiver shall be considered under the zoning and other land use control ordinances in
5142 effect on the date the applicable complete code modification or waiver application is
5143 filed.

5144 3. Except for Park Lake Homes II and the part of Greenbridge that was added to
5145 the demonstration project by Ordinance 15654, modifications or waivers that are
5146 approved as separate applications must be incorporated into a valid permit or
5147 development application that must be filed by December 31, 2007. For Park Lake Homes
5148 II and the part of Greenbridge that was added to the demonstration project by Ordinance
5149 15654, modifications or waivers that are approved as separate applications must be
5150 incorporated into a valid permit or development application that must be filed by
5151 December 31, 2010.

5152 4. The director may extend the date for filing the demonstration project permit
5153 and development applications for a maximum of twelve months.

5154 5. Except for Park Lake Homes II and the part of Greenbridge that was added to
5155 the demonstration project by Ordinance 15654, the ability to establish the location and
5156 maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as
5157 set forth in subsection E. of this section expires December 31, 2007. For Park Lake
5158 Homes II and the part of Greenbridge that was added to the demonstration project by

5159 Ordinance 15654, the ability to establish the location and the maximum size of uses that
5160 are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E.
5161 of this section expires December 31, 2010. The ability to establish the location and
5162 maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone
5163 as set forth in subsection F. of this section expires at the end of the effective period
5164 established in subsection K. of this section.

5165 6. Any deadline set forth in this subsection shall be adjusted to include the time
5166 for appeal of all or any portion of the project approval.

5167 N.1. By December 31, 2006, the director shall prepare and submit to the council
5168 a report on the pilot programs that:

5169 a. describes and evaluates the pertinent preliminary results from the
5170 demonstration projects; and

5171 b. recommends changes, based on the evaluation, which should be made to the
5172 county processes and ordinances.

5173 2. If only insufficient or inconclusive data are available when this report is due,
5174 the director shall provide an interim status report and indicate the date a subsequent
5175 report or reports will be transmitted to fully evaluate outcomes of the demonstration
5176 projects.

5177 SECTION 123. Ordinance 16650, Section 1, as amended, and K.C.C.

5178 21A.55.101 are each hereby amended to read as follows:

5179 A.1. The purpose of the sustainable communities and housing demonstration
5180 projects is to provide affordable housing and workforce housing integrated into
5181 developments containing market rate housing and maximize sustainable development,

5182 which includes bike, pedestrian and transit connections, a mix of housing types, and the
5183 use of recyclable materials. The demonstration projects will provide information on the
5184 application of these techniques to urban infill redevelopment and urban single family
5185 residential development, some of which may include mixed use. The demonstration
5186 projects will also assist the county in refining regulations relating to zoning, subdivision,
5187 roads and stormwater as they relate to sustainable development.

5188 2. The demonstration projects will also enable the county to evaluate whether
5189 consolidated administrative approval of zoning and subdivision-related modifications or
5190 waivers and any subsequent hearings, if required, effectively speeds the development
5191 review process while maintaining land use coordination and environmental protection
5192 and whether that leads to administrative costs savings for project applicants and King
5193 County.

5194 B. The expected benefits from the demonstration projects include: the use of
5195 innovative design and development techniques to promote sustainable communities,
5196 reduced impervious surface areas for site infrastructure; a greater use of recycled-content
5197 building materials and more efficient use of energy and natural resources; and the
5198 opportunity to identify and evaluate potential substantive changes to land use
5199 development regulations that support the development of sustainable and affordable
5200 housing.

5201 C. A request by the applicant to modify or waive development standards for the
5202 development proposals shall be evaluated by the department of ~~((development and
5203 environmental services))~~ permitting and environmental review based on the criteria in
5204 subsection J. of this section. A request shall first be either approved or denied

5205 administratively and may be further reviewed as described in subsection H.3. of this
5206 section. Approval or denial of the proposed modification or waiver shall not be
5207 construed as applying to any other development application either within the
5208 demonstration project area or elsewhere in the county.

5209 D. A modification or waiver approved by the department of (~~development and~~
5210 ~~environmental services~~) permitting and environmental review in accordance with this
5211 section shall be in addition to those modifications or waivers that are currently allowed
5212 by this title. The proposed modifications or waivers to development regulations that may
5213 be considered regarding sustainable communities and housing demonstration projects
5214 shall include only the following chapters and related public rules:

5215 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
5216 Design Manual;

5217 2. King County road standards: K.C.C. chapter 14.42 and the county road
5218 standards, 2007 update;

5219 3. Density and dimensions: K.C.C. chapter 21A.12;

5220 4. Design requirements: K.C.C. chapter 21A.14;

5221 5. Landscaping and water use: K.C.C. chapter 21A.16;

5222 6. Parking and circulation: K.C.C. chapter 21A.18;

5223 7. Signs: K.C.C. chapter 21A.20;

5224 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net
5225 improvement to the functions of the critical area; and

5226 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

5227 E. A demonstration project authorized by this section may contain residential and
5228 limited nonresidential uses subject to the following:

5229 1. The demonstration project may include any residential uses as allowed as a
5230 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.
5231 21A.08.030, without the need to request a modification or waiver as described in
5232 subsection H. of this section. The applicant may request a modification or waiver of any
5233 of the development conditions for residential uses contained in K.C.C. 21A.08.030,
5234 subject to the review process described in subsection H. of this section and the criteria in
5235 subsection J. of this section;

5236 2. The demonstration project may include, as part of a residential project, any
5237 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,
5238 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development
5239 conditions contained in those sections without the need to request a modification or
5240 waiver as described in subsection H. of this section, except the following uses are not
5241 allowed:

5242 a. automotive parking;

5243 b. automotive repair and automotive service, K. C.C. 21A.08.050;

5244 c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-
5245 oriented development. For the purposes of this subsection E.2.c., "transit-oriented
5246 development" means a development that is designated as a transit-oriented development
5247 in an agreement with the county and that includes the construction of new housing units
5248 at or within one quarter mile of a county transit center or park and ride lot;

5249 d. gasoline service stations as defined in K.C.C. 21A.08.070;

- 5250 e. off-street required parking lot commercial and industrial accessory uses;
- 5251 f. private stormwater management facility;
- 5252 g. self-service storage; and
- 5253 h. vector waste receiving facility.

5254 3. The nonresidential uses shall be no greater than three thousand square feet
5255 per use, with a total maximum of all nonresidential uses not to exceed ten percent of the
5256 area of the demonstration project site or twenty thousand square feet, whichever is
5257 smaller. The applicant may request a modification or waiver of the development
5258 conditions for nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
5259 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of
5260 this section and the criteria in subsection J. of this section.

5261 F. A demonstration project authorized by this section allows a residential basics
5262 program for townhouse and apartment building types, consistent with the department of
5263 ~~((development and environmental services))~~ permitting and environmental review public
5264 rules chapter 16-04: residential basics program.

5265 G. All related review processes such as subdivision, building permit, inspection
5266 and similar processes for a demonstration project shall be expedited if:

5267 1. fifty percent or more of all residential units proposed for the demonstration
5268 project are affordable to households at eighty percent of area median income, as defined
5269 by Department of Housing and Urban Development income guidelines for King County
5270 and below; or

5271 2. seventy percent or more of all residential units for the demonstration project
5272 are affordable to households at eighty to one hundred fifteen percent of area median

5273 income, as defined by Department of Housing and Urban Development income
5274 guidelines for King County.

5275 H.1. Requests for a modification or waiver made in accordance with this section
5276 may only be submitted in writing in relation to the following types of applications:

- 5277 a. a site development permit;
- 5278 b. a binding site plan;
- 5279 c. a building permit;
- 5280 d. a short subdivision; or
- 5281 e. a subdivision.

5282 2. Requests shall be submitted to the department in writing before or in
5283 conjunction with an application for one or more of the permits listed in subsection H.1. of
5284 this section, together with any supporting documentation. The supporting documentation
5285 must illustrate how the proposed modification meets the criteria in subsection J. of this
5286 section.

5287 3. Except for an applicant's request for a modification or waiver submitted in
5288 conjunction with an application for a subdivision, the notice of application, review and
5289 approval of a proposed modification or waiver shall be treated as a Type 2 land use
5290 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver
5291 submitted in conjunction with an application for a subdivision shall be treated as a Type 3
5292 land use decision in accordance with K.C.C. 20.20.020.

5293 4. A preapplication meeting with the applicant and the department of
5294 ~~((development and environmental services))~~ permitting and environmental review to
5295 determine the need for and the likely scope of a proposed modification or waiver is

5296 required before submittal of such a request. If a modification or waiver requires approval
5297 of the department of natural resources and parks or the department of transportation that
5298 department shall be invited to participate in the preapplication meeting.

5299 5. If the applicant requests an adjustment from the county drainage standards,
5300 the director of the department of (~~development and environmental services~~) permitting
5301 and environmental review shall refer the request to the department of natural resources
5302 and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the
5303 department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The
5304 department of natural resources and parks shall consider the purposes of this
5305 demonstration ordinance as a factor relative to the public interest requirement for
5306 drainage adjustments described in K.C.C.9.04.050.C.

5307 6. If the applicant requests a variance from the county road standards, the
5308 director shall refer the request to the county road engineer for decision under K.C.C.
5309 14.42.060, with the right to appeal within the department of transportation as provided in
5310 K.C.C. 14.42.060 and the associated public rule. The department of transportation shall
5311 consider the purposes of this demonstration ordinance as a factor relative to the public
5312 interest requirement for road variances described in K.C.C. 14.42.060.

5313 7. Administrative appeals of modifications or waivers approved by the director
5314 shall be combined with any appeal of the underlying permit decision, if the underlying
5315 permit is subject to appeal.

5316 I. An approved development proposal for any of the applications listed in
5317 subsection H.1. of this section, including site plan elements or conditions of approval
5318 may be amended or modified at the request of the applicant or the applicant's successor in

5319 interest designated by the applicant in writing. The director may administratively
5320 approve minor modifications to an approved development proposal. Modifications that
5321 result in major changes as determined by the department or as defined by the approval
5322 conditions shall be treated as a new application for purposes of vesting and shall be
5323 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any
5324 increase in the total number of dwelling units above the maximum number set forth in the
5325 development proposal permit or approval shall be deemed a major modification. The
5326 county, through the applicable development proposal permit or approval conditions, may
5327 specify additional criteria for determining whether proposed modifications are major or
5328 minor. The modifications allowed under this section supersede other modification or
5329 revision provisions of K.C.C. Title 16 and Title 19A and this title.

5330 J.1. To be eligible to use the provisions of this section, a demonstration project
5331 must be located on a demonstration project site identified in Ordinance 16650, section 2,
5332 and the applicant has accepted the site as a King County sustainable communities and
5333 housing demonstration project.

5334 2. Proposals to modify or waive development regulations for a development
5335 application must be consistent with general health, safety and public welfare standards,
5336 and must not violate state or federal law.

5337 3.a. Applications must demonstrate how the proposed project, when considered
5338 as a whole with the proposed modifications or waivers to the code, will meet all of the
5339 criteria in this subsection J., as compared to development without the modification or
5340 waiver, and:

5341 (1) achieves higher quality urban development;

- 5342 (2) provides quality infill development;
- 5343 (3) optimizes site utilization; and
- 5344 (4) enhances pedestrian experiences and sense of place and community.
- 5345 b. Any individual request for a modification or waiver must meet two or more
- 5346 of the following criteria:
- 5347 (1) contributes to the creation of a sustainable community, which includes
- 5348 features such as a connected street network, a mix of housing types, pedestrian or bike
- 5349 routes throughout the development, direct bus connections, no front garages, and front
- 5350 porches.
- 5351 (2) uses the natural site characteristics to protect the natural systems;
- 5352 (3)(a) contributes to achievement of a three-star rating for the project site
- 5353 under the Built Green Communities program administered by the Master Builders
- 5354 Association of King and Snohomish Counties;
- 5355 (b) contributes to achievement of a four-star or higher rating for the single
- 5356 family units under the Built Green program administered by the Master Builders
- 5357 Association of King and Snohomish Counties or achieve a gold certification under the
- 5358 U.S. Green Building Council, LEED program or equivalent program; or
- 5359 (c) contributes to achievement of a four-star or higher rating for the
- 5360 multifamily units under the Built Green program administered by the Master Builders
- 5361 Association of King and Snohomish Counties or achieve a gold certification under the
- 5362 U.S. Green Building Council, LEED program or other equivalent program; and
- 5363 (4) provides attractive, well-designed development that will assist in
- 5364 improving safety and preventing crime in the development and surrounding area,

5365 including adequate outdoor lighting along walkways/trails, walkways/trails 5' or wider
5366 and low vegetation along walkways/trails.

5367 4. The criteria in this subsection supersede other variance, modification or
5368 waiver criteria and provisions of K.C.C. Title 21A.

5369 K. Regulatory modification and waiver applications, or both, authorized by this
5370 section shall be filed with the department of ~~((development and environmental services))~~
5371 permitting and environmental review within three years of the approval of the
5372 development proposal, which includes issuance of a building permit or site development
5373 permit, recording of a plat, short plat or binding site plan, or by such a later date as may
5374 be specified in the conditions of any development approval for any type of modification
5375 or waiver for which the opportunity for future application is expressly granted in those
5376 conditions. Modifications or waivers contained within an approved development
5377 proposal are valid as long as the underlying permit or development application approval
5378 is valid. If modifications or waivers are approved as separate applications, they must be
5379 incorporated into a valid permit or development application within three years of
5380 approval of the development proposal. The director may extend the date for filing the
5381 demonstration project permit and development applications for a maximum of twelve
5382 months. Any deadline in this subsection shall be adjusted to include the time for appeal
5383 of all or any portion of the project approval.

5384 SECTION 124. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010
5385 are each hereby amended to read as follows:

5386 The words and phrases designated in this section shall be defined for the purposes
5387 of this title as follows:

5388 A. "Abate" means to take whatever steps are deemed necessary by the director to
5389 return a property to the condition in which it existed before a civil code violation
5390 occurred or to assure that the property complies with applicable code requirements.
5391 Abatement may include, but is not limited to, rehabilitation, demolition, removal,
5392 replacement or repair.

5393 B. "Civil code violation" means and includes one or more of the following:

5394 1. Any act or omission contrary to any ordinance, resolution, regulation or
5395 public rule of the county that regulates or protects public health, the environment or the
5396 use and development of land or water, whether or not the ordinance, resolution or
5397 regulation is codified; and

5398 2. Any act or omission contrary to the conditions of any permit, notice and order
5399 or stop work order issued pursuant to any such an ordinance, resolution, regulation or
5400 public rule.

5401 C. "Contested hearing" means a hearing requested in response to a citation to
5402 contest the finding that a violation occurred or to contest that the person issued the
5403 citation is responsible for the violation.

5404 D. "Director" means, depending on the code violated:

5405 1. The director of the department of ~~((development and environmental services))~~
5406 permitting and environmental review;

5407 2. The director of the Seattle-King County department of public health, or :local
5408 health officer" as that term is used in chapter 70.05 RCW);

5409 3. The director of the department of natural resources and parks;

5410 4. The director of any other county department authorized to enforce civil code
5411 compliance;

5412 5. Authorized representatives of a director, including compliance officers and
5413 inspectors whose responsibility includes the detection and reporting of civil code
5414 violations; or

5415 6. Such other person as the council by ordinance authorizes to use this title.

5416 E. "Found in violation" means that:

5417 1. A citation, notice and order or stop work order has been issued and not timely
5418 appealed;

5419 2. A voluntary compliance agreement has been entered into; or

5420 3. The hearing examiner has determined that the violation has occurred and the
5421 hearing examiner's determination has not been stayed or reversed on appeal.

5422 F. "Hearing examiner" means the King County hearing examiner, as provided in
5423 K.C.C. chapter 20.24.

5424 G. "Mitigate" means to take measures, subject to county approval, to minimize
5425 the harmful effects of the violation where remediation is either impossible or
5426 unreasonably burdensome.

5427 H. "Mitigation hearing" means a hearing requested in response to a citation to
5428 explain mitigating circumstances surrounding the commission of a violation.

5429 I. "Permit" means any form of certificate, approval, registration, license or any
5430 other written permission issued by King County. All conditions of approval, and all
5431 easements and use limitations shown on the face of an approved final plat map which are
5432 intended to serve or protect the general public are deemed conditions applicable to all

5433 subsequent plat property owners and their tenants and agents as permit requirements
5434 enforceable under this title.

5435 J. "Person" means any individual, association, partnership, corporation or legal
5436 entity, public or private, and the agents and assigns of the individual, association,
5437 partnership, corporation or legal entity.

5438 K. "Person responsible for code compliance" means either the person who caused
5439 the violation, if that can be determined, or the owner, lessor, tenant or other person
5440 entitled to control, use or occupy, or any combination of control, use or occupy, property
5441 where a civil code violation occurs, or both

5442 L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement
5443 code provisions.

5444 M. "Remediate" means to restore a site to a condition that complies with critical
5445 area or other regulatory requirements as they existed when the violation occurred; or, for
5446 sites that have been degraded under prior ownerships, restore to a condition that does not
5447 pose a probable threat to the environment or to the public health, safety or welfare.

5448 N. "Resolution" means any law enacted by resolution of the board of county
5449 commissioners prior to the establishment of the charter, or any health rule adopted by
5450 resolution of the board of health.

5451 SECTION 125. Ordinance 13263, Section 5, as amended, and K.C.C. 23.02.040
5452 are each hereby amended to read as follows:

5453 A. In order to discourage public nuisances, make efficient use of public resources
5454 and otherwise promote compliance with applicable code provisions, a director may, in

5455 response to field observations or reliable complaints, determine that civil code violations
5456 have occurred or are occurring and may:

5457 1. Enter into voluntary compliance agreements with persons responsible for
5458 code compliance, and issue notices of noncompliance if the persons responsible fail to
5459 comply with the terms of the voluntary compliance agreement;

5460 2. Issue citations and assess civil penalties as authorized by K.C.C. chapter
5461 23.20;

5462 3. Issue notice and orders, assess civil penalties and fines and recover costs as
5463 authorized by K.C.C. chapter 23.24;

5464 4. Order abatement by means of a notice and order, and if abatement is not
5465 completed in a timely manner by the person responsible for code compliance, undertake
5466 the abatement and charge the reasonable costs of such work as authorized by K.C.C.
5467 chapter 23.24;

5468 5. Allow a person responsible for code compliance to perform community
5469 service in lieu of paying civil penalties as authorized by K.C.C. chapter 23.24;

5470 6. Order work stopped at a site by means of a stop work order, and if such order
5471 is not complied with, assess civil penalties, as authorized by K.C.C. chapter 23.28;

5472 7. Suspend, revoke or modify any permit previously issued by a director or deny
5473 a permit application as authorized by K.C.C. chapter 23.24 when other efforts to achieve
5474 compliance have failed; and

5475 8. For de minimis violations, decide not to take enforcement action.

5476 B. Should violations occur involving multiple agencies, a lead agency shall be
5477 designated by the executive to coordinate the county's response. Unless otherwise

5478 determined by the directors of the affected departments, the department of (~~development~~
5479 ~~and environmental services~~) permitting and environmental review shall serve as the lead
5480 agency.

5481 C. The procedures set forth in this title are not exclusive. These procedures shall
5482 not in any manner limit or restrict the county from remedying civil code violations or
5483 abating civil code violations in any other manner authorized by law. This title shall not
5484 be construed to affect the authority of the King County board of health in enforcement of
5485 the King County board of health code or regulations.

5486 D. In addition or as an alternative to using the procedures set forth in this title, a
5487 director may seek legal or equitable relief to abate any conditions or enjoin any acts or
5488 practices which constitute a civil code violation.

5489 E. In addition or as an alternative to utilizing the procedures set forth in this title,
5490 a director may assess or recover civil penalties accruing under this title by legal action
5491 filed in King County superior court by the prosecuting attorney on behalf of King
5492 County.

5493 F. The provisions of this title shall in no way adversely affect the rights of the
5494 owner, lessee or occupant of any property to recover all costs and expenses incurred and
5495 required by this title from any person causing such violation.

5496 G. A director may use the services of a collection agency in order to collect any
5497 fines, penalties, fees or costs owing under this title.

5498 H. In administering the provisions for code enforcement, the director shall have
5499 the authority to waive any one or more such provisions so as to avoid substantial injustice
5500 by application thereof to the acts or omissions of a public or private entity or individual,

5501 or acts or omissions on public or private property including, for example, property
5502 belonging to public or private utilities, where no apparent benefit has accrued to such
5503 entity or individual from a code violation and any necessary remediation is being
5504 promptly provided. For purposes of this clause, substantial injustice cannot be based on
5505 economic hardship.

5506 I. The provisions of this title detailing county department administration of code
5507 compliance procedures are not to be construed as creating a substantive basis for appeal
5508 or a defense of any kind to an alleged violation.

5509 J. The provisions of this title authorizing the enforcement of non-codified
5510 ordinances are intended to assure compliance with conditions of approval on plats,
5511 unclassified use permits, zone reclassifications and other similar permits or approvals
5512 which may have been granted by ordinances which have not been codified, and to
5513 enforce new regulatory ordinances which are not yet codified. Departments should be
5514 sensitive to the possibility that citizens may not be aware of these ordinances, and should
5515 give warnings prior to enforcing such ordinances, except in high risk cases.

5516 K. The director of a King County agency that owns property, or is the custodian
5517 of public property, is authorized to enforce K.C.C. 23.02.140 and any public rules
5518 adopted under this title to implement that section for properties that the director's agency
5519 owns or is custodian.

5520 SECTION 126. Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120
5521 are each hereby amended to read as follows:

5522 A. In order to ensure strict conformity with the constraints on entry imposed by
5523 state and federal law and to ensure that county employees deal with the public in a

5524 manner that respects the rights of private property owners, the directors of the department
5525 of ~~((development and environmental services))~~ permitting and environmental review,
5526 natural resources and parks and other departments, as needed, shall adopt internal
5527 procedures, protocols and training programs governing the conduct of searches by county
5528 staff responsible for code compliance.

5529 B. Each department operating under this title may approve public rules under
5530 K.C.C. chapter 2.98 and procedures to implement the provisions of this title. Each
5531 department shall approve procedures to implement the guidelines set out in this chapter
5532 for investigating code violations.

5533 SECTION 127. Ordinance 12024, Section 4, and K.C.C. 23.10.030 are each
5534 hereby amended to read as follows:

5535 Any enforcement officer of the department of ~~((development and environmental
5536 services))~~ permitting and environmental review may inspect and certify that a vehicle is a
5537 "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are
5538 defined in K.C.C. 21A. The certification shall be made in writing.

5539 SECTION 128. Ordinance 13263, Section 33, as amended, and K.C.C. 23.24.140
5540 are each hereby amended to read as follows:

5541 All moneys collected from the assessment of civil penalties, from cleanup
5542 restitution payments to the agency, from the recovery of the costs of pursuing code
5543 compliance and abatement, and from the recovery of abatement costs, both retroactively
5544 and prospectively, except those moneys designated for the critical areas mitigation fund
5545 as set forth in K.C.C. chapter 21A.24, shall be allocated to support expenditures for
5546 abatement and code enforcement administrative costs, including, but not limited to,

5547 personnel costs, and shall be accounted for through either creation of a fund or other
5548 appropriate accounting mechanism in the department issuing the citation or notice and
5549 order under which the abatement occurred. Withdrawals from the moneys collected
5550 under this section for the purpose of funding administrative costs within the code
5551 enforcement section of the department of (~~development and environmental services~~)
5552 permitting and environmental review shall not exceed one hundred seventy-five thousand
5553 dollars in a calendar year.

5554 SECTION 129. Ordinance 3332, Section 8, as amended, and K.C.C. 27.02.130
5555 are each hereby amended to read as follows:

5556 A. The department may charge a fee to recover the actual cost of providing
5557 classes or training provided by department of (~~development and environmental~~
5558 ~~services~~) permitting and environmental review staff.

5559 SECTION 130. Ordinance 14238, Section 32, and K.C.C. 27.02.220 are each
5560 hereby amended to read as follows:

5561 Expenditures drawn from the (~~development and environmental services~~)
5562 permitting and environmental review (DES) fund for disaster response, which are not
5563 recovered through the assessment of fees or reimbursement from the Federal Emergency
5564 Management Administration (FEMA), shall be reimbursed to the DES fund by the
5565 current expense fund within twelve months of when the expenses were incurred.

5566 SECTION 131. Ordinance 13332, Section 14, and K.C.C. 27.04.003 are each
5567 hereby amended to read as follows:

5568 "Building official" means the director of the department of (~~development and~~
5569 ~~environmental services~~) permitting and environmental review or the director's designee.

5570 SECTION 132. Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005

5571 are each hereby amended to read as follows:

5572 "Department" means the department of ~~((development and environmental~~
5573 ~~services))~~ permitting and environmental review.

5574 SECTION 133. Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010

5575 are each hereby amended to read as follows:

5576 "Development permits" mean all permits, reviews, and approvals administered by
5577 the department of development and environment services including, but not limited to,
5578 right-of-way use permits, grading permits, building permits, fire code permits,
5579 subdivisions, short subdivisions, binding site plans, planned unit developments, zoning
5580 permits, master plan development permits, current use permits, boundary line
5581 adjustments, and environmental review and shoreline permits.

5582 SECTION 134. Ordinance 10662, Section 52, and K.C.C. 27.04.015 are each
5583 hereby amended to read as follows:

5584 "Director" means the director of the department of development and environment
5585 services or his/her designee.

5586 SECTION 135. Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070
5587 are each hereby amended to read as follows:

5588 Review of variance requests shall be charged fees as follows:

- A. Review by department of transportation (if required): \$1,650.00
- B. Review by department of ~~((development and environmental~~
~~services))~~ permitting and environmental review: \$1,020.00

- C. Department of ~~((development and environmental services))~~ \$340.00
permitting and environmental review - plan resubmittal:
- D. Storm Water Manual adjustment review - basic \$1,870.00
- E. Storm Water Manual adjustment review - complex \$3,910.00
- F. Storm Water Manual adjustment review - experimental Current
hourly rate

5589 SECTION 136. Ordinance 12020, Section 5, and K.C.C. 27A.20.030 are each
5590 hereby amended to read as follows:

5591 "Department" means the King County department of ~~((development and
5592 environmental services))~~ permitting and environmental review or its successor
5593 organization.

5594 SECTION 137. Ordinance 12020, Section 6, and K.C.C. 27A.20.040 are each
5595 hereby amended to read as follows:

5596 "Director" means the director of the King County department of ~~((development
5597 and environmental services))~~ permitting and environmental review or his/her designee.

5598 SECTION 138. Ordinance 12020, Section 16, as amended, and K.C.C.
5599 27A.30.050 are each hereby amended to read as follows:

5600 The department shall be responsible for scheduling final performance, and
5601 maintenance and defects inspections. The department should schedule such inspections
5602 approximately forty-five days prior to expiration of the performance or maintenance
5603 period. If necessary to determine completion of performance, additional inspections
5604 should also be made after the expiration of the performance period. Periodic inspections
5605 may also be made at the discretion of the director of the department of ~~((development and~~

5606 ~~environmental services))~~ permitting and environmental review, the director of the
5607 department of natural resources and parks or the director of the department of
5608 transportation.
5609

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

4 September 2012

1

Sponsor: Kathy Lambert

[rb]

Proposed No.: 2012-0273

1 **AMENDMENT TO PROPOSED ORDINANCE 2012-0273, VERSION 1**

2 Page 27, line 466, after "The" delete "planning and community development" and insert
3 "~~((planning and community development))~~ community services"

4

5 Page 80, lines 1669 and 1670, after "referred to the" delete "Department of Planning and
6 Community Development" and insert " (~~Department of Planning and Community
7 Development~~) department of permitting and environmental review"

8

9 Page 108, line 2298, after "transportation" insert ", economy and environment"

10

11 Page 264, line 5577, after "department of" delete "development and environmental
12 services" and insert "~~((development and environmental services))~~ permitting and
13 environmental review"

14

15 Page 264, lines 5584 and 5585, after "department of" delete "development and
16 environmental services" and insert "~~((development and environmental services))~~
17 permitting and environmental review"

18

19 **EFFECT:** Technical revisions to correct agency or council committee name references
20 and drafting omissions.

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4 September 2012

T1

Sponsor: Kathy Lambert

[rb]

Proposed No.: 2012-0273

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2012-0273, VERSION 1**

2 Page 1, lines 2 and 3, after "Ordinance" delete "relating to the department of permitting
3 and environmental review" and insert "renaming and reorganizing the department of
4 development and environmental services"

5

6 **EFFECT:** Technical drafting correction .