



Legislation Text

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AN ORDINANCE renaming and reorganizing the department of development and environmental services; 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, Section 23, as amended, and K.C.C. 6.24.180, Ordinance 8659, Section 2, as amended, and K.C.C. 6.72.020, Ordinance 1603, Section 1, as amended, and K.C.C. 6.76.010, Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030, Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 9163, Section 3, as amended, and K.C.C. 9.04.030, Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 2812, Section 4, as amended, and

K.C.C. 9.04.060, Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070, Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090, Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100, Ordinance 12020, Section 33, and K.C.C. 9.04.105, Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120, Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140, Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 14214, Section 6, as amended, and K.C.C. 9.14.050, Ordinance 4257, Section 8, and K.C.C. 12.46.080, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140, Ordinance 9839, Sections 1 through 4, as amended, and K.C.C. 13.28.035, Ordinance 9462, Sections 1 through 3, as amended, and K.C.C. 13.28.055, Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020, Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010, Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090, Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020, Ordinance 8041, Section 3, as amended, and K.C.C. 14.42.020, Ordinance 13734, Section 9, and K.C.C. 14.45.070, Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080, Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090, Ordinance 11617, Section 4, as amended, and K.C.C. 14.65.020, Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210, Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240, Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260, Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270, Ordinance 17190, Section 5, and K.C.C. 14.75.075,

Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290, Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040, Ordinance 14914, Section 104, and K.C.C. 16.03.120, Ordinance 14914, Section 105, and K.C.C. 16.03.130, Ordinance 12560, Section 69, as amended, and K.C.C. 16.04.570, Ordinance 12560, Section 71, as amended, and K.C.C. 16.04.590, Ordinance 11622, Section 2, 1994, and K.C.C. 16.04.880, Ordinance 12380, Section 3, as amended, and K.C.C. 16.04.950, Ordinance 12380, Section 4, as amended, and K.C.C. 16.04.960, Ordinance 12380, Section 5, as amended, and K.C.C. 16.04.970, Resolution 21284, Section 3, as amended, and K.C.C. 16.05.106, Resolution 21284 (part), as amended, and K.C.C. 16.05.108, Ordinance 8766, Section 1, as amended, and K.C.C. 16.08.010, Ordinance 12560, Section 119, as amended, and K.C.C. 16.14.180, Ordinance 2560, Section 136, as amended, and K.C.C. 16.14.230, Ordinance 14238, Section 13, as amended, and K.C.C. 16.14.380, Ordinance 1283 (part), as amended, and K.C.C. 16.78.060, Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 14259, Section 4, as amended, and K.C.C. 16.82.052, Ordinance 15053, Section 11, and K.C.C. 16.82.105, Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020, Ordinance 12560, Section 154, as amended, and K.C.C. 17.04.230, Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270, Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420, Ordinance 16147, Section 2, and K.C.C. 18.17.010, Ordinance 13694, Section 13, and K.C.C. 19A.04.100, Ordinance 13694, Section 14, and K.C.C. 19A.04.110, Ordinance 13694, Section 15, and K.C.C. 19A.04.120, Ordinance 3694, Section 78, as amended, and K.C.C. 19A.24.030, Ordinance

13694, Section 81, and K.C.C. 19A.28.030, Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 13147, Section 25, and K.C.C. 20.18.090, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 16950, Section 10, and K.C.C. 20.20.035, Ordinance 16026, Section 2, and K.C.C. 20.24.085, Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197, Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030, Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050, Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100, Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130, Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020, Ordinance 10870, Section 40, and K.C.C. 21A.04.190, Ordinance 10870, Section 96, and K.C.C. 21A.06.280, Ordinance 10870, Section 105, and K.C.C. 21A.06.325, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 384, as amended, and K.C.C. 21A.14.240, Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370, Ordinance 15051, Section 138, and K.C.C. 21A.24.051, Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055, Ordinance 15051, Section 140, and K.C.C. 21A.24.061, Ordinance 15051, Section 230, as amended, and K.C.C. 21A.24.515, Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290, Ordinance 13129, Section 2, and K.C.C. 21A.27.010, Ordinance 13129, Section 22, and K.C.C. 21A.27.160, Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154, Ordinance 11168, Section 9, and K.C.C. 21A.30.066, Ordinance 13274, Section 6, Section , as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 8, as

amended, and K.C.C. 21A.37.060, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030, Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040, Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020, Ordinance 11621, Section 113, and K.C.C. 21A.43.040, Ordinance 11621, Section 117, and K.C.C. 21A.43.080, Ordinance 12627, Section 2, and K.C.C. 21A.55.020, Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050, Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060, Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101, Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010, Ordinance 13263, Section 5, as amended, and K.C.C. 23.02.040, Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120, Ordinance 12024, Section 4, and K.C.C. 23.10.030, Ordinance 13263, Section 33, as amended, and K.C.C. 23.24.140, Ordinance 3332, Section 8, as amended, and K.C.C. 27.02.130, Ordinance 14238, Section 32, and K.C.C. 27.02.220, Ordinance 13332, Section 14, and K.C.C. 27.04.003, Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005, Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010, Ordinance 10662, Section 52, and K.C.C. 27.04.015, Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070, Ordinance 12020, Section 5, and K.C.C. 27A.20.030, Ordinance 12020, Section 6, and K.C.C. 27A.20.040, Ordinance 12020, Section 16, as amended, and K.C.C. 27A.30.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are each hereby amended

to read as follows:

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

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

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

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

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

~~2. Building plan and application review, including building, mechanical, barrier free, energy, security~~

~~and other uniform code reviews;~~

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

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

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

~~4. ((The land use services division shall be responsible for the e))~~Effective processing and timely review of land development proposals, including zoning variance and reclassification, master drainage plans, variances from the surface water design manual and the King County road standards, critical area, subdivision, right-of-way use, urban planned development, clearing and grading, shoreline, special use and conditional use applications;~~((The duties of the division shall include the following:~~

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

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

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

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

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

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

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

~~8. Administer the state Environmental Policy Act and act as lead agency, including making the threshold determinations, determining the amount of environmental impact and reasonable mitigation measures and coordinating with other departments and divisions in the preparation of county environmental documents or in response to environmental documents from other agencies;~~

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

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

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

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

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

~~1-))~~ 7. ((Development and implementation of)) Developing and implementing an inspection program

to identify fire hazards and require conformance with K.C.C. Title 17((;

2. ~~Review of~~)), reviewing building plans and applications for compliance with K.C.C. Title 17((;)) and

((3.4)) conducting inspections, including inspections of new construction, for compliance with K.C.C.

Title 17.

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

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

a. county planning director;

b. zoning adjuster;

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

d. county building official; and

e. county fire marshal.

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

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

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

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

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

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

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

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

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

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

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

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

B. The fifteen voting members of the commission shall serve without compensation and represent the diversity of the agricultural economy, various agricultural operations, and the regions of the county.

Membership should be representative of producers of agricultural commodities and persons with demonstrated knowledge, experience and interest in agricultural real estate, food and feed processing, wholesale and retail marketing, produce buying, direct marketing, supply, and finance. However, at least eight of the voting commission members shall be producers as defined in K.C.C. 2.40.020.

C. The directors of the departments of natural resources and parks, ~~((development and environmental~~

services)) permitting and environmental review, community and human services, public health, and executive services, and the King County conservation district may serve as additional members in an ex officio capacity.

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

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

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

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

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

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

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

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

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

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

3. The Washington Department of Natural Resources;

4. Affected Indian tribes;

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

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

7. Rural cities.

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

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

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

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

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

C. A code interpretation request must:

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

2. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;
3. Identify the specific section or sections of King County's development regulations for which an interpretation is requested;
4. Identify the parcel or site, if the code interpretation request involves a particular parcel of property or site;
5. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;
6. Be accompanied by the fee required under K.C.C. 2.100.070; and
7. Be limited to a single subject, which may require interpretation of one or more code sections.

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

- a. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;
- b. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request to clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;
- c. If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the King County hearing examiner, the King County council when acting as a quasi-judicial body, any other quasi-judicial agency or any local, state or federal court, the

director shall so state in the acknowledgment. The director is then under no obligation to further process the code interpretation request; and

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

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

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

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

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

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

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

C. A code interpretation must be in writing, clearly labeled "Code Interpretation," and describe the basis for the interpretation.

D. The director shall issue a code interpretation within sixty days after receiving the code interpretation

request, unless the director determines that based on the unusual nature of the issue additional time is necessary to respond to the request. If the code interpretation request relates to a specific development proposal that is pending before the department of ~~((development and environmental services))~~ permitting and environmental review or relates to a code enforcement action that is subject to appeal under K.C.C. chapter 23.36, the code interpretation shall become final when the department of development and environmental service issues its final decision on the underlying development proposal for a type 1 or 2 decision, the department makes its recommendation on a type 3 or 4 decision or, based on the code interpretation, the department issues a notice and order, citation or stop work order under K.C.C. Title 23. If the director determines that a code interpretation request does not relate to a specific development proposal that is currently pending before the county or to a code enforcement action, the code interpretation is final when issued by the director.

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

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

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

G. When it is final, a code interpretation remains in effect until it is rescinded in writing by the director or it is modified or reversed on appeal by the hearing examiner, the King County council or an adjudicatory body.

H. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County hearing examiner, King County council, or an adjudicatory body.

SECTION 8. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are each hereby amended to read as follows:

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

B. The following shall also be first tier funds:

1. All funds now or hereafter established by ordinance for capital construction through specific road improvement districts, utility local improvement districts or local improvement districts. The director of the

department of transportation shall be the fund manager for transportation-related funds. The director of the department of natural resources and parks shall be the fund manager for utility-related funds.

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

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

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

There is hereby established a housing opportunity acquisition fund, a capital improvement fund, designated as fund no. 322. This fund shall be a first tier fund as described in K.C.C. 4.10.010. The ((~~planning and community development~~)) community services division manager shall be the fund manager.

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

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

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

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

B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of the records and

licensing services division, department of executive services, or his or her duly authorized representative. For all other business licenses, "director" means the director of the department of ~~((development and environmental services))~~ permitting and environmental review, or his or her duly authorized representative;

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

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

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

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

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

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

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

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

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

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

permitting and environmental review.

B. Licensees, in their promotional literature and oral sales presentations to members of the public, shall not claim any relationship or affiliation with any official or semiofficial law enforcement organization. Such literature or sales presentation shall be accompanied by an accurate and clear description of the services which the licensee does in fact offer or provide.

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

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

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

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

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

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

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

SECTION 14. Ordinance 1603, Section 1, as amended, and K.C.C. 6.76.010 are each hereby amended

to read as follows:

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

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

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

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

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

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

~~((F.))~~ E. "Promoter" means any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation, but shall not include either a bona fide full-time salaried officer or employee of a charitable organization whose salary or other compensation is not computed on funds raised or to be raised, or a temporary employee who is employed to contact volunteer workers by telephone but who may not himself solicit contributors directly;

~~((G.))~~ F. "Sale and benefit affair" means and includes, but is not limited to, athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment, exhibition, exposition, party, performance,

picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

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

1. Any oral or written request,
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement of publication,
3. The making of any announcement to the press, by radio or television, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith,
4. The sale of, offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, subscription, ticket, admission, article or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious organization, association or person is used or referred to in any such appeal or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purpose.

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

SECTION 15. Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030 are each hereby amended

to read as follows:

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

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

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

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

B. "Applicant" means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any

person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

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

D. "Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and storm water within the basin.

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

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

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

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

I. "Development" means any activity that requires a permit or approval, including, but not limited to, a

building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. "Development" does not include a Class I, II, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a county-approved forest management plan.

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

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

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

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

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

O. "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the King County Code; or provide secured warranty of materials, workmanship of improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the

director of the department of ~~((development and environmental services))~~ permitting and environmental review.

“Performance guarantee,” “maintenance guarantee” and “defect guarantee” are considered sub categories of financial guarantee.

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

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

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

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

1. Would result in two thousand square feet or more of new impervious surface;
2. Would result in thirty-five thousand square feet or more of new pervious surface: or
3. Is a redevelopment project on one or more parcels where the total of new and replaced impervious surface is five thousand square feet or more and when the valuation of proposed improvements exceeds fifty percent of the assessed value of the existing site improvements, including interior improvements and excluding required mitigation and frontage improvements.

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

1. A commercial or industrial site subject to:

- a. an expected daily traffic count greater than one hundred vehicles per one thousand square feet of gross building area;
- b. petroleum storage or transfer in excess of one thousand gallons per year, not including routine fuel oil storage or transfer; or
- c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles each weighing over ten tons; or

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

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

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

W. "Improvement" means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains,

sanitary and storm sewers, drainage facilities and landscaping.

X. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

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

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

1. Has an urban plan development land use designation in the King County Comprehensive Plan land use map;
2. Would, at full buildout of the project site, result in fifty acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or
3. Has a project site of fifty acres or more within a critical aquifer recharge area, as defined in K.C.C. Title 21A.

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

BB. "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

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

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

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

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

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

HH. "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and storm water runoff. "Pollution-generating impervious surface" includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching.

II. "Pollution-generating pervious surface" means a nonimpervious surface considered to be a significant source of pollutants in surface and storm water runoff. "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable

materials, wastes or chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park sports field and county-standard grassed modular grid pavement.

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

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

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

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

MM. "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For purposes of this definition, "removed" includes the removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement.

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

OO. "Salmon conservation plan" means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education

activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.

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

QQ. "Site" means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from King County to carry out a proposed project. For projects located primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to improvements proposed by the project.

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

1. Would result in:

- a. ten thousand square feet or less of total impervious surface added on or after January 8, 2001; or
- b. four percent or less of total impervious surface on a site as specified in the Surface Water Design

Manual; and

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

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

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

TT. "Subbasin" means a geographic area that:

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

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

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

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

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

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

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

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

surface or new plus replaced impervious surface;

2. Would involve seven thousand square feet or more of land disturbing activity;
3. Would construct or modify a drainage pipe or ditch that is twelve inches or more in size or depth or receives surface and storm water runoff from a drainage pipe or ditch that is twelve inches or more in size or depth;
4. Contains or is adjacent to a flood hazard area as defined in K.C.C. chapter 21A.24;
5. Is located within a critical drainage area;
6. Is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; or
7. Is a redevelopment project on a site in which the total of new plus replaced impervious surface is five thousand square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and frontage improvements, exceeds fifty percent of the assessed value of the existing site improvements.

B. The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection A. of this section, the department of ~~((development and environmental services))~~ permitting and environmental review shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

1. Small project drainage review;
2. Targeted drainage review;
3. Full drainage review; or
4. Large project drainage review.

SECTION 18. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are each hereby amended

to read as follows:

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

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

2. Core requirement 2: Offsite analysis. The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage and water quality impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;

3. Core Requirement 3: Flow control. Proposed projects that would result in two thousand square feet or more of new impervious surface or thirty-five thousand square feet or more of new pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced impervious surface, shall provide flow control facilities or flow control BMPs, or both, to control surface and storm water runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design

Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water Design Manual:

- a. Level One shall match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;
 - b. Level Two shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or
 - c. Level Three shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period;
4. Core requirement 4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;
5. Core requirement 5: Erosion and sediment control. All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual;

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

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

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

subsection A.8. for ninety-five percent of the annual average runoff volume:

- a. for basic water quality: remove eighty percent of the total suspended solids;
- b. for enhanced basic water quality: remove fifty percent of the total zinc;
- c. for sensitive lake protection: remove fifty percent of the total phosphorus; and
- d. for sphagnum bog protection: remove fifty percent of the total phosphorus and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The department of ~~((development and environmental services))~~ permitting and environmental review shall verify if a proposed project is subject to and must meet any of the following special requirements.

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

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

3. Special Requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a

stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R;

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

5. Special Requirement 5: Oil control. If a proposed project is a high-use site or is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

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

a. produce a compensating or comparable result in the public interest; and

b. meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

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

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

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

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

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

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

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

Development in areas where the department has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features or other controls necessary to protect against community hazard. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, an adjustment to the special drainage requirements promulgated under this section may be proposed, provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. Where application of this section will deny all reasonable use of a property and a facility or design that

produces a compensating or comparable result cannot be obtained, then a best practicable alternative may be obtained, to be determined by the director of the department of ~~((development and environmental services))~~ permitting and environmental review according to the adjustment process defined in the Surface Water Design Manual.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and storm water runoff discharging from the site before the construction of any other improvements or buildings on the site, or to final recording of a plat or short plat, unless upon written request of the applicant, the development engineer authorizes recording before construction of facilities in order to minimize impacts that may result from construction of facilities during inappropriate times of the year.

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

The applicant required to construct the drainage facility pursuant to K.C.C. chapter 9.04 shall maintain a combined single limit per occurrence liability policy in the amount established annually by the King County

risk management program, which shall name King County as an additional insured and protect King County from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the director of ~~((development and environmental services))~~ permitting and environmental review prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, King County may initiate enforcement action pursuant to K.C.C. Title 23.

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

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

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

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

1. Under a maintenance guarantee or defect guarantee;
2. A private road conveyance system;
3. Released from all required financial guarantees prior to July 7, 1980;
4. Located within and serving only one single family residential lot;
5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
6. Located within or associated with an administrative or formal subdivision which handles runoff

from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;

7. Previously terminated for assumption of maintenance responsibilities by the department in accordance with K.C.C. 9.04.110; or

8. Not otherwise accepted by the county for maintenance.

B. Prior to the issuance of any of the permits for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a King County determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

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

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

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

D. The duties specified in this section with regard to payment of inspection fees and reimbursement of

maintenance costs shall be enforced against the person or persons holding title to the property for which the drainage facility was required.

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

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

A. Administration.

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

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

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

C. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided that, if such premises or portion thereof is occupied, the director shall first

make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

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

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

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

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

B. "County" means King County.

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

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

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

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

G. "Effective impervious area" means the portion of actual impervious area that is connected, or has the effect of being connected as defined in the King County Surface Water Design Manual, directly to the storm

water drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches.

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

I. "Lake management plan" means the plan, and supporting documents as appropriate, describing the lake management recommendations and requirements which has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. Adopted lake management plans are available from the division and the department of ~~((development and environmental services))~~ permitting and environmental review. A synopsis of adopted lake management plans will be distributed to all Surface Water Design Manual subscribers as part of the manual's routine update process.

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

K. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of

surface and storm water. Open, uncovered flow control facilities shall not be considered as impervious surfaces for the purpose of this chapter.

L. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.

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

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

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

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

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

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

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

T. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as

referring to the type of or intended use of a building or structure.

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

V. "Service area" means unincorporated King County.

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

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

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

Z. "Surface water management fee protocols" or "SWM fee protocols" means the surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. The SWM fee protocols are available from the department of natural resources and parks, water and land resources division or their successor agencies.

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

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

CC. "Undeveloped parcel" means any parcel which has not been altered from its natural state by the

construction, creation or addition of impervious surface.

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

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

A. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin should coordinate surface and storm water, management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

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

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

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

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

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

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

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

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

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

K. It is a finding of the county that current scientific studies demonstrate that conservation and maintenance of forestland and open space contribute to the proper management of surface water quality and

quantity. The scientific analysis performed in connection with the Cedar river, Issaquah creek and Bear creek basin plans have demonstrated that forests intercept and evaporate more rainfall, provide more soil storage, retain and trap more sediments and purify contaminated water better than any other land use. Conservation and maintenance of public forests, the provision of technical assistance and encouragement to private landowners to retain forests are effective ways to prevent disruption of natural hydrology. Open Space lands, to the extent that they retain their natural condition and do not contain impervious surface, also perform an important surface water function by not detracting from the functioning of natural hydrology systems. Conservation and maintenance of publicly owned open space and forestland is often more cost-effective than building and maintain artificial or engineered surface and storm water management facilities. Additional financial resources are required to conserve and maintain those natural resource lands that serve important surface and storm water management functions.

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

M. It is a finding of the county that very lightly developed nonresidential parcels which have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County comprehensive plan and should be encouraged to retain their low intensity

of development. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

N. It is the finding of the county that lightly to very heavily developed nonresidential parcels which have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

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

P. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future

requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

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

R. It is a finding of the county that the federal government has increased requirements concerning surface water quantity and control. The federal Clean Water Act, implemented through municipal storm water NPDES permits, mandates a wide variety of local programs to manage surface water and improve water quality. Compliance will increasingly be measured by the effectiveness of King County's surface water and water quality programs. The NPDES permit impacts operations in the roads, solid waste, transit and parks divisions, the airport and the department of ~~((development and environmental services))~~ permitting and environmental review, and most activities in the water and land resources division.

S. It is a finding of the county that Chinook salmon were listed as a threatened species in March 1999, and bull trout were listed as a threatened species in November 1999, under the federal Endangered Species Act. These listings focus the need for higher standards in managing surface water including new, expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs responding to these

imperatives have included the design, permitting and construction of facilities, facility retrofitting and maintenance, habitat acquisition and restoration, monitoring, regulation development and coordination with other agencies on transboundary issues.

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

U. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish which inhabit sensitive areas. Based upon the findings in this subsection, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

V. It is the finding of the county that the unique stormwater needs of the unincorporated rural area of the county require that the county's surface water management program established under chapter 36.89 RCW develop a rural drainage program. The intent of this rural drainage program is to provide a means through which existing and emerging surface water problems in the rural areas can be addressed in a manner that

preserves both rural resources and rural activities including agriculture and forestry. Rural drainage services provided by the division shall support a rural level of development and not facilitate urbanization. This rural drainage program shall result in a program consistent with Countywide Planning Policies and King County Comprehensive Plan policies.

W. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

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

Y. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records which will include all official

statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

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

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

1. Oversee implementation of King County's groundwater protection program;
2. Provide staff support to any groundwater protection committee appointed by King County and respond to the committees in a timely manner regarding the adoption of committee recommendations;
3. Identify sources and methods of funding regional groundwater protection services and seek funding for these services;
4. Develop any combination of interlocal agreements, memorandums of understanding and operating agreements with cities, special purpose districts, sewer and water utilities and associations, and water purveyors for implementation of groundwater management plans and regional groundwater protection services in King County. These agreements shall include provisions addressing the scope, governance, structure, funding and transition to implementation of certified groundwater management plans and regional groundwater protection services in King County;
5. Consult with the Washington state Department of Ecology about the feasibility of integrating the goals and implementation of certified groundwater management plans, where possible, with adopted watershed plans to avoid creating redundant work programs;
6. Coordinate with the department of ((~~development and environmental services~~)) permitting and environmental review for any review required pursuant to K.C.C. Title 21A regarding land use, water use, environmentally sensitive areas and special district overlays, or the exercise of other authorities, that relate to

groundwater protection;

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

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

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

10. In consultation with the department of ~~((development and environmental services))~~ permitting and environmental review, the Seattle-King County department of public health, and divisions within the department of natural resources, develop an integrated annual work plan that incorporates each of these agencies work programs relative to groundwater protection and that delineates the groundwater protection services provided by King County. A draft annual work plan shall be submitted to any groundwater protection committee appointed by King County for their review and recommendations. The department of natural resources shall distribute the final annual work plan to the King County council, any groundwater protection committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, water purveyors and other entities that are implementing activities recommended in certified groundwater management plans;

11. Develop a three-year work plan that identifies long-term needs for groundwater protection, in consultation with any groundwater protection committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, and water purveyors. The work plan should include an

examination by the Seattle-King County department of public health of the effectiveness of the current compliance methodology for violations of regulations governing operation, maintenance and repair of groundwater facilities by public water systems or individuals, and an examination of alternative compliance methodologies that provide for a hierarchy of responses to such violations (e.g. education, site visit, notification, fines, civil penalty, operating restrictions). The work plan shall include an examination of existing county fees or charges for groundwater testing that could reduce any current testing disincentives caused by unaffordability of those fees or charges. The department of natural resources shall distribute the three-year work plan to the King County council, any groundwater protection committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, water purveyors and other entities that have a role in the three-year work plan;

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

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

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

providing groundwater protection services.

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

A. Any person may apply for an anchoring and mooring permit by submitting to the director a written application stating the owner's and master's name, address and telephone number; the type, description and size of the vessel, watercraft or obstruction; the reason for the application; the area of proposed anchorage or moorage, readily identifiable on a current chart or map; a description of the means by which the vessel, watercraft or obstruction will be anchored or moored; and the length of time, including inclusive dates, for which the permit is desired.

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

C. The application shall be referred to the ((Department of Planning and Community Development)) department of permitting and environmental review for comment and recommendation thereon.

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

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

SECTION 30. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are each hereby amended

to read as follows:

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

- A. Two representatives from the department of natural resources and parks, one to be appointed by the department's director and one to be the director;
- B. The director of the department of transportation or the director's designee;
- C. The director of the department of ~~((development and environmental services))~~ permitting and environmental review or the director's designee;
- D. The director of the Seattle-King County department of public health or the director's designee;
- E. The director of the facilities management division of the department of executive services or the director's designee;
- F. On representative from the King County council staff; and
- G. The county demographer.

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

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

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

1. Application of the requirement of K.C.C. 13.24.035 that all development in the urban growth area be served by public sewers, would deny all reasonable use of an individual lot;
2. The applicant has submitted a certificate of sewer availability from the most logical sewer utility

accompanied by a letter that demonstrates to the satisfaction of the director that the requirement to receive public sewer service from the utility is unreasonable or infeasible at the time of construction;

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

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

B. For short subdivisions, if:

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

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

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

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

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

3. The approved short subdivision indicates how additional lots to satisfy the minimum density

requirements of K.C.C. Title 21A will be located on the subject property if sewers become available in the future;

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

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

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

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

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

1. An adequate public or private water supply system, as required by K.C.C. 21A.28.040; and
2. The appropriate existing Group A water purveyor, unless service cannot be provided in a timely and reasonable manner as provided in RCW 43.20.260 and 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

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

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

a. The applicant has submitted a certificate of water availability from the appropriate Group A or Group B water purveyor accompanied by a letter from the same purveyor that demonstrates to the satisfaction of the director that the requirement to receive water service from the purveyor is unreasonable or infeasible at

the time of construction, which means service cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

b. For connections to a Group B water purveyor, the applicant has received a water availability certificate from an existing Group B public water purveyor or has received pre-application approval for connection to a private well from the Seattle-King County department of public health in accordance with the rules and regulations of Title 12 of the Seattle-King County board of health;

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

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

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

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

a. The applicant has received approval for the creation of a new public system in accordance with the

applicable coordinated water system plan or individual water system plan reviewed by the county and approved by the state, if any, or the applicant has received a water availability certificate from an existing public water system; and

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

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

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

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

C. Either existing wells or Group B water systems, or both, may serve the lots that the systems are

ultimately designed to serve and shall be managed in compliance with applicable health regulations.

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

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

1. A principal requirement and objective of the Vashon Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Vashon Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the department of ~~((development and environmental services))~~ permitting and environmental review, the Seattle/King County department of public health, and the department of executive services. Water service provided within a designated service area is to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Vashon Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make

certain that the proposed utility service is consistent with land use plans and policies.

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

3. An application has been submitted to the United States Environmental Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer. For this reason, a water conservation program is an integral element of the Vashon Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation programs to reduce water consumption as outlined in the Vashon Coordinated Water System Plan shall be in place and operating by 1996 and will be reviewed by the Washington state Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans. 1991 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program. All water utilities shall achieve a four percent minimum total reduction in water use from the 1991 average annual per capita consumption figure by 1996.

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

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

Westside Water Association.

C. King County approvals of water service areas through water comprehensive plans or developer extensions will be based upon consistency with V-59 and V-60 of the Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County Comprehensive Plan, in effect on March 14, 1991.

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

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

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

1. A principle requirement and objective of the East King County Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The East King County Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the department of ~~((development and environmental services))~~ permitting and environmental review, the Seattle-King County health department and

the department of executive services. Water service provided within a designated service area is to be consistent with local land use plans. In order to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area boundary in the context of the East King County Coordinated Water System Plan is understood to consist of an existing service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

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

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

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

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

1990 will be the base year used to establish the average annual per capita water consumption figure for

measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program.

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

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

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

B. With respect to the unresolved service area between the city of Redmond and Union Hill Water Association, King County recommends to the Washington state Department of Health that the area in question be assigned as a part of the city of Redmond's designated water service area with the following provisions:

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

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

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

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

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

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

"SKCHD maintains a database for data related to ground water systems." Replace the last sentence with: "However, there is currently no unified program for developing a common utility planning database for storage and use of all utility planning information."

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

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

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

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

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

B. DEPARTMENT. "Department" means the department of ~~((development and environmental services~~

)) permitting and environmental review.

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

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

E. RIGHT-OF-WAY USE PERMIT.

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

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

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

The director of the department of transportation and the director of the department of ~~((development and environmental services))~~ permitting and environmental review are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

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

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

rights-of-way use permits.

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

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

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

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

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

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

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

B. "Development review engineer" means the department of ((development and environmental services

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

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

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

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

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

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

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

C. The department of ~~((development and environmental services))~~ permitting and environmental review shall review and evaluate all applications to determine consistency with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also be the lead agency for

purposes of any environmental review required under K.C.C. 20.44.

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

A. The following fees shall be required for the administrative costs and expenses 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
The application processing and coordination fee to recover the cost of processing the application by the	

real estate services section shall be paid thereto upon filing of the application, and is nonrefundable.

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

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

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

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

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

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

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

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

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

A. Following the submission of a development application, the department of transportation shall determine the transportation impact fee to be paid under K.C.C. chapter 14.75 and shall determine the traffic impacts of the proposed development on roadway intersections that will be adversely impacted and which must be mitigated using K.C.C. chapter 14.80.

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

2. The department of transportation may approve a reduction in generated vehicle trips calculated

under subsection B.1. of this section based on the types of land uses that are to be developed, on the expected amount of travel internal to the development, on the expected pass-by trips from existing traffic or on the expected reduction of vehicle traffic volumes. Such a reduction shall be used when calculating mitigation payment system and intersection standards, including any impact and mitigation fees and costs for which the development shall be liable.

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

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

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

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

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

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

2. Administrative fees shall not be charged for intersection standards review, but the owner of a

proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the director.

G. The need for the environmental assessment of a proposed development must be determined by the department of ~~((development and environmental services))~~ permitting and environmental review, following the filing of a completed permit application. Impacts on the road system will be mitigated through mitigation payment system fees. Impacts on intersections will be mitigated through K.C.C. chapter 14.80.

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

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

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

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

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

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

D. "Concurrency" means transportation facilities are in place at the time of development or that a

financial commitment is in place to complete within six years the improvements needed to maintain the county level of service standards, according to RCW 36.70A.070(6).

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

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

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

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

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

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

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

L. “Development units” means the number of dwelling units for residential development.

M. “Director” means the director of the department.

N. “Financial commitment” consists of:

1. Revenue designated in the adopted CIP. The adopted CIP identifies all applicable and available

revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the funds will be timely put to those ends. Projects to be used in the concurrency analysis are fully funded for construction in the six years of the CIP. This funding commitment is reviewed through the annual budget process; or

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

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

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

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

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

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

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

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

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

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

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

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

W. "Segment" means a portion of an arterial used in level of service standard calculation and defined

consistent with methodology described in Federal Highway Administration Report FHWA-PL-98-035, March 1993, or as updated and used to calculate level of service.

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

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

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

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

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

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

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

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

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

A. Any issues relating to the adequacy of the concurrency analysis and test or to the accuracy of the

concurrency map shall be raised to the county council during the annual council consideration of the concurrency map as provided in K.C.C. 14.70.270.

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

SECTION 47. Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270 are each hereby amended to read as follows:

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

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

C.1. An independent expert review panel on concurrency shall be established to:

- a. review the annual report on the concurrency update; and
- b. evaluate proposed changes to the transportation concurrency process, analysis and test developed

by the road services division.

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

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

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

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

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

a. records the subdivision or short subdivision;

b. submits to the department of ~~((development and environmental services))~~ permitting and environmental review a signed and notarized deferred mitigation payment system fee application and acknowledgement form for either one or more single detached dwelling units in the same development or all of the dwelling units in a multifamily residential building for which the property owner wishes to defer payment

of the mitigation payment system fees; and

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

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

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

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

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

a. requires payment of the mitigation payment system fee to the department of ~~((development and environmental services))~~ permitting and environmental review at the earlier of seven days after the date of sale or eighteen months after issuance of the original building permit;

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

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

d. requires the seller or seller's agent of property subject to the covenant and lien to provide written disclosure of the covenant and lien to a purchaser or prospective purchaser. Disclosure of the covenant must

include the amount of mitigation payment system fee payable and that the fee is to be paid to the department of ~~((development and environmental services))~~ permitting and environmental review on the date of sale; and

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

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

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

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

E. Upon receipt of payment of mitigation payment system fees deferred under subsection A. or B. of this section, the department of ~~((development and environmental services))~~ permitting and environmental review shall execute a lien release for each single detached dwelling unit, condominium unit, or multifamily residential building for which the mitigation payment system fees have been received. Unless an agreement to the contrary is reached between buyer and seller, the seller, at the seller's expense, shall be responsible for recording the lien release.

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

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

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

Expiration (IBC 105.5). Every permit issued by the building official under the provisions of the Code shall expire by limitation and become null and void one year from date of issue. Issued permits may be

extended for one year periods subject to the following conditions:

1. An application for a permit extension together with the applicable fee is submitted to the department (~~((of development and environmental services))~~) at least seven (7), but no more than sixty (60), calendar days prior to the date the original permit becomes null and void. Once the permit extension application is submitted, work may continue past the expiration date of the original permit, provided that the extension application is not denied. If the extension application is denied, all work must stop until a valid permit is obtained.
2. If construction of a building or structure has not substantially commenced, as determined by the building official, within two years from the date of the first issued permit and the building and the structure is no longer authorized by the zoning code or other applicable law, then the permit shall not be extended.
3. An applicant may request a total of two permit extensions provided there are no substantial changes in the approved plans and specifications.
4. The building official may extend a building permit beyond the second extension only to allow completion of a building, structure or mechanical system authorized by the original permit and substantially constructed. If substantial work, as determined by the building official, has not commenced on a building and/or structure authorized in the original permit, then a new permit will be required for construction to proceed.

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

1. The applicant makes a written request to the building official for an extension of the building permit;
2. The applicant pays applicable permit extension fees; and
3. There are no substantial changes in the approved plans or specifications.
5. The staff of the department (~~((of development and environmental services))~~) may revise a permit at

the permittee's request but such a revision does not constitute a renewal or otherwise extend the life of the permit.

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

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

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

B. Name of jurisdiction to unincorporated King County;

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

D. Design flood elevation to base flood elevation;

E. Mobile home to manufactured home.

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

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

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

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

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

The International Building Code is supplemented by the following appendix:

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

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

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

The International Building Code is supplemented by the following appendix:

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

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

The department ~~((of development and environmental services (hereafter referred to as department)))~~ shall not commence review of any application authorized by this title until the property owner has submitted the materials and fees specified for complete applications.

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

All mobile homes shall comply with the following requirements:

A. "Insignia" Mobile Homes. Mobile homes approved by DLI or HUD shall have the appropriate

insignia indicating such approval affixed to the unit, in accordance with chapter 43.22 RCW.

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

1. Mobile homes currently located within King County may remain in their current location.

However, prior to the relocation of such mobile home to another portion of King County, the owner shall provide evidence that the mobile home was located within King County before January 21, 1980. A "noninsignia" mobile home currently located outside of King County may be relocated to King County only when subject to forced relocation in accordance with RCW 59.21.105.

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

- a. the unit must have safe, operable heating facilities.
- b. the unit must be equipped with a water closet, lavatory, bathtub or shower, and kitchen sink; be provided with hot and cold running water; and all facilities shall be installed and maintained in a safe and sanitary condition.
- c. the structure must be weather-protected so as to provide shelter for the occupants against the elements and to exclude dampness.
- d. all openable windows and doors must be in operable condition to provide for adequate natural ventilation and emergency exit.
- e. at least one operable smoke detector shall be installed within the unit.
- f. the unit shall be structurally sound with no apparent unsafe condition in floors, walls, ceilings and roofs.
- g. the unit must be well maintained, free of debris and infestation of insects, vermin or rodents.

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

1. Support systems and stabilizing devices shall be designed and installed in accordance with the provisions of WAC 296-150B-200.
2. Electrical connections shall be inspected and approved by the Washington State Department of Labor and Industries.
3. Mobile homes supported on piers shall be fully skirted.
4. Mobile homes located outside of a mobile home park shall be subject to the setback and lot coverage provisions of the zone in which located.

D. Accessory Structures.

1. Accessory structures shall be subject to the provisions of the International Building Code or the International Residential Code, as applicable, as adopted in King County and a building permit shall be required before construction or installation.
2. Separation between accessory structures and other structures shall be as set forth in K.C.C. 21A.14.170 or 21A.14.180. However, if the accessory structure is a carport constructed of combustible materials, the carport roof area shall not extend over or otherwise cover any bedroom windows and no other accessory structures other than decks, porches, stairs or ramps shall be permitted under the carport roof area.

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

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

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

1. Two copies of a site plan drawn to scale, showing:
 - a. north arrow and scale,
 - b. location and dimensions of all property lines or leased areas, and easements,
 - c. proposed location of mobile home and/or accessory structure(s) on the site or space,
 - d. distances from the mobile home and accessory structure(s) to property lines,
 - e. approximate surface elevation at each corner of the site,
 - f. location of parking spaces,
 - g. name or number of street on which site or space is located,
 - h. location of septic tank and drainfield, if sewers are not available,
 - i. location of well or other water source, if public water supply is not available;
2. A description of the mobile home, including:
 - a. model number,
 - b. Washington State and/or H.U.D. ID number,
 - c. name of manufacturer and year of manufacture;
3. Two copies of plans showing proposed foundation system, if more than one-fourth of the floor area of the mobile home, as measured from the bottom of the main frame members, will be more than three feet above the existing ground level, or when any supporting piers exceed sixty inches in height;
4. A State Contractors or Mobile Home Dealers Registration Card, or photocopy of same and Certified Manufactured Home Installers number.

C. An accessory structure in excess of 200 square feet of floor area including roof overhang shall require the approval of a building permit by the department ((of development and environmental services))

pursuant to the permit process and procedures for type 1 permits outlined in K.C.C. chapter 20.20. An application for a building permit for an accessory structure shall include site plans drawn consistent with the provisions of subsection B.1. If an application for a building permit for an accessory structure is submitted together with an application for a mobile home permit and if the accessory structure is less than 600 square feet in area, the fee for the accessory structure shall be waived.

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

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

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

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

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

a. The appropriate insignia of the Washington State Department of Labor and Industries of the U.S. Department of Housing and Urban Development must be affixed to the unit. If the unit is lacking the appropriate insignia it must satisfy the structural, mechanical, electrical and plumbing requirements of the International Building, Mechanical and other applicable codes as adopted in King County for conventional commercial structures.

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

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

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

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

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

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

Submission of plans prior to construction - Inspection and approval of pool - Use before approval constitutes violation (IRC AG 101.4). Plans for swimming pools to be constructed shall be submitted to the department ~~((of development and environmental services,))~~ and shall show on their face the form of proposed compliance with the requirements of this chapter and the final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of this chapter have been complied with. Use of the swimming pool before final inspection and approval constitutes a violation of this chapter.

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

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

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

Title 23.

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

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

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

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

Placarding (IPMC 108.1.3.1). In addition to being served as provided in K.C.C. Title 23, a notice to vacate or abate as nuisance may be posted at or upon each exit of the building or upon the premises where the exits exist in substantially the following form:

KING COUNTY DEPARTMENT OF (~~((DEVELOPMENT AND ENVIRONMENTAL SERVICES))~~)

PERMITTING AND ENVIRONMENTAL REVIEW

~~((900 OAKESDALE AVENUE SOUTHWEST~~

~~RENTON, WASHINGTON 98055-1219))~~

[DEPARTMENT ADDRESS]

NOTICE IS HEREBY GIVEN THAT THIS BUILDING

MUST NOT BE OCCUPIED

UNTIL INSPECTION AND APPROVAL

For Further Information: By:

Inspector/Officer

Telephone:

Date:

WARNING! The removal, mutilation, destruction or concealment of this notice is a misdemeanor.

SECTION 63. Ordinance 2560, Section 136, as amended, and K.C.C. 16.14.230 are each hereby amended to read as follows:

Section 108.4.1 of the International Property Maintenance Code is not adopted and the following substituted:

Placarding of unsafe structures, premises and equipment (IPMC 108.4.1). In addition to being served as provided in K.C.C. Title 23, a notice to vacate or abate as nuisance may be posted at or upon each exit of the building or upon the premises where the exits exist in substantially the following form:

KING COUNTY DEPARTMENT OF ((~~DEVELOPMENT AND ENVIRONMENTAL SERVICES~~))

PERMITTING AND ENVIRONMENTAL REVIEW

((~~900 OAKESDALE AVENUE SOUTHWEST~~

~~RENTON, WASHINGTON 98055-1219~~))

[DEPARTMENT ADDRESS]

NOTICE

DO NOT ENTER

These premises have been found to be unsafe.

This notice is to remain on the premises until
the violations have been corrected.

For further information: By:

Inspector/Officer

Telephone: 296-

Date:

WARNING! The removal, mutilation, destruction or concealment of this notice is a misdemeanor.

SECTION 64. Ordinance 14238, Section 13, as amended, and K.C.C. 16.14.380 are each hereby amended to read as follows:

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

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

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

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

SECTION 66. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are each hereby amended

to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

L. "Fill" means a deposit of earth material or recycled or reprocessed waste material consisting

primarily of organic or earthen materials, or any combination thereof, placed by mechanical means.

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

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

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

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

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

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

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

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

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

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

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

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

T. "Slope" means inclined ground surface, the inclination of which is expressed as a ratio of horizontal

distance to vertical distance.

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

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

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

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

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

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

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

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

KEY															
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"NP" in a cell means 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	OTHER OFFICIAL CIRCUIT RURAL	COASTAL FISHING HAZARD	EROSION HAZARD	FLOODING HAZARD	CHANNEL MIGRATION	LAND USE FEEDER HAZARD	SEMI- VOLUNTARY HAZARD	PEDESTAL LOADING HAZARD	HAZARDOUS SUBSTANCE HAZARD	CRITICAL HAZARD QUAGMIRE HAZARD	WEATHER HAZARD	ACQUEDUCT HAZARD	WATER HAZARD
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 2	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 6	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, 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 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or p 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 culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities												
Construction or maintenance of facility within the right-of-way	NP 18, 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of facility outside of the right-of-way	NP 1, 2, 3	NP 1, 2, 3				NP 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface control and surface water quality facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation areas												
Maintenance of outdoor public or publicly improved recreation	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects												
Habitat restoration or enhancement	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	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture												
Horticulture activity including planting, seeding, harvesting, rotating crops and related activities	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
Construction and maintenance of manure storage facility	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
Maintenance of farm pond, fish 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
Other												
Excavation of cemetery graves and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery graves	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of lawn, landscape gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.
3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:
 - a. regulated as a Class IV forest practice under chapter 76.09 RCW;
 - b. in a critical drainage areas established by administrative rules;
 - c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
 - d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.
4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.
5. Limited to material at any solid waste facility operated by King County.
6. Allowed to prevent imminent danger to persons or structures.
7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.
8. Cumulative clearing of less than seven thousand square feet and either:

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

b. limited to removal with hand labor.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

b. ditches that are used by salmonids.

13. In conjunction with normal and routine maintenance activities, if:

a. there is no alteration of a ditch or aquatic area that is used by salmonids:

b. the structure, condition or site maintained was constructed or created in accordance with law; and

c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

14. If a culvert is used by salmonids or conveys water used by salmonids and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C.

Title 21A and only if the maintenance activity is inspected by:

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of ~~((development and environmental services))~~ permitting and

environmental review; or

- d. Washington state Department of Fish and Wildlife.

16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title 21A.

17. Only if:

- a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- b. conducted in accordance with best management practices in the Natural Resource Conservation

Service Field Office Technical Guide.

18. In accordance with a franchise permit.

19. Only within the roadway in accordance with a franchise permit.

20. When:

- a. conducted by a public agency;
- b. the height of the facility is not increased;
- c. the linear length of the facility is not increased;
- d. the footprint of the facility is not expanded waterward;
- e. done in accordance with the Regional Road Maintenance Guidelines;
- f. done in accordance with the adopted King County Flood Hazard Management Plan and the

Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);

and

- f. monitoring is conducted for three years following maintenance or repair and an annual report is

submitted to the department.

21. Only if:

- a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation; and
- b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally-recognized tribe, and the activity is limited to:
 - (1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;
 - (2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;
 - (3) hand labor except:
 - (a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or
 - (b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

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

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

24. Limited to the removal of downed trees.

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

A. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary

buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined materials for the reclamation of land to its best use, consistent with the underlying zoning.

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

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

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

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

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

1. Determine whether the development proposal can comply with nighttime noise standards in

accordance with K.C.C. chapter 12.88;

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

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

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

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

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

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

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

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

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

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

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

1. The fire marshal (~~((division within the King County department of development and environmental services shall be operated under the direction of the Fire marshal, and))~~) shall have responsibility for ((

investigation,)) administration and inspection functions to promote compliance of the fire prevention provisions of this code.

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

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

4. The fire marshal ((~~division~~)) may, at the request of a fire districts or fire department, assume an advisory status in matters of operations, function, expenditure, tactics, personnel and equipment or any other function performed by the fire district or fire department.

SECTION 72. Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270 are each hereby amended to read as follows:

Section 104.8 of the International Fire Code is supplemented with the following:

Deviations (IFC 104.8.1). The ((~~Fire Marshal~~)) fire marshal or his/her designee shall have the authority to consider deviations from the standards established for life safety/rescue access, fire detection systems and fire sprinkler systems.

1. If the ((~~Fire Marshal~~)) fire marshal finds that the deviation would not unreasonably reduce fire protection to the area or structures served, and determines that the deviation should be approved, the ((~~Fire Marshal~~)) fire marshal shall notify the fire chief of the applicable fire district of the deviation request. The ((~~Fire Marshal~~)) fire marshal may approve the deviation if the fire chief of the applicable fire district either concurs in writing with the ((~~Fire Marshal~~)) fire marshal or does not respond in writing within seven working days after notification of the deviation request. The fire district chief's lack of response shall be taken as an indication that the fire chief concurs with the ((~~Fire Marshal's~~)) fire marshal's finding.

2. If a response is received within seven days which is not in accordance with the opinion of the

director of the department of ~~((development and environmental services))~~ permitting and environmental review or his/her designee, the issue shall be submitted to the King County fire code appeals board.

SECTION 73. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are each hereby amended to read as follows:

Section 503.3 of the International Fire Code is not adopted and the following is substituted:

Marking of and establishment of fire lanes (IFC 503.3).

A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall be established by the King County fire marshal or his authorized designee, and shall be referred to as designated fire lanes in this section.

B. Definition of Fire Lanes. The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire trucks and other fire fighting or emergency equipment to use, travel upon, and park.

C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the following manner:

1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at 50 foot or portion thereof intervals, or

2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe painted extending the length of the designated fire lane. The surface adjacent to the stripe shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and spaced at 50 ft. or portion thereof intervals, or

3. Fire lane signs shall be installed per the illustration:



- a. Reflective in nature.
- b. Red letters on white background.
- c. Signs to be spaced 50 feet or portion thereof apart and posted on or immediately next to the curb.
- d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.
- e. Signs may be placed on a building when approved by the fire marshal as the designee of the manager of the department of ~~((development and environmental services))~~ permitting and environmental review.

When posts are required they shall be a minimum of 2 inch galvanized steel or 4 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the vehicular travel.

D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

E. Alternate Materials and Methods. The fire marshal as designee of the manager of the department of ~~((development and environmental services))~~ permitting and environmental review may modify any of the provisions herein where practical difficulties exist. The particulars of a modification shall be granted by the fire marshal and shall be entered into the records of the office.

F. Existing fire lane signs and markings.

1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

2. Markings may be allowed to remain until there is a need for repainting and at that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

G. Maintenance. Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

H. Towing notification. At each entrance to property where fire lanes have been designated, signs shall

be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

I. Property owner responsible. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

J. Violation - Civil infraction. Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The penalty for failing to mark or maintain the marking of a designated fire lane shall be one hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty dollars.

K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions of subsection E, any person who fails to meet the provisions of the fire lane requirements codified in this title shall be subject to civil penalties in conformance with K.C.C. Chapter 23.

L. Impoundment. Any vehicle or object obstructing a designated fire lane is hereby declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to the applicable state law.

SECTION 74. Section 75 of this ordinance expires December 31, 2013.

SECTION 75. Ordinance 16147, Section 2, and K.C.C. 18.17.010 are each hereby amended to read as follows:

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

A. "Capital project" refers to a project with a scope that includes one or more of the following

elements: acquisition of a site or acquisition of an existing structure, or both; program or site master planning; environmental analysis; design; construction; major equipment acquisition; reconstruction; demolition; or major alteration of a capital asset. A capital project shall include: a project program plan; scope; budget by task; and schedule.

B. "County green building team" or "green building team" means a group that includes representatives from county agencies with capital project or building management staff including, but not limited to, the department of transportation, the department of natural resources and parks, the department of executive services, the department of ~~((development and environmental services))~~ permitting and environmental review, the department of public health and the historic preservation program in the office of business relations and economic development. The members represent staff with expertise in project management, construction management, architecture, landscape architecture, environmental planning, design, engineering, historic preservation and resource conservation, public health, building energy systems, building management, budget analysis and other skills as needed. The green building team provides assistance and helps to disseminate information to project managers in all county agencies.

C. "Facility" means all or any portion of buildings, structures, infrastructure, sites, complexes, equipment, utilities and conveyance lines.

D. "GreenTools program" means the support team located within the solid waste division of the department of natural resources and parks that provides green building technical assistance to county divisions, cities and the general public within King County.

E. "Integrated design process" means an approach to project design that seeks to achieve high performance on a wide variety of well-defined environmental and social goals while staying within budgetary and scheduling constraints. It relies on a multidisciplinary and collaborative team whose members make decisions together based on a shared vision and a holistic understanding of the project. It is an iterative process that follows the design through the entire project life, from predesign through operation.

F. "Leadership in Energy and Environmental Design" or "LEED" means a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. A LEED certification is available for: new construction and major renovation projects, which is LEED-NC; existing building operations, which is LEED-EB; commercial interior projects, which is LEED-CI; and core and shell projects, which is LEED-CS. LEED certifications that are in the pilot phase now include LEED for Homes and LEED for Neighborhood Development.

G. "LEED-eligible building" means a new construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code, which is chapter 51-11 WAC, or a major building remodel or renovation project.

H. "Major remodel or renovation" means work that demolishes space down to the shell structure and rebuilds it with new interior walls, ceilings, floor coverings and systems, when the work affects more than twenty-five percent of a LEED-eligible building's square footage and the affected space is at least five-thousand square feet or larger.

I. "Minor remodel or renovation" means any type of remodel or renovation that does not qualify as a major remodel or renovation.

J. "New construction" means a new building or structure.

K. "Present value" means the value on a given date of a future payment or series of future payments, discounted to reflect the time value of money and other factors such as investment risk.

L. "Retrocommissioning" is a detailed, systematic process for investigating an existing building's operations and identifying ways to improve performance. The primary focus is to identify operational improvements to obtain comfort and energy savings.

M. "Sustainable development practices" means whole system approaches to the design, construction and operation of buildings and infrastructure that help to mitigate the negative environmental, economic, health and social impacts of construction, demolition, operation and renovation while maximizing the facilities'

positive fiscal, environmental and functional contribution. Sustainable development practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water and other natural resources while providing maximum benefits and contribution to service levels to the system and the connecting infrastructures.

N. "Sustainable infrastructures" means those infrastructures and facilities that are designed, constructed and operated to optimize fiscal, environmental and functional performance for the lifecycle of the facility. Sustainable performance of infrastructure shall be determined through an integrated assessment, one that accounts for fiscal, environmental and functional costs and benefits, over the life of the facility.

SECTION 76. Ordinance 13694, Section 13, and K.C.C. 19A.04.100 are each hereby amended to read as follows:

Department: the King County department of ~~((development and environmental services))~~ permitting and environmental review.

SECTION 77. Ordinance 13694, Section 14, and K.C.C. 19A.04.110 are each hereby amended to read as follows:

Development engineer: the director of the department of ~~((development and environmental services))~~ permitting and environmental review or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the department and required pursuant to this title. The designee shall be a professional civil engineer registered and licensed pursuant to chapter 18.43 RCW.

SECTION 78. Ordinance 13694, Section 15, and K.C.C. 19A.04.120 are each hereby amended to read as follows:

Director: the director of the King County department of ~~((development and environmental services))~~ permitting and environmental review or his or her designee.

SECTION 79. Ordinance 3694, Section 78, as amended, and K.C.C. 19A.24.030 are each hereby amended to read as follows:

An approval block for the department or its successor in substantially the following form shall be added to the recording document:

"Approval of the Department of (~~(Development and Environmental Services)~~) Permitting and Environmental Review:

Examined and Approved this ____ day of _____, 2____.

(~~(Division Director, Land Use Services Division)~~) [Director or Director's Designee]"

SECTION 80. Ordinance 13694, Section 81, and K.C.C. 19A.28.030 are each hereby amended to read as follows:

A. A title insurance certificate updated-not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The King County department of assessments to be signed by the King County assessor and deputy King County assessor; and

2. The department of ~~((development and environmental services))~~ permitting and environmental review, to be signed by the director.

SECTION 81. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are each hereby amended to read as follows:

Zoning adopted pursuant to this section shall constitute official zoning for all of unincorporated King County.

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in the SITUS file and is depicted on the official zoning maps, as maintained by the department of ~~((development and environmental services))~~ permitting and environmental review.

B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the department of ~~((development and environmental services))~~ permitting and environmental review in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or hereafter amended.

C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 ~~((and))~~ and as amended by Ordinance 15028, is hereby adopted to constitute and contain special district overlays applied through Ordinance 12824. The special district overlays in effect or hereinafter amended shall be maintained by the department of ~~((development and environmental services))~~ permitting and environmental review in the Special District Overlay Application Maps notebook. Any adoption, amendment or repeal of special district overlays

shall amend, pursuant to this section, Appendix B of Ordinance 12824 as currently in effect or hereafter amended.

SECTION 82. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each hereby amended to read as follows:

A. Site-specific land use map and shoreline master program map amendments are legislative actions that may only be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of ~~((development and environmental services))~~ permitting and environmental review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-generated amendments. An analysis of the motion's fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds;

2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of ~~((development and environmental services))~~ permitting and environmental review for preparation of a recommendation to the hearing examiner; and

3. If initiated by property owner application, the property owner shall submit a docketed request for a site-specific land use map or shoreline master program map amendment. Upon receipt of a docketed request for a site-specific land use map or shoreline master program map amendment, the request shall be referred to the department of ~~((development and environmental services))~~ permitting and environmental review for preparation of a recommendation to the hearing examiner.

B. All proposed site-specific land use map or shoreline master program map amendments, whether

initiated by property owner application, by council motion or by executive proposal shall include the following:

1. Name and address of the owner or owners of record;
2. Description of the proposed amendment;
3. Property description, including parcel number, property street address and nearest cross street;
4. County assessor's map outlining the subject property; and
5. Related or previous permit activity.

C. Upon initiation of a site specific land use map or shoreline master program map amendment, an initial review conference will be scheduled by the department of ~~((development and environmental services))~~ permitting and environmental review. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department will review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to comprehensive plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and this information either will be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

D. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of ~~((development and environmental services))~~ permitting and environmental review to proceed with review of the proposed amendment.

E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of ~~((development and environmental services))~~ permitting and environmental review to proceed with review of the proposed amendment.

F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of ~~((development and environmental services))~~ permitting and environmental review to proceed with review of the proposed amendment.

G. Following the submittal of the information required by subsections D., E. or F. of this section, the department of ~~((development and environmental services))~~ permitting and environmental review shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of ~~((development and environmental services))~~ permitting and environmental review shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G., and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.24.400. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

H. A property-owner-initiated for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with Ordinance 13147 and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision which will be determined before and separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 will be required in order to implement the potential zoning.

I. Site-specific land use map or shoreline master program map amendments for which a completed

recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the comprehensive plan. Site specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 will be included in the next appropriate review cycle following issuance of the examiner's recommendation.

J.1. No amendment to a land use designation or shoreline environment designation for a property may be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

K. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

SECTION 83. Ordinance 13147, Section 25, and K.C.C. 20.18.090 are each hereby amended to read as follows:

The department of ~~((development and environmental services))~~ permitting and environmental review shall prepare implementing development regulations to accompany any proposed comprehensive plan amendments. In addition, from time to time, department of ~~((development and environmental services))~~ permitting and environmental review may propose development regulations to further implement the

comprehensive plan, consistent with the requirements of the Washington State Growth Management Act.

Notice of proposed amendments to development regulations shall be provided to the state and to the public pursuant to K.C.C. 20.18.150.

SECTION 84. Section 85 of this ordinance expires December 31, 2012.

SECTION 85. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of ~~((development and environmental services))~~ permitting and environmental review ("department"). Type 1 decisions are nonappealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

C. Certain development proposals are subject to additional procedural requirements beyond the

standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ["DNS"] or determination of significance ["DS"]). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

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 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.
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TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	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 permit ³ ; 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.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	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.
TYPE 4 ^{1,4}	(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.

¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter ((or under K.C.C. 25.32.080)), the examiner, not the director, makes the decision.

³ A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time.

Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map

amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section.

G. In the Kirkland Finn Hill/Juanita/Kingsgate Annexation Area, as shown on the map in Ordinance 17029, the manner of concealment for any minor communication facility that is a Type II or Type III land use decision shall be reviewed and determined as part of that process.

SECTION 86. Section 87 of this ordinance takes effect December 31, 2012.

SECTION 87. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of ~~((development and environmental services))~~ permitting and environmental review ("department"). Type 1 decisions are nonappealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more

than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ["DNS"] or determination of significance ["DS"]). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

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 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.
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TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	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 permit ³ ; 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.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1,4}	(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.

¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter ((~~or under K.C.C. 25.32.080~~)), the examiner, not the director, makes the decision.

³ A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section.

SECTION 88. Ordinance 16950, Section 10, and K.C.C. 20.20.035 are each hereby amended to read as follows:

When an applicant is required by K.C.C. chapter 21A.08 to conduct a community meeting, under this section, before filing of an application, notice of the meeting shall be given and the meeting shall be conducted as follows:

A. At least two weeks in advance, the applicant shall:

1. Publish notice of the meeting in the local paper and mail and email to the department and to the unincorporated area council serving the area in which potential sites are contemplated, and
2. Mail notice of the meeting to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater, as provided in K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief description and purpose of the proposal, approximate location noted on an assessor map with address and parcel number, photograph or sketch of any existing or proposed structures, a statement that alternative sites proposed by citizens can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by the department of ~~((development and environmental services))~~ permitting and environmental review. Because the purpose of the community meeting is to promote early discussion, applicants shall to note any changes to the conceptual information presented in the mailed notice when they submit an application.

B. At the community meeting at which at least one employee of the department of ~~((development and environmental services))~~ permitting and environmental review, assigned by the director of the department, shall be in attendance, the applicant shall provide information relative to the proposal and any modifications proposed to existing structures or any new structures and how the proposal is compatible with the character of

the surrounding neighborhood. An applicant shall also provide with the applicant's application a list of meeting attendees, those receiving mailed notice of the meeting and a record of the published meeting notice.

C. The applicant shall, in the notice required under subsection A.2. of this section, and at the community meeting required under subsection B. of this section, advise that persons interested in the applicant's proposal may monitor the progress of the permitting of that proposal by contacting the department or by viewing the department's website, the address of which will be provided in the notice and at the community meeting.

SECTION 89. Ordinance 16026, Section 2, and K.C.C. 20.24.085 are each hereby amended to read as follows:

A. As provided in K.C.C. chapter 27.50, on appeals of permit fee estimates and billings by the department of ~~((development and environmental services))~~ permitting and environmental review, the examiner shall receive and examine the available information, conduct public hearings and issue final decisions, including findings and conclusions, based on the issues and evidence.

B. The examiner that conducts the appeal hearing or hearings under K.C.C. chapter 27.50 of a permit fee estimate and/or permit fee billing related to a development permit application by the department of ~~((development and environmental services))~~ permitting and environmental review shall not have conducted and shall not conduct the hearing on any other component of that development permit application.

SECTION 90. Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197 are each hereby amended to read as follows:

Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in K.C.C. 21A.28.160 if the development were approved, the examiner shall remand to the department of ~~((development and environmental services))~~ permitting and environmental review to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the

deficiency, or deny the proposal if required by this chapter. The examiner shall prepare findings to document the facts that support the action taken. The examiner shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or shall require the provision of the needed facilities. An offer of payment of a school impact fee as required by ordinance shall not be a substitute for the phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with phasing of an impact mitigation fee if the provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.

SECTION 91. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are each hereby amended to read as follows:

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

- A. The optional provision of WAC 197-11-060(3)(c) is adopted.
- B. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

C. The department of ~~((development and environmental services))~~ permitting and environmental review may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees.

SECTION 92. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050 are each hereby amended to read as follows:

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

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

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county department acting as lead agency shall be responsible for preparation and content of EIS's and other environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

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

D. The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. The department director may waive these requirements as provided for in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of ((~~development and environmental services~~)) permitting and environmental review shall ((~~promulgate~~

~~administrative rules prior to the effective date of Ordinance 8998))~~ adopt public rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter on any basis provided by K.C.C. 4.16.

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

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

G. The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within 270 days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety days

unless agreed to by the applicant.

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

1. Any time period during which the applicant has failed to pay required environmental review fees to the department;
2. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and
3. Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement.

SECTION 93. Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100 are each hereby amended to read as follows:

All requests from other agencies that King County consult on threshold investigations, the scope process, EIS's or other environmental documents shall be submitted to the department of ~~((development and environmental services))~~ permitting and environmental review. The department shall be responsible for coordination with other affected county departments and for compiling and transmitting King County's response to such requests for consultation.

SECTION 94. Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130 are each hereby amended to read as follows:

A. County departments which administer activities subject to SEPA may prepare rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA, WAC chapter 197-11 and this chapter.

B. The rules and regulations prepared by the department of ~~((development and environmental services))~~ permitting and environmental review, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by the council by motion.

SECTION 95. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are each hereby amended

to read as follows:

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of ~~((development and environmental services))~~ permitting and environmental review or his or her designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.060.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public

agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter.

SECTION 96. Ordinance 10870, Section 40, and K.C.C. 21A.04.190 are each hereby amended to read as follows:

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.

C. Zoning maps are available for public review at the department of ~~((development and environmental services))~~ permitting and environmental review permit center during business hours.

SECTION 97. Ordinance 10870, Section 96, and K.C.C. 21A.06.280 are each hereby amended to read

as follows:

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

SECTION 98. Ordinance 10870, Section 105, and K.C.C. 21A.06.325 are each hereby amended to read as follows:

Director: the director of King County department of ~~((development and environmental services))~~ permitting and environmental review, or his or her designee.

SECTION 99. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are each hereby amended to read as follows:

A. Densities and dimensions - residential zones.

	RESIDENTIAL													
	ZONE S	RURAL				URBA RE-SERV	URBAN RESIDENTIAL							
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (1)	R-4	R-6	R-8	R-12	R-18	R-24	R-48	
Base Density: Dwelling Unit/Acre	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	
Maximum Density: Dwelling Unit/Acre	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (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)	1.875 ac	3.75 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 (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 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)	

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density

incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.

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

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

4. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for large active recreation and multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

with K.C.C. 21A.12.087.

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

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

- a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and
- b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

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

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

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

- (1) a floodplain;
- (2) a critical aquifer recharge area;
- (3) a regionally or locally significant resource area;
- (4) existing or planned public parks or trails, or connections to such facilities;
- (5) a category type S or F aquatic area or category I or II wetland;
- (6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors

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

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

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

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

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

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

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

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

25. For cottage housing developments only:

- a. The base height is eighteen feet.
- b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to twenty-five feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

SECTION 100. Ordinance 10870, Section 384, as amended, and K.C.C. 21A.14.240 are each hereby amended to read as follows:

Trail design shall be reviewed by the department ~~((of development and environmental services))~~ for consistency with adopted standards for:

- A. Width of the trail corridor;
- B. Location of the trail corridor on the site;
- C. Surfacing improvements; and
- D. Use(s) permitted within the corridor.

SECTION 101. Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370 are each hereby amended to read as follows:

The county shall accept a voluntary grant of easement for the preservation or relocation of a rural equestrian community trail in the RA, A or F zone whenever:

A. The department makes a determination in writing that:

1. The equestrian community trail is listed or mapped on an inventory of equestrian community trails maintained by the King County parks and recreation department. The department shall field verify the presence of a trail where an inventory indicates the general location of a trail that has not yet been field verified:

2. The equestrian community trail connects to a state, county or other trail open to the public;

3. The equestrian community trail, following a site inspection by the department of natural resources and parks, is reasonably fit for use as a rural equestrian community trail;

4. If the equestrian community trail traverses or impacts an environmentally sensitive area, it can be modified to meet code requirements for trails in sensitive areas; and

5. Permanent protection or relocation of an equestrian community trail can be accomplished without interference with allowed uses and development of the subject property, and the site can be developed without interference with the trail and allows for future owners of the property to access historically existing or public trails in the vicinity of the site.

B. If the trail is proposed to be granted as part of a mitigation package for a development proposal, the department of ~~((development and environmental services))~~ permitting and environmental review determines and reports to the department of natural resources that permanent protection or relocation of an equestrian community trail can be accomplished without interference with the proposed use and development of the subject property, and the site can be developed without interference with the trail and in a manner that allows future owners of the property to access historically existing or public trails in the vicinity that are linked to the

subject site. The department of ~~((development and environmental services))~~ permitting and environmental review shall report its findings in writing.

SECTION 102. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each hereby amended to read as follows:

A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.

B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for dairy nutrient management, livestock management, horticulture management, site development and agricultural drainage.

D. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;
2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner;
3. To the maximum extent practical in accordance with the site specific goals of the landowner,

maintain and enhance natural hydrologic systems on the site;

4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

E. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. The plan shall include, but is not limited to, the following elements:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm management plan if adverse impacts occur; and

6. Documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

F. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection D. of this section.

G. Once approved, activities carried out in compliance with the approved farm management plan shall

be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of ~~((development and environmental services))~~ permitting and environmental review shall first inform the department of natural resources and parks of the activity. Prior to taking code enforcement action, the department of ~~((development and environmental services))~~ permitting and environmental review shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 103. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055 are each hereby amended to read as follows:

A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section.

B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan.

C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors:

1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map;
2. The existing condition of wetland and aquatic area buffers;
3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state department of ecology publication number 04-06-025, published August 2004;
4. The location of the site in the drainage basin;

5. The percentage of impervious surfaces and clearing on the site; and

6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred.

D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan.

E. Modifications of critical area buffers shall be based on the following prioritized goals:

1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction;

2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;

3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;

4. To maintain, restore or enhance native vegetation;

5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site;

6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;

7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and

8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.

F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall:

1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program;

2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and

3. Ensure no net loss of shoreline ecological functions.

G. A rural stewardship plan may include, but is not limited to, the following elements:

1. Critical areas designation under K.C.C. 21A.24.500;

2. Identification of structures, cleared and forested areas and other significant features on the site;

3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development;

5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site;

6. A schedule for implementation of the elements of the rural stewardship plan; and

7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur.

H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section.

I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100.

J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties

under the public benefit rating system, the following apply:

1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and
2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter.

K. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section.

L. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of ~~((development and environmental services))~~ permitting and environmental review shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of ~~((development and environmental services))~~ permitting and environmental review shall consult with the department of natural resources and parks to determine whether the activity is consistent with the rural stewardship plan.

SECTION 104. Ordinance 15051, Section 140, and K.C.C. 21A.24.061 are each hereby amended to read as follows:

A. The King County council recognizes that rural stewardship plans and farm management plans are key elements of this chapter that provide flexibility to rural area residents to establish and maintain a rural lifestyle that includes activities such as farming and forestry while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks and department of ~~((development and environmental services))~~ permitting and environmental review shall adopt public rules to implement K.C.C. 21A.24.045 and

21A.24.051 relating to rural stewardship plans and farm management plans, consistent with the provisions of this section. The rules shall not compromise the King Conservation District's mandate or standards for farm management planning.

C. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals and classroom workshops. When possible, the assistance shall be provided at little or no cost to landowners. In addition, the department of natural resources and parks shall develop, in consultation as necessary with the department of ~~((development and environmental services))~~ permitting and environmental review and the King Conservation District, and make available to the public, model farm management, forest management and rural stewardship plans illustrating examples of plan application content, drawings and site plans, to assist landowners in their development of site-specific plans for their property.

D. The department of natural resources and parks is the primary county agency responsible for rural stewardship plans and farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of ~~((development and environmental services))~~ permitting and environmental review in carrying out its responsibilities under this chapter relating to rural stewardship plans and farm management plans. The department of natural resources and parks, department of ~~((development and environmental services))~~ permitting and environmental review and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to rural stewardship plans and farm management plans.

E. Not later than March 1, 2005, the department of natural resources and parks and department of ~~((development and environmental services))~~ permitting and environmental review shall prepare and submit to the chair of the growth management and unincorporated areas committee, or its successor, a report summarizing the public rules adopted to implement the provisions of this chapter related to farm management plans and rural

stewardship plans and how the rules implement the requirements of this section.

F. The department of natural resources and parks and department of ~~((development and environmental services))~~ permitting and environmental review shall monitor and evaluate the effectiveness of rural stewardship and farm management plans in meeting the goals and objectives of those plans established in this chapter. Beginning March 31, 2006, the departments shall present an annual report to the chair of the metropolitan King County council, providing an evaluation of the prior year's activity related to rural stewardship and farm management plans.

SECTION 105. Ordinance 15051, Section 230, as amended, and K.C.C. 21A.24.515 are each hereby amended to read as follows:

The department of natural resources and parks, in consultation with the department ~~((of development and environmental services))~~, shall conduct monitoring to evaluate the effect of this chapter on protecting the functions and values of critical areas.

SECTION 106. Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290 are each hereby amended to read as follows:

A. Development within the shoreline jurisdiction, including preferred uses and uses that are exempt from permit requirements, shall be undertaken only if that development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County shoreline master program and will not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.

B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is

exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:

1. WAC 173-27-050 applies; or

2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur at or below the ordinary high water mark.

C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations.

D. As necessary to ensure consistency of the project with the shoreline master program and this chapter, the department may attach conditions of approval to a substantial development permit or a statement of exemption or to the approval of a development proposal that does not require either.

E. The department may issue a programmatic statement of exemption as follows:

1. For an activity for which a statement of exemption is required, the activity shall:

- a. be repetitive and part of a maintenance program or other similar program;

- b. have the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the programmatic statement of exemption; and

- c. be suitable to having standard conditions that will apply to any and all sites;

2. The department shall uniformly apply conditions to each activity authorized under the programmatic statement of exemption at all locations covered by the statement of exemption. The department may require that the applicant develop and propose the uniformly applicable conditions as part of the statement of exemption application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic statement of exemption until applicable conditions are developed and approved;

3. Activities authorized under a programmatic statement of exemption shall be subject to inspection by the department. The applicant may be required to notify the department each time work subject to the programmatic statement of exemption is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions in the programmatic statement of exemption;

4. The department may require revisions, impose new conditions or otherwise modify the programmatic statement of exemption or withdraw the programmatic statement of exemption and require that the applicant apply for a standard statement of exemption, if the department determines that:

- a. The programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
- b. The programmatic statement of exemption does not provide adequate regulation of the activity;
- c. The programmatic statement of exemption conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
- d. A site requires site-specific regulation; and

5. If an activity covered by a programmatic statement of exemption also requires other county, state and federal approvals, to the extent feasible, the department shall attempt to incorporate conditions that comply with those other approvals into the programmatic statement of exemption.

F. A statement of exemption is not required for maintenance of agricultural drainage used by salmonids if:

- 1. The agricultural drainage is located within an agricultural production district;
- 2. The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to RCW 77.55;

3. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the

department of ~~((development and environmental services))~~ permitting and environmental review and the department of natural resources and parks;

4. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and

5. The maintenance project complies with the requirements of K.C.C. chapter 16.82.

SECTION 107. Ordinance 13129, Section 2, and K.C.C. 21A.27.010 are each hereby amended to read as follows:

When a new transmission support structure is proposed, a community meeting shall be convened by the applicant prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided as follows:

1. Published in the local paper and mailed to the department and to the unincorporated area council serving the area in which potential sites are contemplated, and

2. Mailed notice shall be provided to all property owners within five hundred feet (or at least twenty of the nearest property owners, whichever is greater) as required by K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. When the proposed transmission support structure exceeds a height of one hundred twenty feet, the mailed notice shall be provided to all property owners within one thousand feet. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative sites proposed by citizens can be presented at the meeting which will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by King County. Because the purpose of the community meeting is to promote early discussion, applicants are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit an application.

B. At the community meeting at which at least one employee of the department (~~((of development and environmental services))~~), assigned by the director of the department, shall be in attendance, the applicant shall provide information relative to existing transmission support structures and other nonresidential structures, such as water towers and electrical transmission lines, within one-quarter mile of potential sites, and shall discuss reasons why those existing structures are unfeasible. Furthermore, any alternative sites within one-quarter mile, identified by community members and provided to the applicant in writing at least five days in advance of the meeting, shall be evaluated by the applicant to the extent possible given the timeframe, and discussed at the meeting. A listing of the sites, identified in writing and provided to the applicant at or before the community meetings, shall be submitted to the department with the proposed application. Applicants shall also provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal.

SECTION 108. Ordinance 13129, Section 22, and K.C.C. 21A.27.160 are each hereby amended to read as follows:

The department (~~((of development and environmental services))~~) shall retain the services of a registered professional electrical engineer accredited by the state of Washington who holds a Federal Communications General Radio telephone Operator License. The engineer will provide technical evaluation of permit applications for minor communications facilities. The department is authorized to charge the applicant for these services. The specifications for an RFP to retain a consulting engineer shall specify at least the qualifications noted above, the capacity to provide a three week turnaround on data review, a request for a proposed fixed fee for services and shall state a preference for a qualified professional with a balance of experience in both the private and public sectors. Such a review shall be performed in a timely manner, be limited to the data necessary to establish findings pursuant to K.C.C. 21A.27.130.C. and 21A.27.130.D, and avoid any conflicts with the department's duty to review permit applications within one hundred twenty days of acceptance pursuant to RCW 36.70B.090. This review shall be performed when requested by affected residents

pursuant to K.C.C. 21A.27.090.

SECTION 109. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154 are each hereby amended to read as follows:

A. There is hereby created a school technical review committee (STRC) within King County. The committee shall consist of three county staff persons, one each from the department of ~~((development and environmental services))~~ permitting and environmental review, the office of financial management and the county council.

B. The committee shall be charged with reviewing each school district's capital facilities plan, enrollment projections, standard of service, the district's overall capacity for the next six years to ensure consistency with the Growth Management Act, King County Comprehensive Plan, and adopted community plans, and the district's calculation and rationale for proposed impact fees.

C. Notice of the time and place of the committee meeting where the district's documents will be considered shall be provided to the district.

D. At the meeting where the committee will review or act upon the district's documents, the district shall have the right to attend or to be represented, and shall be permitted to present testimony to the committee. Meetings shall also be open to the public.

E. In its review, the committee shall consider the following factors:

1. Whether the district's forecasting system for enrollment projections has been demonstrated to be reliable and reasonable.
2. The historic levels of funding and voter support for bond issues in the district;
3. The inability of the district to obtain the anticipated state funding or to receive voter approval for district bond issues;
4. An emergency or emergencies in the district which required the closing of a school facility or facilities resulting in a sudden and unanticipated decline in districtwide capacity; and

5. The standards of service set by school districts in similar types of communities. While community differences will be permitted, the standard established by the district should be reasonably consistent with the standards set by other school districts in communities of similar socioeconomic profile.

6. The committee shall consider the standards identified by the state concerning the ratios of certificated instructional staff to students.

F. In the event that the district's standard of service reveals a deficiency in its current facilities, the committee shall review the district's capital facilities plan to determine whether the district has identified all sources of funding necessary to achieve the standard of service.

G. The district in developing the financing plan component of the capital facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board and consistent with RCW 28A.53.020 and RCW 84.52.052 and [84.52.].056 as amended; and

2. Apply to the state for funding, and comply with the state requirement for eligibility to the best of the district's ability.

H. The committee is authorized to request the school district to review and to resubmit its capital facilities plan, or to establish a different standard of service, or to review its capacity for accommodating new students, under the following circumstances:

1. The standard of service established by the district is not reasonable in light of the factors set forth in subsection E. of this section.

2. The committee finds that the district's standard of service cannot reasonably be achieved in light of the secured financial commitments and the historic levels of support in the district; or

3. Any other basis which is consistent with the provisions of this section.

I. The committee shall prepare and submit an annual report to the King County council for each school

district recommending a certification of concurrency in the district, except as provided in Subsection L of this section using the school concurrency standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital facilities plan for review by the STRC, King County shall assume the district has adequate capacity to accommodate growth for the following six years.

J. The committee shall submit copies of its recommendation of concurrency for each school district to the director of DDES, to the hearing examiner, and to the district.

K. The committee shall recommend to the council a comprehensive plan amendment adopting the district's capital facilities plan as part of the comprehensive plan, for any plan which the committee concludes accurately reflects the district's facilities status.

L. In the event that after reviewing the district's capital facilities plan and other documents, the committee is unable to recommend certifying concurrency in a school district, the committee shall submit a statement to the council, the director and the hearing examiner stating that the committee is unable to recommend certifying concurrency in a specific school district. The committee shall recommend to the executive that he propose to the council, amendments to the land use element of the King County Comprehensive Plan or amendments to the development regulations implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations.

SECTION 110. Ordinance 11168, Section 9, and K.C.C. 21A.30.066 are each hereby amended to read as follows:

A. Education. Enforcement of these livestock standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions, and has not made those corrections. Where violations of the standards do occur, and such violations are

directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in K.C.C.

9.12.025, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.

B. Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock operator," shall be held responsible for compliance with these standards.

C. Prima facie evidence. Establishment and adherence to a farm management plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C. 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of K.C.C. 9.12.035.

D. Violations of specific standards. The department of ~~((development and environmental services))~~ permitting and environmental review shall be responsible for enforcement of the standards set out in this chapter. The surface water management division shall be responsible for enforcement of water quality violations pursuant to K.C.C. Chapter 9.12 for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of non-compliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of K.C.C. 21A.30.060, or establish a farm management plan pursuant to K.C.C. 21A.30.050 as the owner and/or livestock operator may elect for the purpose of compliance. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the county, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and K.C.C. Title 23 Enforcement.

SECTION 111. Ordinance 13274, Section 6, Section , as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C.

21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of ((~~development and environmental services~~)) permitting and environmental review shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated on additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal

jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate letter of intent and shall be considered a final determination, not to be revised due to changes to the sending site's zoning.

I. Each residential development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

SECTION 112. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. Prior to issuing a certificate for transferable development rights to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights that have been removed from the property and shall place a notice on the title of the sending site. The department of ~~((development and environmental services))~~ permitting and environmental review, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency shall be required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify in

limitations in perpetuity on future residential and nonresidential development consistent with this chapter, as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program.

The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a rural sending site the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall

permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 113. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of ~~((development and environmental services))~~ permitting and environmental review and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a written report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The committee shall issue a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant.

Application for sending site certification shall include:

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;
4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;
5. Assessors map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:

- a. a wildlife habitat conservation plan;
- b. a wildlife habitat restoration plan; or
- c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 114. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the county, the sending site owner may market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR

certificate letter of intent may be transferred to the new owner if requested in writing to the department of natural resources by the person or persons that owned the property when the TDR certificate letter of intent was issued, provided that the documents evidencing the transfer of ownership are also provided to the department of natural resources;

2. In applying for receiving site approval, the applicant shall provide the department of ~~((development and environmental services))~~ permitting and environmental review with one of the following:

- a. a TDR certificate letter of intent issued in the name of the applicant,
- b. a TDR certificate letter of intent issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,
- c. a TDR certificate issued in the name of the applicant, or
- d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of ~~((development and environmental services))~~ permitting and environmental review or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title

19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor agency.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 115. Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030 are each hereby amended to read as follows:

A. Property-specific development standards, denoted by the zoning map symbol -P after the zone's map symbol or a notation in the SITUS File, shall be established on individual properties through either reclassifications or area zoning. All property-specific development standards are contained in Appendix of Ordinance 12824 as currently in effect or hereinafter amended and shall be maintained by the department of ((~~development and environmental services~~)) permitting and environmental review in the Property Specific Development Conditions notebook. Upon the effective date of reclassification of a property to a zone with a -P suffix, the property-specific development standards adopted thereby shall apply to any development proposal on the subject property subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance, and special use permit.

B. Property-specific development standards shall address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum

requirements of this title or other regulations.

C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such condition(s), and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property-specific development standards are limited to:

1. Limiting the range of permitted land uses;
2. Requiring special development standards for property with physical constraints (e.g. environmental hazards, view corridors);
3. Requiring specific site design features (e.g. building orientation, lot layout, clustering, trails or access location);
4. Specifying the phasing of the development of a site;
5. Requiring public facility site dedications or improvements (e.g. roads, utilities, parks, open space, trails, school sites); or
6. Designating sending and receiving sites for transferring density credits as provided in K.C.C. 21A.36.

D. Property-specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title.

SECTION 116. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are each hereby amended to read as follows:

Special district overlays shall be designated on official area zoning maps and as a notation in the department's electronic parcel record, as follows:

A. A special district overlay shall be designated through the area zoning process as provided in K.C.C. chapters 20.12 and 20.16. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as provided in K.C.C. chapters 20.12 and 20.16 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of ~~((development and environmental services))~~ permitting and environmental review, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 117. Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020 are each hereby amended to read as follows:

A. King County shall accept an application for an UPD permit only in areas designated urban by the comprehensive plan and contained within the boundaries of UPD Special District Overlays designated by a community plan or comprehensive plan, provided that density transfer from adjacent rural lands is allowed as provided for in K.C.C. chapter 21A.36.

B. A UPD permit application, or modifications of an approved UPD permit that requires council

review, shall be reviewed pursuant to the hearing examiner process outlined in K.C.C. chapter 21A.42, provided that:

1. the review of the UPD permit application shall not be completed until applicable sewer and/or water comprehensive utility plans or plan amendments are identified;
2. A UPD permit may be processed concurrently with any application for a subsequent development approval implementing the UPD permit.

C. A processing memorandum of understanding (MOU) shall be adopted containing any of the following elements:

1. Schedule for processing including timelines for EIS, drainage master plan, UPD permit hearings, plats or other permits or approvals;
2. Budget for permit processing and review;
3. Establishment of a core UPD review team with one representative from each county department having a principal UPD permit review role. The department responsible for coordinating review of the UPD shall enter into memorandums of understanding with other county departments specifying special tasks and timetables consistent with the schedule for performance by each department and/or independent consulting;
4. Retention of a third-party facilitator at the applicant's cost to assist the county's review;
5. Establishment of baseline monitoring requirements and design parameters that are to apply under existing law during the UPD application and review process;
6. Final scope for EIS, that shall be adjusted for adopted county substantive environmental or mitigation requirements that will apply to the UPD permit such as K.C.C. chapter 21A.24, the SWM Manual, road and school adequacy standards, impact fee or mitigation programs or other adopted standards.

D. The processing MOU shall be completed initially within ninety days after the request by a UPD permit applicant, unless the county and applicant agree to a different time. If the county and applicant have not reached agreement within ninety days, then either may request final resolution of the processing MOU by a

committee consisting of the directors of the departments of transportation, ~~((development and environmental services))~~ permitting and environmental review, and natural resources and parks;

E. The county shall prepare a UPD application form consistent with the information required under K.C.C. 21A.39.030, that shall take into account that detailed information that may not be available at the time of the application will be developed through the environmental impact statement and review process.

SECTION 118. Ordinance 11621, Section 113, and K.C.C. 21A.43.040 are each hereby amended to read as follows:

Fees shall be collected by the department of ~~((development and environmental services))~~ permitting and environmental review and maintained in a separate account for each school district, pursuant to K.C.C. 21A.43.070. Fees shall be paid to the district pursuant to administrative rules of an interlocal agreement between the county and the district.

SECTION 119. Ordinance 11621, Section 117, and K.C.C. 21A.43.080 are each hereby amended to read as follows:

A. Low or moderate income housing projects being developed by public housing agencies or private non-profit housing developers shall be exempt from the payment of school impact fees. The amount of the school impact fees not collected from low or moderate income household development shall be paid from public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The planning and community development division shall review proposed developments of low or moderate income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule, and shall advise the department of ~~((development and environmental services))~~ permitting and environmental review as to whether the project qualifies for the exemption.

B. Private developers who dedicate residential units for occupancy by low or moderate income

households may apply to the division for reductions in school impact fees pursuant to the criteria established for public housing agencies and private non-profit housing developers pursuant to subsection A, and subject to the provisions of subsection A. The division shall review proposed developments of low or moderate income housing by such private developers pursuant to criteria and procedures adopted by administrative rule, and shall advise the department of ~~((development and environmental services))~~ permitting and environmental review as to whether the project qualifies for the exemption. If the division recommends the exemption, the department of ~~((development and environmental services))~~ permitting and environmental review shall reduce the calculated school impact fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Individual low or moderate income home purchasers (as defined pursuant to the King County Comprehensive Housing Affordability Strategy (CHAS) who are purchasing homes at prices within their eligibility limits based on standard lending criteria and meet other means tests established by rule by the division are exempted from payment of the impact fee, provided that at such time as the property in question is transferred to another owner who does not qualify for the exemption, at which time the fee shall be due and payable.

D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C. Chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low or moderate income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;
2. Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;
3. Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding

household income, rent levels or sale prices, location, number of units and development size; and

4. Ensure that developers who obtain an exemption from or reduction of school impact fees will in fact build the proposed low or moderate cost housing and make it available to low or moderate income households for a minimum of fifteen (15) years.

5. Ensure that individual low or moderate income purchasers meet appropriate eligibility standards based on income and other financial means tests.

E. As a condition of receiving an exemption under paragraph B or C, the owner must execute and record a county-drafted lien, covenant, and/or other contractual provision against the property for a period of ten (10) years for individual owners, and fifteen (15) years for private developers, guaranteeing that the proposed development will continue to be used for low or moderate income housing. In the event that the pattern of development or the use of the development is no longer for low or moderate income housing, then the owner shall pay the impact fee amount from which the owner or any prior owner was exempt. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners.

SECTION 120. Ordinance 12627, Section 2, and K.C.C. 21A.55.020 are each hereby amended to read as follows:

A. Authority and Application of Demonstration Projects. In establishing any demonstration project, the council shall specify the following provisions:

1. The purpose of the demonstration project;
2. The location(s) of the demonstration project;
3. The scope of authority to modify standards and the lead agency/department with authority to administer the demonstration project;
4. The development standards established by this title or other titles of the King County Code which affect the development of property that are subject to administrative modifications or waivers;
5. The process through which requests for modifications or waivers are reviewed and any limitations

on the type of permit or action;

6. The criteria for modification or waiver approval;

7. The effective period for the demonstration project and any limitations on extensions of the effective period;

8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and

9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

B. A demonstration project shall be designated by the Metropolitan King County Council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project shall be indicated on the zoning map or a notation in the SITUS File maintained by the department of ((~~development and environmental services~~)) permitting and environmental review, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones. Within a designated demonstration project area, approved alternative development regulations may be applied to development applications.

SECTION 121. Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050 are each hereby amended to read as follows:

A. The purpose of the rural forest demonstration project is to test techniques to maintain long-term forest uses in areas with a predominant parcel size of significantly less than eighty acres that are located in proximity to residential development. The demonstration project will also provide information and data to assist in the development of King County Comprehensive Plan policies to guide application and refinement of forest protection regulations.

B. The rural forest demonstration project will be implemented on the five-hundred-ten-acre site located east of the Rattlesnake Mountain Scenic Area, as shown in Attachment A to Ordinance 13275.

C. The rural forest demonstration project shall include:

1. Preparation of a forest management plan for the entire demonstration project site. The forest management plan shall be developed jointly by the department of natural resources and parks and the property owner with input from the Washington state Department of Natural Resources, local tribes and citizens, and shall be approved by the director of the department of natural resources and parks. The forest management plan shall include:

a. an inventory of existing conditions, including current tree species and respective size ranges, understory composition, critical areas, natural and human induced disturbance regimes and history of ecosystem changes;

b. objectives for forest management including water quality protection, habitat enhancement, maintenance of scenic areas, surface water management and minimal impacts to neighbors.

c. a reforestation element consistent with these management objectives including establishment of stream buffers of one hundred eighty-three feet for Class II streams with salmonids and one hundred feet for Class III streams; and

d. an operation and maintenance element including anticipated harvest activities;

2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners Association the proceeds of which may be expended solely to implement and monitor the forest management plan. The net proceeds of any harvest of forest products from the common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the extent necessary to bring the aggregate amount of money in such fund to an amount reasonably anticipated to be needed to pay the cost of implementing and monitoring the forest management plan for the current and next two calendar years;

3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to implement the forest management plan. The stewardship committee shall, in consultation with King County and Washington state Department of Natural Resources: ensure sufficient funding is available for

implementation of the forest management plan, hire a qualified forester or foresters to implement the forest management plan and hire qualified staff to monitor implementation of the forest management plan and prepare required reports. King County and the Washington state Department of Natural Resources shall annually inspect the property for compliance with the forest management plan consistent with the terms of the conservation easement and King County shall offer training to the members of the stewardship committee on forestry techniques and issues;

4. Application and review of a formal subdivision of forty-one lots, exclusive of common tracts, on the five hundred-ten-acre site. The subdivision and infrastructure shall be designed to integrate with the forest landscape, including pavement widths no wider than needed to meet safety considerations. A goal of the demonstration project is to test the marketability of these forest lots in a timely manner; to that end, it is a goal of King County to render a decision on the subdivision application within six months of submittal of the application. A priority review process shall be implemented as permitted by K.C.C. 21A.55.010. The department of ~~((development and environmental services))~~ permitting and environmental review shall assign a permit coordinator and a project review team to complete review of all aspects of the application, and shall negotiate appropriate fees for the review process with the applicant. Neither the designation of the site as a demonstration project nor approval of the forest management plan constitute approval of the subdivision application or in any way limit King County discretion in SEPA review or application of regulations to the subdivision application;

5. Dedication or conveyance, upon final plat approval, to King County or a qualified nonprofit conservation organization of a conservation easement in perpetuity upon the demonstration project site that: prohibits any future subdivision activity; prohibits all development of the site other than residential development of no more than forty-one lots; restricts such residential development and associated lawn, landscaped areas, driveways and fenced areas to an area not to exceed two acres within each lot; restricts the uses of the remaining nonresidential portion of the site to open space and forest practices and incidental uses

necessary for the residential use on the forty-one lots such as for roads, access drives (not including on-site driveways) utilities and storm detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2; requires the owner to exercise its reasonable best efforts to implement the forest management plan and provides for enforcement of the terms of the conservation easement first through nonbinding mediation. Adoption of this demonstration project shall be subject to council review of the conservation easement, a copy of which shall be provided to the council by August 20, 1998; and

6. An inventory of properties within King County with similar characteristics to the rural forest demonstration project site and an analysis of the potential effects of development of those properties under the same requirements as the demonstration project.

D. Application to modify or waive development standards of K.C.C. Title 21A for this individual development proposal shall be administratively approved by the director of the department of ~~((development and environmental services))~~ permitting and environmental review and shall be consistent with an approved forest management plan developed for the entire five-hundred-ten acre site.

E. The application to modify or waive development standards for this development proposal shall be evaluated on the merits of the specific proposal. Approval or denial of a proposed modification or waiver shall not be construed as precedent setting for elsewhere in the county.

F. Modification or waivers approved pursuant to the rural forest demonstration project shall be in addition to those modifications or waivers that are currently allowed by K.C.C. Title 21A. The range of proposed modifications to development regulations that may be considered pursuant to the rural forest demonstration project shall only include the following zoning code regulations:

1. Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.16, limited to the following sections:

- a. landscaping - street frontages, K.C.C. 21A.16.050;
- b. landscaping - interior lot lines, K.C.C. 21A.16.060; and

c. landscaping - additional standards for required landscape areas, K.C.C. 21A.16.090.

2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18, limited to the following sections:

a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and

b. off-street parking plan design standards, K.C.C. 21A.18.110.

G. The modification or waiver review process is as follows:

1. Requests for modifications or waivers may only be submitted in relation to a formal subdivision proposal;

2. Requests shall be:

a. submitted to the department of ~~((development and environmental services))~~ permitting and environmental review prior to or in conjunction with the subdivision application for preliminary approval of a formal subdivision on the project site; and

b. in writing, along with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of K.C.C. 21A.55.050.H;

3. Notice of application, review and approval of proposed modifications or waivers submitted in conjunction with a formal subdivision application shall be treated as a Type 2 land use decision. In approving a proposed modification or waiver, the director must conclude that the criteria for approval in K.C.C. 21A.55.050.H have been met;

4. A preapplication meeting to determine the need for, and the likely scope of, a proposed modification or modifications or waiver or waivers shall be required prior to submittal of a modification request; and

5. Administrative appeals of director approved modifications or waivers shall be combined with consideration of the underlying application for preliminary subdivision approval.

H. The application for a rural forest demonstration project must, for modification or waiver approval,

demonstrate how the proposed project, with modifications or waivers to the code, will be consistent with and implement the approved forest management plan. This shall be demonstrated by documenting that the development with modifications or waivers:

1. Enhances the preservation of forestry for resource value, open space, scenic views and wildlife habitat;
2. Reduces impacts on the natural environment or restores natural functions; and
3. Supports the integration of forest uses and homesites.

I. The forest management plan for a rural forest demonstration project shall be developed and a decision on its approval or denial shall be reached no more than thirty days after designation of the site as a rural forest demonstration project. If the forest management plan is not approved thirty days after designation as a rural forest demonstration project, the executive shall propose restoring the site to its prior land use designations and zoning classifications as part of the 1999 amendments to the King County Comprehensive Plan. Regulatory modification or waiver applications authorized by Ordinance 13275 shall not be accepted by the department of ~~((development and environmental services))~~ permitting and environmental review after March 1, 1999. Modifications or waivers to the King County Code contained within an approved development proposal shall be valid as long as the underlying permit. The rural forest demonstration project shall continue for a period of five years from the final approval of the subdivision application, with reporting periods specific to measuring the goals of the forest management plan.

J. The director of the department of natural resources and parks shall submit a report on the rural forest demonstration project to the council following approval of the forest management plan evaluating the process used to prepare the forest management plan, an inventory of other properties that have similar characteristics to the demonstration project site, the applicability and potential effects of allowing these other properties to develop under the same requirements as the demonstration project and recommending any changes that should be made to county policy or regulations to maintain long-term forestry in areas no longer managed for large-

scale commercial forestry. In addition, a report shall be prepared annually by qualified staff retained by the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or subsequent management entity of the forest management plan and submitted to the Rural Forest Commission. The annual reporting shall commence six months following final approval of the subdivision. The first two annual reports shall describe the annual work program and budget for implementation of the forest management plan, progress made in implementing the work program, and success in marketing the homesites. Annual reports for the subsequent three years shall document the annual budget and continued progress in implementing the forest management plan, the level of involvement by homeowners in forest management and any problems in implementation generated by homeowners. The Rural Forest Commission shall review the annual reports and shall inform the director of the department of natural resources and parks if it has found that necessary implementation measures of the forest management plan have not been followed. If so, and if the director of the department of natural resources and parks determines it is necessary, the director shall request the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory action is not taken, the director may invoke the enforcement mechanism of the conservation easement. The annual reports will also provide information for further consideration of changes to county policies or regulations for maintenance of long-term forestry.

SECTION 122. Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060 are each hereby amended to read as follows:

A. The purpose of the low-impact development and Built Green demonstration projects is to determine whether innovative permit processing, site development and building construction techniques based on low-impact development and building construction practices result in environmental benefits, affordable housing and lead to administrative and development cost savings for project applicants and King County. The demonstration projects will provide information on application of these techniques to an urban infill mixed-use

redevelopment project, an urban single family residential project, a Vashon Town housing project and an urban infill residential redevelopment project. The demonstration projects will also provide information to assist in the development of King County Comprehensive Plan policies to guide application and refinement of regulations such as zoning, subdivision, roads and stormwater regulations. Expected benefits from the demonstration projects include: improved conditions of habitat, ground and surface waters within a watershed; reduced impervious surface areas for new site infrastructure in developed and redeveloped projects; greater use of recycled-content building materials and more efficient use of energy and natural resources; and the opportunity to identify and evaluate potential substantive changes to land use development regulations that support and improve natural functions of watersheds. The demonstration projects will also evaluate whether consolidated administrative approval of modifications or waivers and any subsequent hearings, if required, effectively speeds the development review process while maintaining land use coordination and environmental protection, and whether that leads to administrative costs savings for project applicants and King County.

B. The department shall implement the low-impact development and Built Green demonstration projects in all or a portion of each of the following: the White Center neighborhood of the Greenbridge Project as described in Attachment A to Ordinance 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake Homes II as described in Attachment A to Ordinance 16099 the unincorporated Urban Area east of Renton at approximately 148th Avenue Southeast and Southeast 128th Street as described in Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are expanded, the provisions of this ordinance may apply provided the criteria in subsection L. of this section are met.

C. A request by the applicant to modify or waive development standards for the development proposals shall be evaluated by the department based on the criteria in subsection L. of this section. A request shall first be either approved or denied administratively and may be further reviewed as described in subsection H.3. of

this section. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

D. A modification or waiver approved by the department in accordance with the low-impact development and Built Green demonstration projects shall be in addition to those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title. The range of proposed modifications or waivers to development regulations that may be considered pursuant to the low-impact development and Built Green demonstration projects shall include only the following King County code regulations and related public rules:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. 14.42.010 and the King County road design and construction standards;
3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of the zone applied to the entire demonstration project and if the minimum density is not less than the minimum residential density of the zone calculated for the portion of the site to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a demonstration project provides fifty-one percent or more of the housing to households that, at the time of initial occupancy, have incomes of eighty percent or less of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, or if fifty-one percent or more of the rental housing is permanently priced to serve low-income senior citizens, then the director may approve:
 - a. less than the minimum density; and
 - b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the Greenbridge Project, greater than the maximum density, up to a maximum of R-48 (Residential forty-eight dwelling units per acre);
4. Design requirements: K.C.C. chapter 21A.14;
5. Landscaping and water use: K.C.C. chapter 21A.16;

6. Parking and circulation: K.C.C. chapter 21A.18;

7. Signs: K.C.C. chapter 21A.20; and

8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the sensitive area.

E. A demonstration project authorized by this section and located in the R-12 through R-48 zones may contain residential and limited nonresidential uses subject to the following provisions:

1. The demonstration project may request a modification or waiver of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process described in subsection H. of this section and the criteria described in subsection L. of this section.

2. The demonstration project may include single family detached residential dwelling units as a permitted use, subject to the review process described in subsection H. of this section and the criteria described in subsection L. of this section.

3. The demonstration project may include any nonresidential use allowed as a permitted use in the NB zone, subject to any development conditions contained in K.C.C. 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without the need to request a modification or waiver as described in subsection H. of this section. The applicant may request a modification or waiver of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a nonresidential use is permitted in the R-12 through R-48 zones, subject to development conditions, and is permitted in the NB zone without development conditions, the use shall be permitted in the demonstration project without development conditions and without the need to request a modification or waiver.

4. If a nonresidential use is subject to a conditional use permit in the R-12 through R-48 zones and not subject to a conditional use permit in the NB zone, the use shall be permitted in the demonstration project

without requiring a conditional use permit.

5. If a use is subject to a conditional use permit in both the R-12 through R-48 zones and the NB zone or only in the NB zone, the use may be permitted in the demonstration project if the demonstration project applies for and obtains a conditional use permit and satisfies the conditional use permit criteria.

6. Uses authorized by this subsection shall be allowed only as part of a demonstration project under this section. All such uses shall be subject to the development standards in KCC 21A.12.030, except as may be modified or waived under subsection D. of this section and this subsection E.

F. A site in the NB and R-12 through R-48 zones located in a demonstration project authorized by this section may contain residential uses subject to the following:

1. The demonstration project may request a modification or waiver for the site of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process described in subsection H. of this section and the criteria described in subsection M. of this section;

2. The site may include single family detached residential dwelling units as a permitted use, subject to the review process under subsection H. of this section and the criteria described in subsection M of this section;

3. The site may include any residential use allowed as a permitted use in the R-12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver under subsection H. of this section. The applicant may request a modification or waiver of the development conditions in K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential use is permitted, subject to development conditions, in the NB zone and is permitted without conditions in the R-12 through R-48 zones, the use shall be permitted without development conditions and without the need to request a modification or waiver;

4. If a residential use is a conditional use in the NB zone and is a permitted use in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the conditions that apply in the R12 through R-48

zones;

5. If a use is subject to a conditional use permit in both the R-12 through R-48 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted in the demonstration project if the demonstration project applies for and obtains a conditional use permit and satisfies the conditional use permit criteria; and

6. Uses authorized by this subsection shall be allowed only as part of a demonstration project under this section. All such uses shall be subject to the development standards in K.C.C. 21A.12.040, except as may be modified or waived under subsection D. of this section and this subsection F.

G. This subsection authorizes a residential basics program for townhouse and apartment building types if such housing are located in a demonstration project located in the R-12 through R-48 zones, even if not otherwise authorized by the department of ~~((development and environmental services))~~ permitting and environmental review public rules chapter 16-04: residential basics program.

H.1. Requests for a modification or waiver made in accordance with this section may only be submitted in writing in relation to the following types of applications:

- a. a site development permit;
- b. a binding site plan;
- c. a building permit;
- d. a short subdivision;
- e. a subdivision;
- f. a conditional use permit; or
- g. a clearing and grading permit.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in this subsection, together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of subsection L.

of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. The department of natural resources and parks and the department of transportation shall be invited to participate in the preapplication meeting, if necessary.

5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the Surface Water Design Manual, the director shall consult with the department of natural resources and parks before granting the modification or waiver.

6. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under KCC 14.42.060, with the right to appeal within the department of transportation as provided in K.C.C. 14.42.062. The purposes of this demonstration ordinance are intended as a factor to be considered relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

7. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision, if the underlying permit is subject to appeal.

I. The hearing examiner may consider an environmental impact statement adequacy appeal in conjunction with a demonstration project plat appeal if the environmental impact statement is prepared by a lead agency other than the department and if its adequacy has not previously been adjudicated, even if not otherwise authorized by K.C.C. 20.44.120.

J. An approved development proposal for any of the applications listed in subsection H.1. of this section, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved development proposal. Modifications that result in major changes as determined by the department or as defined by the approval conditions, shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units above the maximum number set forth in the development proposal permit or approval shall be deemed a major modification. The county, through the applicable development proposal permit or approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16, Title 19A and this title.

K.1. The preliminary subdivision approval of a subdivision with more than four hundred units that is part of a demonstration project under this section shall be effective for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The director may administratively grant a one-time extension, extending the preliminary subdivision approval an additional five years, only if the applicant has shown substantial progress towards development of the demonstration project. Before granting the extension, the director will assess the applicant's compliance with the demonstration project conditions and may modify or impose new standards deemed necessary for the public health or safety.

2. A code modification or waiver approved under this section is effective during the validity of the underlying development permit or for forty-eight months, whichever is longer.

L.1. To be eligible to use the provisions of the demonstration project, development proposals must be located within the boundaries of the Greenbridge Project as described in Attachment A to Ordinance 15654, or as may be modified as described in subsection B. of this section; in the unincorporated urban area north of Burien at approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake Homes II as

described in Attachment A to Ordinance 16099; in the area east of Renton at approximately 148th Avenue Southeast and Southeast 128th Street as described in Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment C to Ordinance 14662.

2. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

3.a. Applications must demonstrate how the proposed project, when considered as a whole with the proposed modifications or waivers to the code, will meet all of the criteria listed in this subsection, as compared to development without the modification or waiver, and achieves higher quality urban development; enhances infill, redevelopment and greenfield development; optimizes site utilization; stimulates neighborhood redevelopment; and enhances pedestrian experiences and sense of place and community.

b. Any individual request for a modification or waiver must meet two or more of the following criteria:

(1) uses the natural site characteristics to protect the natural systems;

(2) addresses stormwater and drainage safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment;

(3) contributes to achievement of a two-star or a three-star rating for the project site under the Built Green "Green Communities" program recognized by the Master Builders Association of King and Snohomish counties; or

(4) where applicable, reduces housing costs for future project residents or tenants without decreasing environmental protection.

4. The criteria of this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

M.1. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, regulatory modification and waiver applications, or both, authorized by this

section shall be filed with the department by December 31, 2007, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department by December 31, 2010, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions.

2. Modifications or waivers contained within an approved development proposal shall be valid as long as the underlying permit or development application approval is valid. A permit or approval that implements an approved code modification or waiver shall be considered under the zoning and other land use control ordinances in effect on the date the applicable complete code modification or waiver application is filed.

3. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, modifications or waivers that are approved as separate applications must be incorporated into a valid permit or development application that must be filed by December 31, 2007. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, modifications or waivers that are approved as separate applications must be incorporated into a valid permit or development application that must be filed by December 31, 2010.

4. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months.

5. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, the ability to establish the location and maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E. of this section expires December 31, 2007. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, the ability to establish the location and the maximum size of uses that are not

otherwise permitted in the R-12 through R-48 zones as set forth in subsection E. of this section expires December 31, 2010. The ability to establish the location and maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone as set forth in subsection F. of this section expires at the end of the effective period established in subsection K. of this section.

6. Any deadline set forth in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.

N.1. By December 31, 2006, the director shall prepare and submit to the council a report on the pilot programs that:

- a. describes and evaluates the pertinent preliminary results from the demonstration projects; and
- b. recommends changes, based on the evaluation, which should be made to the county processes and ordinances.

2. If only insufficient or inconclusive data are available when this report is due, the director shall provide an interim status report and indicate the date a subsequent report or reports will be transmitted to fully evaluate outcomes of the demonstration projects.

SECTION 123. Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101 are each hereby amended to read as follows:

A.1. The purpose of the sustainable communities and housing demonstration projects is to provide affordable housing and workforce housing integrated into developments containing market rate housing and maximize sustainable development, which includes bike, pedestrian and transit connections, a mix of housing types, and the use of recyclable materials. The demonstration projects will provide information on the application of these techniques to urban infill redevelopment and urban single family residential development, some of which may include mixed use. The demonstration projects will also assist the county in refining regulations relating to zoning, subdivision, roads and stormwater as they relate to sustainable development.

2. The demonstration projects will also enable the county to evaluate whether consolidated

administrative approval of zoning and subdivision-related modifications or waivers and any subsequent hearings, if required, effectively speeds the development review process while maintaining land use coordination and environmental protection and whether that leads to administrative costs savings for project applicants and King County.

B. The expected benefits from the demonstration projects include: the use of innovative design and development techniques to promote sustainable communities, reduced impervious surface areas for site infrastructure; a greater use of recycled-content building materials and more efficient use of energy and natural resources; and the opportunity to identify and evaluate potential substantive changes to land use development regulations that support the development of sustainable and affordable housing.

C. A request by the applicant to modify or waive development standards for the development proposals shall be evaluated by the department of ~~((development and environmental services))~~ permitting and environmental review based on the criteria in subsection J. of this section. A request shall first be either approved or denied administratively and may be further reviewed as described in subsection H.3. of this section. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

D. A modification or waiver approved by the department of ~~((development and environmental services))~~ permitting and environmental review in accordance with this section shall be in addition to those modifications or waivers that are currently allowed by this title. The proposed modifications or waivers to development regulations that may be considered regarding sustainable communities and housing demonstration projects shall include only the following chapters and related public rules:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. chapter 14.42 and the county road standards, 2007 update;
3. Density and dimensions: K.C.C. chapter 21A.12;
4. Design requirements: K.C.C. chapter 21A.14;

5. Landscaping and water use: K.C.C. chapter 21A.16;

6. Parking and circulation: K.C.C. chapter 21A.18;

7. Signs: K.C.C. chapter 21A.20;

8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the critical area; and

9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

E. A demonstration project authorized by this section may contain residential and limited nonresidential uses subject to the following:

1. The demonstration project may include any residential uses as allowed as a permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver as described in subsection H. of this section. The applicant may request a modification or waiver of any of the development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section;

2. The demonstration project may include, as part of a residential project, any nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development conditions contained in those sections without the need to request a modification or waiver as described in subsection H. of this section, except the following uses are not allowed:

a. automotive parking;

b. automotive repair and automotive service, K. C.C. 21A.08.050;

c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-oriented development. For the purposes of this subsection E.2.c., "transit-oriented development" means a development that is designated as a transit-oriented development in an agreement with the county and that includes the construction of new housing units at or within one quarter mile of a county transit center or park and ride lot;

d. gasoline service stations as defined in K.C.C. 21A.08.070;

- e. off-street required parking lot commercial and industrial accessory uses;
- f. private stormwater management facility;
- g. self-service storage; and
- h. vector waste receiving facility.

3. The nonresidential uses shall be no greater than three thousand square feet per use, with a total maximum of all nonresidential uses not to exceed ten percent of the area of the demonstration project site or twenty thousand square feet, whichever is smaller. The applicant may request a modification or waiver of the development conditions for nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section.

F. A demonstration project authorized by this section allows a residential basics program for townhouse and apartment building types, consistent with the department of ~~((development and environmental services))~~ permitting and environmental review public rules chapter 16-04: residential basics program.

G. All related review processes such as subdivision, building permit, inspection and similar processes for a demonstration project shall be expedited if:

- 1. fifty percent or more of all residential units proposed for the demonstration project are affordable to households at eighty percent of area median income, as defined by Department of Housing and Urban Development income guidelines for King County and below; or
- 2. seventy percent or more of all residential units for the demonstration project are affordable to households at eighty to one hundred fifteen percent of area median income, as defined by Department of Housing and Urban Development income guidelines for King County.

H.1. Requests for a modification or waiver made in accordance with this section may only be submitted in writing in relation to the following types of applications:

- a. a site development permit;

- b. a binding site plan;
- c. a building permit;
- d. a short subdivision; or
- e. a subdivision.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in subsection H.1. of this section, together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria in subsection J. of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department of ~~((development and environmental services))~~ permitting and environmental review to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. If a modification or waiver requires approval of the department of natural resources and parks or the department of transportation that department shall be invited to participate in the preapplication meeting.

5. If the applicant requests an adjustment from the county drainage standards, the director of the department of ~~((development and environmental services))~~ permitting and environmental review shall refer the request to the department of natural resources and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural resources and parks shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for drainage adjustments described in K.C.C.9.04.050.C.

6. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with the right to appeal within the department of transportation as provided in K.C.C. 14.42.060 and the associated public rule. The department of transportation shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

7. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision, if the underlying permit is subject to appeal.

I. An approved development proposal for any of the applications listed in subsection H.1. of this section, including site plan elements or conditions of approval may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved development proposal. Modifications that result in major changes as determined by the department or as defined by the approval conditions shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units above the maximum number set forth in the development proposal permit or approval shall be deemed a major modification. The county, through the applicable development proposal permit or approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16 and Title 19A and this title.

J.1. To be eligible to use the provisions of this section, a demonstration project must be located on a demonstration project site identified in Ordinance 16650, section 2, and the applicant has accepted the site as a King County sustainable communities and housing demonstration project.

2. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

3.a. Applications must demonstrate how the proposed project, when considered as a whole with the

proposed modifications or waivers to the code, will meet all of the criteria in this subsection J., as compared to development without the modification or waiver, and:

- (1) achieves higher quality urban development;
- (2) provides quality infill development;
- (3) optimizes site utilization; and
- (4) enhances pedestrian experiences and sense of place and community.

b. Any individual request for a modification or waiver must meet two or more of the following criteria:

(1) contributes to the creation of a sustainable community, which includes features such as a connected street network, a mix of housing types, pedestrian or bike routes throughout the development, direct bus connections, no front garages, and front porches.

(2) uses the natural site characteristics to protect the natural systems;

(3)(a) contributes to achievement of a three-star rating for the project site under the Built Green Communities program administered by the Master Builders Association of King and Snohomish Counties;

(b) contributes to achievement of a four-star or higher rating for the single family units under the Built Green program administered by the Master Builders Association of King and Snohomish Counties or achieve a gold certification under the U.S. Green Building Council, LEED program or equivalent program; or

(c) contributes to achievement of a four-star or higher rating for the multifamily units under the Built Green program administered by the Master Builders Association of King and Snohomish Counties or achieve a gold certification under the U.S. Green Building Council, LEED program or other equivalent program; and

(4) provides attractive, well-designed development that will assist in improving safety and preventing crime in the development and surrounding area, including adequate outdoor lighting along walkways/trails, walkways/trails 5' or wider and low vegetation along walkways/trails.

4. The criteria in this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 21A.

K. Regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department of ~~((development and environmental services))~~ permitting and environmental review within three years of the approval of the development proposal, which includes issuance of a building permit or site development permit, recording of a plat, short plat or binding site plan, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions. Modifications or waivers contained within an approved development proposal are valid as long as the underlying permit or development application approval is valid. If modifications or waivers are approved as separate applications, they must be incorporated into a valid permit or development application within three years of approval of the development proposal. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months. Any deadline in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.

SECTION 124. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010 are each hereby amended to read as follows:

The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. "Civil code violation" means and includes one or more of the following:

1. Any act or omission contrary to any ordinance, resolution, regulation or public rule of the county

that regulates or protects public health, the environment or the use and development of land or water, whether or not the ordinance, resolution or regulation is codified; and

2. Any act or omission contrary to the conditions of any permit, notice and order or stop work order issued pursuant to any such an ordinance, resolution, regulation or public rule.

C. "Contested hearing" means a hearing requested in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation.

D. "Director" means, depending on the code violated:

1. The director of the department of ~~((development and environmental services))~~ permitting and environmental review;

2. The director of the Seattle-King County department of public health, or "local health officer" as that term is used in chapter 70.05 RCW);

3. The director of the department of natural resources and parks;

4. The director of any other county department authorized to enforce civil code compliance;

5. Authorized representatives of a director, including compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; or

6. Such other person as the council by ordinance authorizes to use this title.

E. "Found in violation" means that:

1. A citation, notice and order or stop work order has been issued and not timely appealed;

2. A voluntary compliance agreement has been entered into; or

3. The hearing examiner has determined that the violation has occurred and the hearing examiner's determination has not been stayed or reversed on appeal.

F. "Hearing examiner" means the King County hearing examiner, as provided in K.C.C. chapter 20.24.

G. "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

H. "Mitigation hearing" means a hearing requested in response to a citation to explain mitigating circumstances surrounding the commission of a violation.

I. "Permit" means any form of certificate, approval, registration, license or any other written permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

J. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation or legal entity.

K. "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, or the owner, lessor, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation occurs, or both

L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement code provisions.

M. "Remediate" means to restore a site to a condition that complies with critical area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare.

N. "Resolution" means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

SECTION 125. Ordinance 13263, Section 5, as amended, and K.C.C. 23.02.040 are each hereby amended to read as follows:

A. In order to discourage public nuisances, make efficient use of public resources and otherwise promote compliance with applicable code provisions, a director may, in response to field observations or reliable complaints, determine that civil code violations have occurred or are occurring and may:

1. Enter into voluntary compliance agreements with persons responsible for code compliance, and issue notices of noncompliance if the persons responsible fail to comply with the terms of the voluntary compliance agreement;
 2. Issue citations and assess civil penalties as authorized by K.C.C. chapter 23.20;
 3. Issue notice and orders, assess civil penalties and fines and recover costs as authorized by K.C.C. chapter 23.24;
 4. Order abatement by means of a notice and order, and if abatement is not completed in a timely manner by the person responsible for code compliance, undertake the abatement and charge the reasonable costs of such work as authorized by K.C.C. chapter 23.24;
 5. Allow a person responsible for code compliance to perform community service in lieu of paying civil penalties as authorized by K.C.C. chapter 23.24;
 6. Order work stopped at a site by means of a stop work order, and if such order is not complied with, assess civil penalties, as authorized by K.C.C. chapter 23.28;
 7. Suspend, revoke or modify any permit previously issued by a director or deny a permit application as authorized by K.C.C. chapter 23.24 when other efforts to achieve compliance have failed; and
 8. For de minimis violations, decide not to take enforcement action.
- B. Should violations occur involving multiple agencies, a lead agency shall be designated by the executive to coordinate the county's response. Unless otherwise determined by the directors of the affected departments, the department of ~~((development and environmental services))~~ permitting and environmental review shall serve as the lead agency.
- C. The procedures set forth in this title are not exclusive. These procedures shall not in any manner limit or restrict the county from remedying civil code violations or abating civil code violations in any other manner authorized by law. This title shall not be construed to affect the authority of the King County board of health in enforcement of the King County board of health code or regulations.

D. In addition or as an alternative to using the procedures set forth in this title, a director may seek legal or equitable relief to abate any conditions or enjoin any acts or practices which constitute a civil code violation.

E. In addition or as an alternative to utilizing the procedures set forth in this title, a director may assess or recover civil penalties accruing under this title by legal action filed in King County superior court by the prosecuting attorney on behalf of King County.

F. The provisions of this title shall in no way adversely affect the rights of the owner, lessee or occupant of any property to recover all costs and expenses incurred and required by this title from any person causing such violation.

G. A director may use the services of a collection agency in order to collect any fines, penalties, fees or costs owing under this title.

H. In administering the provisions for code enforcement, the director shall have the authority to waive any one or more such provisions so as to avoid substantial injustice by application thereof to the acts or omissions of a public or private entity or individual, or acts or omissions on public or private property including, for example, property belonging to public or private utilities, where no apparent benefit has accrued to such entity or individual from a code violation and any necessary remediation is being promptly provided. For purposes of this clause, substantial injustice cannot be based on economic hardship.

I. The provisions of this title detailing county department administration of code compliance procedures are not to be construed as creating a substantive basis for appeal or a defense of any kind to an alleged violation.

J. The provisions of this title authorizing the enforcement of non-codified ordinances are intended to assure compliance with conditions of approval on plats, unclassified use permits, zone reclassifications and other similar permits or approvals which may have been granted by ordinances which have not been codified, and to enforce new regulatory ordinances which are not yet codified. Departments should be sensitive to the possibility that citizens may not be aware of these ordinances, and should give warnings prior to enforcing such

ordinances, except in high risk cases.

K. The director of a King County agency that owns property, or is the custodian of public property, is authorized to enforce K.C.C. 23.02.140 and any public rules adopted under this title to implement that section for properties that the director's agency owns or is custodian.

SECTION 126. Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120 are each hereby amended to read as follows:

A. In order to ensure strict conformity with the constraints on entry imposed by state and federal law and to ensure that county employees deal with the public in a manner that respects the rights of private property owners, the directors of the department of ~~((development and environmental services))~~ permitting and environmental review, natural resources and parks and other departments, as needed, shall adopt internal procedures, protocols and training programs governing the conduct of searches by county staff responsible for code compliance.

B. Each department operating under this title may approve public rules under K.C.C. chapter 2.98 and procedures to implement the provisions of this title. Each department shall approve procedures to implement the guidelines set out in this chapter for investigating code violations.

SECTION 127. Ordinance 12024, Section 4, and K.C.C. 23.10.030 are each hereby amended to read as follows:

Any enforcement officer of the department of ~~((development and environmental services))~~ permitting and environmental review may inspect and certify that a vehicle is a "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are defined in K.C.C. 21A. The certification shall be made in writing.

SECTION 128. Ordinance 13263, Section 33, as amended, and K.C.C. 23.24.140 are each hereby amended to read as follows:

All moneys collected from the assessment of civil penalties, from cleanup restitution payments to the

agency, from the recovery of the costs of pursuing code compliance and abatement, and from the recovery of abatement costs, both retroactively and prospectively, except those moneys designated for the critical areas mitigation fund as set forth in K.C.C. chapter 21A.24, shall be allocated to support expenditures for abatement and code enforcement administrative costs, including, but not limited to, personnel costs, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the department issuing the citation or notice and order under which the abatement occurred. Withdrawals from the moneys collected under this section for the purpose of funding administrative costs within the code enforcement section of the department of ~~((development and environmental services))~~ permitting and environmental review shall not exceed one hundred seventy-five thousand dollars in a calendar year.

SECTION 129. Ordinance 3332, Section 8, as amended, and K.C.C. 27.02.130 are each hereby amended to read as follows:

A. The department may charge a fee to recover the actual cost of providing classes or training provided by department of ~~((development and environmental services))~~ permitting and environmental review staff.

SECTION 130. Ordinance 14238, Section 32, and K.C.C. 27.02.220 are each hereby amended to read as follows:

Expenditures drawn from the ~~((development and environmental services))~~ permitting and environmental review (DES) fund for disaster response, which are not recovered through the assessment of fees or reimbursement from the Federal Emergency Management Administration (FEMA), shall be reimbursed to the DES fund by the current expense fund within twelve months of when the expenses were incurred.

SECTION 131. Ordinance 13332, Section 14, and K.C.C. 27.04.003 are each hereby amended to read as follows:

"Building official" means the director of the department of ~~((development and environmental services))~~ permitting and environmental review or the director's designee.

SECTION 132. Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005 are each hereby

amended to read as follows:

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

SECTION 133. Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010 are each hereby amended to read as follows:

"Development permits" mean all permits, reviews, and approvals administered by the department of ~~((development and environmental services))~~ permitting and environmental review including, but not limited to, right-of-way use permits, grading permits, building permits, fire code permits, subdivisions, short subdivisions, binding site plans, planned unit developments, zoning permits, master plan development permits, current use permits, boundary line adjustments, and environmental review and shoreline permits.

SECTION 134. Ordinance 10662, Section 52, and K.C.C. 27.04.015 are each hereby amended to read as follows:

"Director" means the director of the department of ~~((development and environmental services))~~ permitting and environmental review or his/her designee.

SECTION 135. Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070 are each hereby amended to read as follows:

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)) <u>permitting and environmental review</u> :	\$1,020.00
C.	Department of ((development and environmental services)) <u>permitting and environmental review</u> - plan resubmittal:	\$340.00
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

SECTION 136. Ordinance 12020, Section 5, and K.C.C. 27A.20.030 are each hereby amended to read as follows:

"Department" means the King County department of ~~((development and environmental services))~~
permitting and environmental review or its successor organization.

SECTION 137. Ordinance 12020, Section 6, and K.C.C. 27A.20.040 are each hereby amended to read as follows:

"Director" means the director of the King County department of ~~((development and environmental services))~~
permitting and environmental review or his/her designee.

SECTION 138. Ordinance 12020, Section 16, as amended, and K.C.C. 27A.30.050 are each hereby amended to read as follows:

The department shall be responsible for scheduling final performance, and maintenance and defects inspections. The department should schedule such inspections approximately forty-five days prior to expiration of the performance or maintenance period. If necessary to determine completion of performance, additional inspections should also be made after the expiration of the performance period. Periodic inspections may also be made at the discretion of the director of the department of ~~((development and environmental services))~~
permitting and environmental review, the director of the department of natural resources and parks or the director of the department of transportation.