



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 18, 2018

Ordinance 18791

Proposed No. 2018-0312.3

Sponsors Lambert, McDermott, Upthegrove
and Balducci

1 AN ORDINANCE relating to the reorganization of county
2 executive departments; amending Ordinance 12075,
3 Section 3, as amended, and K.C.C. 2.16.025, Ordinance
4 14199, Section 11, as amended, and K.C.C. 2.16.035,
5 Ordinance 11955, Section 5, as amended, and K.C.C.
6 2.16.055, Ordinance 13263, Section 42, as amended, and
7 K.C.C. 2.16.097, Ordinance 12075, Section 6, and K.C.C.
8 2.32.130, Ordinance 12075, Section 11, as amended, and
9 K.C.C. 2.40.030, Ordinance 12901, Section 3, as amended,
10 and K.C.C. 2.41.030, Ordinance 12075, Section 21, and
11 K.C.C. 2.96.040, Ordinance 2165, Section 2, as amended,
12 and K.C.C. 2.98.020, Ordinance 14033, Section 4, as
13 amended, and K.C.C. 2.100.030, Ordinance 14033, Section
14 5, as amended, and K.C.C. 2.100.040, Ordinance 13623,
15 Section 1, as amended, and K.C.C. 2A.310.050, Ordinance
16 12077, Section 11, and K.C.C. 3.28.020, Ordinance 12077,
17 Section 12, and K.C.C. 3.30.010, Ordinance 12077, Section
18 13, as amended, and K.C.C. 3.30.040, Ordinance 12077,
19 Section 14, as amended, and K.C.C. 3.30.050, Ordinance

20 12077, Section 15, and K.C.C. 3.30.060, Ordinance 12045,
21 Section 21, as amended, and K.C.C. 4.56.030, Ordinance
22 12045, Section 20, as amended, and K.C.C. 4.56.035,
23 Ordinance 12045, Section 3, as amended, and K.C.C.
24 4.56.040, Ordinance 12045, Section 2, as amended, and
25 K.C.C. 4.56.050, Ordinance 12045, Section 10, as
26 amended, and K.C.C. 4.56.100, Ordinance 12045, Section
27 12, as amended, and K.C.C. 4.56.130, Ordinance 12192,
28 Section 1, as amended, and K.C.C. 4.56.195, Ordinance
29 17390, Section 1, as amended, and K.C.C. 4.56.300,
30 Ordinance 17527, Section 7, and K.C.C. 4A.200.100,
31 Ordinance 12076, Section 12, as amended, and K.C.C.
32 4A.200.110, Ordinance 13263, Section 33, as amended,
33 and K.C.C. 4A.200.200, Ordinance 18323, Section 1, and
34 K.C.C. 4A.200.215, Ordinance 18323, Section 2, and
35 K.C.C. 4A.200.217, Ordinance 17752, Section 4, and
36 K.C.C. 4A.200.262, Ordinance 18662, Section 3, and
37 K.C.C. 4A.200.263, Ordinance 17527, Section 162, as
38 amended, and K.C.C. 4A.200.287, Ordinance 17527,
39 Section 148, and K.C.C. 4A.200.440, Ordinance 17527,
40 Section 161, and K.C.C. 4A.200.450, Ordinance 17527,
41 Section 160, as amended, and K.C.C. 4A.200.650,
42 Ordinance 17527, Section 157, and K.C.C. 4A.200.660,

43 Ordinance 12925, Sections 1 through 7, as amended, and
44 K.C.C. 4A.200.760, Ordinance 18398, Section 8, and
45 K.C.C. 4A.601.025, Ordinance 7025, Section 3, as
46 amended, and K.C.C. 4A.700.1000, Ordinance 1888,
47 Article I, Section 2, as amended, and K.C.C. 6.01.010,
48 Ordinance 1492, Section 23, as amended, and K.C.C.
49 6.24.180, Ordinance 1710, Section 5, as amended, and
50 K.C.C. 6.27.050, Ordinance 18326, Section 7, and K.C.C.
51 6.70.050, Ordinance 18326, Section 8, and K.C.C.
52 6.70.060, Ordinance 11177, Section 5, as amended, and
53 K.C.C. 6.84.030, Ordinance 9163, Section 2, as amended,
54 and K.C.C. 9.04.020, Ordinance 2281, Section 5, as
55 amended, and K.C.C. 9.04.050, Ordinance 2812, Section 4,
56 as amended, and K.C.C. 9.04.060, Ordinance 2281, Section
57 6, as amended, and K.C.C. 9.04.070, Ordinance 4938,
58 Section 7, as amended, and K.C.C. 9.04.090, Ordinance
59 2281, Section 7, as amended, and K.C.C. 9.04.100,
60 Ordinance 12020, Section 33, as amended, and K.C.C.
61 9.04.105, Ordinance 4938, Section 10, as amended, and
62 K.C.C. 9.04.120, Ordinance 4938, Section 12, as amended,
63 and K.C.C. 9.04.140, Ordinance 7590, Section 1, as
64 amended, and K.C.C. 9.08.010, Ordinance 7590, Section 7,
65 as amended, and K.C.C. 9.08.060, Ordinance 10636,

66 Section 6, as amended, and K.C.C. 9.12.045, Ordinance
67 14214, Section 6, as amended, and K.C.C. 9.14.050,
68 Ordinance 12767, Section 2, and K.C.C. 12.44.830,
69 Ordinance 13202, Section 1, and K.C.C. 12.44.840,
70 Ordinance 14240, Section 1, and K.C.C. 12.44.850,
71 Ordinance 4257, Section 6, as amended, and K.C.C.
72 12.46.050, Ordinance 4257, Section 8, as amended, and
73 K.C.C. 12.46.080, Ordinance 10154, Section 4, as
74 amended, and K.C.C. 12.82.040, Ordinance 10393, Section
75 1, as amended, and K.C.C. 12.82.070, Ordinance 10508,
76 Section 1, as amended, and K.C.C. 12.82.080, Ordinance
77 10509, Section 1, as amended, and K.C.C. 12.82.090,
78 Ordinance 10689, Section 1, as amended, and K.C.C.
79 12.82.100, Ordinance 10690, Section 1, as amended, and
80 K.C.C. 12.82.110, Ordinance 10723, Section 1, as
81 amended, and K.C.C. 12.82.120, Ordinance 10724, Section
82 1, as amended, and K.C.C. 12.82.130, Ordinance 10793,
83 Section 1, as amended, and K.C.C. 12.82.140, Ordinance
84 11006, Section 1, as amended, and K.C.C. 12.82.150,
85 Ordinance 11040, Section 1, as amended, and K.C.C.
86 12.82.160, Ordinance 11080, Section 1, as amended, and
87 K.C.C. 12.82.180, Ordinance 11991, Section 1, as
88 amended, and K.C.C. 12.82.200, Ordinance 3139, Section

89 2 (part), as amended, and K.C.C. 12.86.030, Ordinance
90 1709, Section 6, as amended, and K.C.C. 13.24.080,
91 Ordinance 11616, Section 12, as amended, and K.C.C.
92 13.24.136, Ordinance 11616, Section 14, as amended, and
93 K.C.C. 13.24.140, Ordinance 9839, Sections 1 through 4,
94 as amended, and K.C.C. 13.28.035, Ordinance 9462,
95 Sections 1 through 3, as amended, and K.C.C. 13.28.055,
96 Ordinance 18754, Section 7, and K.C.C. 14.01.175,
97 Ordinance 18420, Section 15, and K.C.C. 14.01.140,
98 Ordinance 18420, Section 16, and K.C.C. 14.01.150,
99 Ordinance 18420, Section 17, and K.C.C. 14.01.160,
100 Ordinance 18420, Section 25, and K.C.C. 14.01.240,
101 Ordinance 12020, Section 34, as amended, and K.C.C.
102 14.02.020, Ordinance 665, Section 1, as amended, and
103 K.C.C. 14.04.010, Ordinance 18754, Section 26, and
104 K.C.C. 14.08.010, Ordinance 11426, Section 1, as
105 amended, and K.C.C. 14.16.010, Ordinance 5701, Section
106 18, as amended, and K.C.C. 14.16.170, Ordinance 336
107 (part), as amended, and K.C.C. 14.20.020, Ordinance 4895,
108 Section 1, as amended, and K.C.C. 14.28.010, Ordinance
109 4895, Section 6, as amended, and K.C.C. 14.28.060,
110 Ordinance 4895, Section 11, as amended, and K.C.C.
111 14.28.090, Ordinance 6254, Section 2, as amended, and

112 K.C.C. 14.30.020, Ordinance 7025, Section 5, as amended,
113 and K.C.C. 14.30.025, Ordinance 11187, Section 1, as
114 amended, and K.C.C. 14.42.010, Ordinance 8047, Section
115 4, as amended, and K.C.C. 14.42.030, Ordinance 1711,
116 Section 2, as amended, and K.C.C. 14.44.020, Ordinance
117 1711, Section 5, as amended, and K.C.C. 14.44.050,
118 Ordinance 11790, Section 1, as amended, and K.C.C.
119 14.44.055, Ordinance 1711, Section 7, as amended, and
120 K.C.C. 14.44.070, Ordinance 1711, Section 8, as amended,
121 and K.C.C. 14.44.080, Ordinance 1711, Section 9, as
122 amended, and K.C.C. 14.44.090, Ordinance 1711, Section
123 10, as amended, and K.C.C. 14.44.100, Ordinance 1711
124 (part), as amended, and K.C.C. 14.44.110, Ordinance
125 13734, Section 9, as amended, and K.C.C. 14.45.070,
126 Ordinance 4099, Section 9, as amended, and K.C.C.
127 14.46.090, Ordinance 3027, Section 4, as amended, and
128 K.C.C. 14.52.040, Ordinance 3027, Section 7, as amended,
129 and K.C.C. 14.52.070, Ordinance 8421, Section 4, as
130 amended, and K.C.C. 14.56.030, Ordinance 14050, Section
131 10, as amended, and K.C.C. 14.70.230, Ordinance 14050,
132 Section 11, as amended, and K.C.C. 14.70.240, Ordinance
133 14050, Section 13, as amended, and K.C.C. 14.70.260,
134 Ordinance 15030, Section 9, as amended, and K.C.C.

135 14.70.285, Ordinance 11617, Section 61, as amended, and
136 K.C.C. 14.80.040, Ordinance 11617, Section 63, as
137 amended, and K.C.C. 14.80.060, Ordinance 13019, Section
138 1 (part), as amended, and K.C.C. 14.85.010, Ordinance
139 12560, Section 55, as amended, and K.C.C. 16.02.170,
140 Ordinance 3647, Section 3, as amended, and K.C.C.
141 16.03.040, Ordinance 14914, Section 104, as amended, and
142 K.C.C. 16.03.120, Ordinance 14914, Section 105, as
143 amended, and K.C.C. 16.03.130, Ordinance 12560, Section
144 119, as amended, and K.C.C. 16.14.180, Ordinance 12560,
145 Section 136, as amended, and K.C.C. 16.14.230, Ordinance
146 1488, Section 5, as amended, and K.C.C. 16.82.020,
147 Ordinance 15053, Section 3, as amended, and K.C.C.
148 16.82.051, Ordinance 1488, Section 10, and K.C.C.
149 16.82.090, Ordinance 1488, Section 11, as amended, and
150 K.C.C. 16.82.100, Ordinance 2097, Section 2, as amended,
151 and K.C.C. 17.04.020, Ordinance 7980, Section 1, as
152 amended, and K.C.C. 17.04.420, Ordinance 16147, Section
153 2, as amended, and K.C.C. 18.17.010, Ordinance 16147,
154 Section 3, as amended, and K.C.C. 18.17.020, Ordinance
155 13694, Section 13, as amended, and K.C.C. 19A.04.100,
156 Ordinance 13694, Section 14, as amended, and K.C.C.
157 19A.04.110, Ordinance 13694, Section 15, as amended,

158 and K.C.C. 19A.04.120, Ordinance 13694, Section 51, as
159 amended, and K.C.C. 19A.08.160, Ordinance 13694,
160 Section 78, as amended, and K.C.C. 19A.24.030,
161 Ordinance 13694, Section 81, as amended, and K.C.C.
162 19A.28.030, Ordinance 12824, Section 3, as amended, and
163 K.C.C. 20.12.050, Ordinance 10293, Section 1, as
164 amended, and K.C.C. 20.14.025, Ordinance 13147, Section
165 21, as amended, and K.C.C. 20.18.050, Ordinance 13147,
166 Section 25, as amended, and K.C.C. 20.18.090, Ordinance
167 13147, Section 28, as amended, and K.C.C. 20.18.120,
168 Ordinance 12196, Section 9, as amended, and K.C.C.
169 20.20.020, Ordinance 16950, Section 10, as amended, and
170 K.C.C. 20.20.035, Ordinance 12196, Section 11, as
171 amended, and K.C.C. 20.20.040, Ordinance 4461, Section
172 2, as amended, and K.C.C. 20.22.040, Ordinance 4461,
173 Section 1, as amended, and K.C.C. 20.22.060, Ordinance
174 9785, Section 10, as amended, and K.C.C. 20.22.200,
175 Ordinance 6949, Section 5, as amended, and K.C.C.
176 20.44.030, Ordinance 6949, Section 7, as amended, and
177 K.C.C. 20.44.050, Ordinance 6949, Section 12, as
178 amended, and K.C.C. 20.44.100, Ordinance 6949, Section
179 15, as amended, and K.C.C. 20.44.130, Ordinance 4828,
180 Section 2, as amended, and K.C.C. 20.62.020, Ordinance

181 11620, Section 12, and K.C.C. 20.62.150, Ordinance
182 10870, Section 40, as amended, and K.C.C. 21A.04.190,
183 Ordinance 10870, Section 96, as amended, and K.C.C.
184 21A.06.280, Ordinance 10870, Section 105, as amended,
185 and K.C.C. 21A.06.325, Ordinance 10870, Section 177, as
186 amended, and K.C.C. 21A.06.685, Ordinance 10870,
187 Section 333, as amended, and K.C.C. 21A.08.060,
188 Ordinance 10870, Section 334, as amended, and K.C.C.
189 21A.08.070, Ordinance 10870, Section 340, as amended,
190 and K.C.C. 21A.12.030, Ordinance 14045, Section 38, as
191 amended, and K.C.C. 21A.14.370, Ordinance 14045,
192 Section 39, as amended, and K.C.C. 21A.14.380,
193 Ordinance 14045, Section 40, as amended, and K.C.C.
194 21A.14.390, Ordinance 15051, Section 137, as amended,
195 and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as
196 amended, and K.C.C. 21A.24.051, Ordinance 15051,
197 Section 139, as amended, and K.C.C. 21A.24.055,
198 Ordinance 15051, Section 140, as amended, and K.C.C.
199 21A.24.061, Ordinance 3688, Section 801, as amended,
200 and K.C.C. 21A.25.290, Ordinance 13129, Section 2, as
201 amended, and K.C.C. 21A.27.010, Ordinance 13129,
202 Section 22, as amended, and K.C.C. 21A.27.160,
203 Ordinance 11621, Section 90, as amended, and K.C.C.

204 21A.28.154, Ordinance 11168, Section 9, as amended, and
205 K.C.C. 21A.30.066, Ordinance 13274, Section 6, as
206 amended, and K.C.C. 21A.37.040, Ordinance 14190,
207 Section 8, as amended, and K.C.C. 21A.37.060, Ordinance
208 13274, Section 7, as amended, and K.C.C. 21A.37.070,
209 Ordinance 13274, Section 8, as amended, and K.C.C.
210 21A.37.080, Ordinance 13733, Section 15, as amended,
211 and K.C.C. 21A.37.160, Ordinance 10870, Section 576, as
212 amended, and K.C.C. 21A.38.030, Ordinance 10870,
213 Section 577, as amended, and K.C.C. 21A.38.040,
214 Ordinance 10870, Section 583, as amended, and K.C.C.
215 21A.39.020, Ordinance 18626, Section 15, and K.C.C.
216 21A.42.300, Ordinance 11621, Section 113, as amended,
217 and K.C.C. 21A.43.040, Ordinance 11621, Section 114, as
218 amended, and K.C.C. 21A.43.050, Ordinance 11621,
219 Section 117, as amended, and K.C.C. 21A.43.080,
220 Ordinance 12627, Section 2, as amended, and K.C.C.
221 21A.55.020, Ordinance 13275, Section 1, as amended, and
222 K.C.C. 21A.55.050, Ordinance 14662, Section 1, as
223 amended, and K.C.C. 21A.55.060, Ordinance 16650,
224 Section 1, as amended, and K.C.C. 21A.55.101, Ordinance
225 13263, Section 3, as amended, and K.C.C. 23.02.010,
226 Ordinance 13263, Section 5, as amended, and K.C.C.

227 23.02.040, Ordinance 13263, Section 13, as amended, and
228 K.C.C. 23.02.120, Ordinance 12024, Section 4, as
229 amended, and K.C.C. 23.10.030, Ordinance 10662, Section
230 42, as amended, and K.C.C. 27.02.010, Ordinance 14238,
231 Section 32, as amended, and K.C.C. 27.02.220, Ordinance
232 13332, Section 14, as amended, and K.C.C. 27.04.003,
233 Ordinance 10662, Section 51, as amended, and K.C.C.
234 27.04.005, Ordinance 8330, Section 31, as amended, and
235 K.C.C. 27.04.010, Ordinance 10662, Section 52, as
236 amended, and K.C.C. 27.04.015, Ordinance 13332, Section
237 4, as amended, and K.C.C. 27.06.010, Ordinance 13332,
238 Section 22, as amended, and K.C.C. 27.10.070, Ordinance
239 17682, Section 47, as amended, and K.C.C. 27.10.570,
240 Ordinance 12020, Section 5, as amended, and K.C.C.
241 27A.20.030, Ordinance 12020, Section 6, as amended, and
242 K.C.C. 27A.20.040, Ordinance 12020, Section 13, as
243 amended, and K.C.C. 27A.30.020 and Ordinance 12020,
244 Section 16, as amended, and K.C.C. 27A.30.050, adding
245 new sections to K.C.C. chapter 4A.200, adding a new
246 section to K.C.C. chapter 27A.20, recodifying K.C.C.
247 4A.200.262 and repealing Ordinance 11955, Section 11, as
248 amended, and K.C.C. 2.16.140.

249 STATEMENT OF FACTS:

- 250 1. In the fall of 2017, the county executive created the local services
251 initiative to explore new and better ways to serve the people of
252 unincorporated King County and directed the executive's staff to begin the
253 formation of a department of local services.
- 254 2. On April 16, 2018, the King County council passed Motion 15125
255 providing guidance on the establishment of a new department of local
256 services to be operational by January 1, 2019.
- 257 3. The motion, in part, directs the executive to establish a department of local
258 services that will work in partnership with each county council district to focus on
259 coordinating, enhancing and improving municipal services provided to the
260 county's unincorporated areas. Consistent with Motion 15125, this ordinance
261 directs the executive to work in partnership with councilmembers representing
262 unincorporated areas while evaluating policies, procedures and processes, when
263 planning annual work plans for the community service areas, and for public
264 outreach to unincorporated areas.
- 265 4. To give sufficient time to update the King County Code, the council includes
266 direction in this ordinance for the executive to treat the department of local
267 services, permitting division, as the successor agency to the department of
268 permitting and environmental review, and to transmit a proposed ordinance that
269 updates the King County Code to reflect this change in agencies.

270 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

271 SECTION 1. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are
272 each hereby amended to read as follows:

273 A. The county executive shall manage and be fiscally accountable for the office
274 of performance, strategy and budget and the office of labor relations.

275 B. The office of performance, strategy and budget functions and responsibilities
276 shall include, but not be limited to:

277 1. Planning, preparing and managing, with emphasis on fiscal management and
278 control aspects, the annual operating and capital project budgets;

279 2. Preparing forecasts of and monitor revenues;

280 3. Monitoring expenditures and work programs in accordance with Section 475
281 of the King County Charter;

282 4. Developing and preparing expenditure plans and ordinances to manage the
283 implementation of the operating and capital project budgets throughout the fiscal period;

284 5. Formulating and implementing financial policies regarding revenues and
285 expenditures for the county and other applicable agencies;

286 6. Performing program analysis, and contract and performance evaluation
287 review;

288 7. Developing and transmitting to the council, concurrent with the biennial
289 proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

290 8. Performance management and accountability:

291 a. providing leadership and coordination of the performance management and
292 accountability system countywide;

293 b. overseeing the development of strategic plans and business plans for each
294 executive branch department and office;

295 c. providing technical assistance on the development of strategic plans and

296 business plans for agencies;

297 d. developing and using community-level indicators and agency performance

298 measures to monitor and evaluate the effectiveness and efficiency of county agencies;

299 e. overseeing the production of an annual performance report for the executive
300 branch;

301 f. coordinating performance review process of executive branch departments
302 and offices;

303 g. collecting and analyzing land development, population, housing, natural
304 resource enhancement, transportation and economic activity data to aid decision making
305 and to support implementation of county plans and programs, including benchmarks;

306 h. leading public engagement and working in support of county performance
307 management, budget and strategic planning; and

308 i. developing and transmitting to the council a biennial report on April 30 in
309 odd-numbered years about the benefits achieved from technology projects. The report
310 shall include information about the benefits obtained from completed projects and a
311 comparison with benefits that were projected during different stages of the project. The
312 report shall also include a description of the expected benefits from those projects not yet
313 completed. The report shall be approved by the council by motion. The report and
314 motion shall be filed in the form of a paper original and an electronic copy with the clerk
315 of the council, who shall retain the original and provide an electronic copy to all
316 councilmembers;

317 9. Strategic planning and interagency coordination:

318 a. coordinating and staffing executive initiatives across departments and

319 agencies;

320 b. facilitating interdepartmental, interagency and interbranch teams on

321 multidisciplinary issues;

322 c. negotiating interlocal agreements as designated by the executive; and

323 d. serving as the liaison to the boundary review board for King County;

324 10. Business relations and economic development:

325 a. developing proposed policies to address regional, unincorporated urban, and
326 rural economic development;

327 b. establishing, fostering and maintaining healthy relations with business and
328 industry;

329 c. implementing strategies and developing opportunities that include partnering
330 with, cities, the Port of Seattle and other economic entities on regional and subregional
331 economic development projects;

332 d. developing and implementing strategies to promote economic revitalization
333 and equitable development in urban unincorporated areas including the possible assembly
334 of property for the purpose of redevelopment;

335 e. refining and implementing strategies in the county's rural economic
336 strategies to preserve and enhance the rural economic base so that the rural area can be a
337 place to both live and work; and

338 f. assisting communities and businesses in creating economic opportunities,
339 promoting a diversified economy and promoting job creation with the emphasis on
340 family-wage jobs; and

341 11. Continuous improvement:

342 a. leading, coordinating and implementing a program of continuous
343 improvement, including the provision of leadership development, transformational
344 improvement and capacity building in Lean thinking; and

345 b. providing annual reports to the council on the implementation of the
346 continuous improvement program, including but not limited to a description of the
347 number of people and agencies that have received training, the processes changed as a
348 result of Lean implementation and the budget and other impacts of these changes.

349 12. Regional planning:

350 a. coordinating the county's participation in multicounty planning at the Puget
351 Sound Regional Council, including serving on the Puget Sound Regional Council's
352 regional staff committee;

353 b. coordinating countywide planning at the Growth Management Planning
354 Council consistent with the Washington state Growth Management Act, including
355 leading the Growth Management Planning Council's interjurisdictional staff team in
356 accordance with the interlocal agreement authorized by King County Motion 8495;

357 c. managing updates to the county's Comprehensive Plan in coordination with
358 the department of ~~((permitting and environmental review))~~ local services, permitting
359 division, in accordance with K.C.C. Title 20;

360 d. coordinating the development of demographic and growth forecasting data
361 and information including census data, growth targets and buildable lands;

362 e. facilitating annexations and joint planning with cities, including developing
363 annexation proposals, drafting interlocal agreements, and serving as the liaison to the
364 boundary review board for King County; and

365 f. colending with the department of (~~permitting and environmental review~~)
366 local services, permitting division, an interbranch regional planning team that supports
367 the council and executive through the provision of information and data, development of
368 policy proposals and options for regional issues related to growth management, economic
369 development and transportation. Participation in the interbranch regional planning team
370 shall include executive, department and council staff as designated by the respective
371 branches.

372 C. The office of labor relations functions and responsibilities shall include, but
373 not be limited to:

374 1. Representing county agencies in the collective bargaining process as required
375 by chapter 41.56 RCW;

376 2. Developing and maintaining databases of information relevant to the
377 collective bargaining process;

378 3. Representing county agencies in labor arbitrations, appeals, and hearings
379 including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration
380 with the human resources management division;

381 4. Administering labor contracts and providing consultation to county agencies
382 regarding the terms and implementation of negotiated labor agreements, in collaboration
383 with the human resources management division;

384 5. Advising the executive and council on overall county labor policies; and

385 6. Providing resources for labor relations training for county agencies, the
386 executive, the council and others, in collaboration with the human resources management
387 division.

388 D.1. The county council hereby delegates to the executive or the executive's
389 designee authority to request a hearing before the Washington state Liquor and Cannabis
390 Board and make written recommendations and objections regarding applications relating
391 to:

- 392 a. liquor licenses under chapter 66.20 RCW; and
- 393 b. licenses for marijuana producers, processors or retailers under chapter 69.50
394 RCW.

395 2. Before making a recommendation under subsection D.1. of this section, the
396 executive or ~~((the executive's))~~ designee shall solicit comments from county departments
397 and agencies, including, but not limited to, the department of ~~((permitting and
398 environmental review))~~ local services, public health - Seattle & King County, the sheriff's
399 office and the prosecuting attorney's office.

400 3. For each application reviewed under subsection D.1.b. of this section, the
401 executive shall transmit to the county council a copy of the application received with the
402 applicant's name and proposed license application location, a copy of all comments
403 received under subsection D.2. of this section and the executive's recommendation to the
404 Washington state Liquor and Cannabis board.

405 E. The executive may assign or delegate budgeting, performance management
406 and accountability, economic development and strategic planning and interagency
407 coordination functions to employees in the office of the executive but shall not assign or
408 delegate those functions to any departments.

409 SECTION 2. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are
410 each hereby amended to read as follows:

411 The county administrative officer shall be the director of the department of
412 executive services. The department shall include the records and licensing services
413 division, the finance and business operations division, the human resources management
414 division, the facilities management division, the fleet services division, the airport
415 division, the administrative office of risk management, the administrative office of
416 emergency management, the administrative office of the business resource center and the
417 administrative office of civil rights. In addition, the county administrative officer shall be
418 responsible for providing staff support for the board of ethics.

419 A. The duties of the records and licensing services division shall include the
420 following:

421 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and
422 pet licenses, collecting license fee revenues and providing licensing services for the
423 public;

424 2. Enforcing county and state laws relating to animal control;

425 3. Managing the recording, processing, filing, storing, retrieval and certification
426 of copies of all public documents filed with the division as required;

427 4. Processing all real estate tax affidavits; and

428 5. Acting as the official custodian of all county records, as required by general
429 law, except as otherwise provided by ordinance.

430 B. The duties of the finance and business operations division shall include the
431 following:

432 1. Monitoring revenue and expenditures for the county. The collection and
433 reporting of revenue and expenditure data shall provide sufficient information to the

434 executive and to the council. The division shall be ultimately responsible for maintaining
435 the county's official revenue and expenditure data;

436 2. Performing the functions of the county treasurer;

437 3. Billing and collecting real and personal property taxes, local improvement
438 district assessments and gambling taxes;

439 4. Processing transit revenue;

440 5. Receiving and investing all county and political subjurisdiction moneys;

441 6. Managing the issuance and payment of the county's debt instruments;

442 7. Managing the accounting systems and procedures;

443 8. Managing the fixed assets system and procedures;

444 9. Formulating and implementing financial policies for other than revenues and
445 expenditures for the county and other applicable agencies;

446 10. Administering the accounts payable and accounts receivable functions;

447 11. Collecting fines and monetary penalties imposed by district courts;

448 12. Developing and administering procedures for the procurement of and
449 awarding of contracts for tangible personal property, services, professional or technical
450 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
451 and state laws and regulations;

452 13. Establishing and administering procurement and contracting methods, and
453 bid and proposal processes, to obtain such procurements;

454 14. In consultation with the prosecuting attorney's office and office of risk
455 management, developing and overseeing the use of standard procurement and contract
456 documents for such procurements;

457 15. Administering contracts for goods and services that are provided to more
458 than one department;

459 16. Providing comment and assistance to departments on the development of
460 specifications and scopes of work, in negotiations for such procurements, and in the
461 administration of contracts;

462 17. Assisting departments to perform cost or price analyses for the procurement
463 of tangible personal property, services and professional or technical services, and price
464 analysis for public work procurements;

465 18. Developing, maintaining and revising as may be necessary from time to
466 time the county's general terms and conditions for contracts for the procurement of
467 tangible personal property, services, professional or technical services and public work;

468 19. Managing the payroll system and procedures, including processing benefits
469 transactions in the payroll system and administering the employer responsibilities for the
470 retirement and the deferred compensation plans;

471 20. Managing and developing financial policies for borrowing of funds,
472 financial systems and other financial operations for the county and other applicable
473 agencies((-));

474 21. Managing the contracting opportunities program to increase opportunities
475 for small contractors and suppliers to participate on county-funded contracts. Submit an
476 annual report as required by K.C.C. 2.97.090;

477 22. Managing the apprenticeship program to optimize the number of apprentices
478 working on county construction projects. Submit an annual report as required by K.C.C.
479 12.16.175; and

480 23. Serving as the disadvantaged business enterprise liaison officer for federal
481 Department of Transportation and other federal grant program purposes. The
482 disadvantaged business enterprise liaison officer shall have direct, independent access to
483 the executive on disadvantaged business enterprise program matters consistent with 49
484 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
485 officer shall report to the ((director)) manager of the finance and business operations
486 division.

487 C. The duties of the human resources management division shall include the
488 following:

- 489 1. Developing and administering training and organizational development
490 programs, including centralized employee and supervisory training and other employee
491 development programs;
- 492 2. Developing proposed and administering adopted policies and procedures for:
 - 493 a. employment, including recruitment, examination and selection;
 - 494 b. classification and compensation; and
 - 495 c. salary administration;
- 496 3. Developing proposed and administering adopted human resources policy;
- 497 4. Providing technical and human resources information services support;
- 498 5. Developing and managing insured and noninsured benefits programs,
499 including proposing policy recommendations, negotiating benefits plan designs with
500 unions, preparing legally mandated communications materials and providing employee
501 assistance and other work and family programs;
- 502 6. Developing and administering diversity management and employee relations

503 programs, including affirmative action plan development and administration,
504 management and supervisory diversity training and conflict resolution training;

505 7. Developing and administering workplace safety programs, including
506 inspection of work sites and dissemination of safety information to employees to promote
507 workplace safety;

508 8. Administering the county's self-funded industrial insurance/worker's
509 compensation program, as authorized by Title 51 RCW;

510 9. Advising the executive and council on overall county employee policies;

511 10. Providing labor relations training for county agencies, the executive, the
512 council and others, in collaboration with the office of labor relations;

513 11. Overseeing the county's unemployment compensation program;

514 12. Collecting and reporting to the office of management and budget on a
515 quarterly basis information on the numbers of filled and vacant full-time equivalent and
516 term-limited temporary positions and the number of emergency employees for each
517 appropriation unit; and

518 13. Providing a quarterly report to the council showing vacant positions by
519 department. The report must indicate whether a term-limited temporary employee is
520 backfilling the position, the salary and benefits associated with a position and how long
521 the position has been vacant. The report is due thirty days after the end of each calendar
522 quarter and shall be filed in the form of a paper original and an electronic copy with the
523 clerk of the council, who shall retain the original and provide an electronic copy to all
524 councilmembers, the council chief of staff and the lead staff to the budget and fiscal
525 management committee or its successor.

526 D. The duties of the facilities management division shall include the following:

527 1. Overseeing space planning for county agencies;

528 2. Administering and maintaining in good general condition the county's
529 buildings except for those managed and maintained by the department of natural
530 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;

531 3. Operating security programs for county facilities except as otherwise
532 determined by the council;

533 4. Administering all county facility parking programs except for public
534 transportation facility parking;

535 5. Administering the supported employment program;

536 6. Managing all real property owned or leased by the county, except as provided
537 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
538 closely approximating fair market value;

539 7. Maintaining a current inventory of all county-owned or leased real property;

540 8. Functioning as the sole agent for the disposal of real properties deemed
541 surplus to the needs of the county;

542 9. In accordance with K.C.C. chapter 4A.100, providing support services to
543 county agencies in the acquisition of real properties, except as otherwise specified by
544 ordinance;

545 10. Issuing oversized vehicle permits, franchises and permits and easements for
546 the use of county property except franchises for cable television and telecommunications;

547 11. Overseeing the development of capital projects for all county agencies
548 except for specialized roads, solid waste, public transportation, airport, water pollution

- 549 abatement, surface water management projects and parks and recreation;
- 550 12. Being responsible for all general projects, such as office buildings or
- 551 warehouses, for any county department including, but not limited to, the following:
- 552 a. administering professional services and construction contracts;
- 553 b. acting as the county's representative during site master plan, design and
- 554 construction activities;
- 555 c. managing county funds and project budgets related to capital projects;
- 556 d. assisting county agencies in the acquisition of appropriate facility sites;
- 557 e. formulating guidelines for the development of operational and capital
- 558 project plans;
- 559 f. assisting user agencies in the development of capital projects and project
- 560 plans, as defined and provided for in K.C.C. chapter 4A.100;
- 561 g. formulating guidelines for the use of life cycle cost analysis and applying
- 562 these guidelines in all appropriate phases of the capital process;
- 563 h. ensuring the conformity of capital project plans with the adopted space plan
- 564 and agency business plans;
- 565 i. developing project cost estimates that are included in capital project plans,
- 566 site master plans, capital projects and biennial project budget requests;
- 567 j. providing advisory services, feasibility studies or both services and studies to
- 568 projects as required and for which there is budgetary authority;
- 569 k. coordinating with user agencies to assure user program requirements are
- 570 addressed through the capital development process as set forth in this chapter and in
- 571 K.C.C. chapter 4A.100;

572 1. providing engineering support on capital projects to user agencies as
573 requested and for which there is budgetary authority; and
574 m. providing assistance in developing the executive budget for capital projects;
575 and

576 13. Providing for the operation of a downtown winter shelter for homeless
577 persons between October 15 and April 30 each year.

578 E. The duties of the fleet services division shall include the following:

579 1. Acquiring, maintaining and managing the motor pool equipment rental and
580 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund
581 and the wastewater equipment rental and revolving fund. Metro transit department
582 vehicles determined by the Metro transit department director to be intricately involved in
583 or related to providing public transportation services shall not be part of the motor pool;

584 2. Establishing rates for the rental of equipment and vehicles;

585 3. Establishing terms and charges for the sale of any material or supplies that
586 have been purchased, maintained or manufactured with money from the motor pool and
587 equipment revolving fund, the equipment rental and revolving fund and the wastewater
588 equipment rental and revolving fund;

589 4. Managing fleet and equipment training programs, stores function and vehicle
590 repair facilities;

591 5. Administering the county alternative fuel program and take-home assignment
592 of county vehicles policy; and

593 6. Inventorying, monitoring losses and disposing of county personal property in
594 accordance with K.C.C. chapter 4.56.

595 F. The duties of the airport division shall include managing the maintenance and
596 operations of the King County international airport, and shall include the following:

597 1. Developing and implementing airport programs under state and federal law
598 including preparing policy recommendations and service models;

599 2. Managing and maintaining the airport system infrastructure;

600 3. Managing, or securing services from other divisions, departments or entities
601 to perform, the design, engineering and construction management functions related to the
602 airport capital program, including new facilities development and maintenance of
603 existing infrastructure; providing support services such as project management,
604 environmental review, permit and right-of-way acquisitions, schedule and project control
605 functions; and

606 4. Preparing and administering airport service and supporting capital facility
607 plans and periodic updates.

608 G. The duties of the administrative office of risk management shall include the
609 management of the county's insurance and risk management programs consistent with
610 K.C.C. chapter 2.21.

611 ~~((F-))~~ H. The duties of the administrative office of emergency management shall
612 include the following:

613 1. Planning for and providing effective direction, control and coordinated
614 response to emergencies; and

615 2. Being responsible for the emergency management functions defined in
616 K.C.C. chapter 2.56.

617 ~~((G-))~~ I. The duties of the administrative office of civil rights shall include the

618 following:

619 1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,
620 12.18, 12.20 and 12.22;

621 2. Assisting departments in complying with the federal Americans with
622 Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other
623 legislation and rules regarding access to county programs, facilities and services for
624 people with disabilities;

625 3. Serving as the county Americans with Disabilities Act coordinator relating to
626 public access;

627 4. Providing staff support to the county civil rights commission;

628 5. Serving as the county federal Civil Rights Act Title VI coordinator; and

629 6. Coordinating county responses to federal Civil Rights Act Title VI issues and
630 investigating complaints filed under Title VI.

631 ~~((H.))~~ J. The duties of the administrative office of the business resource center
632 shall include the following:

633 1. The implementation and maintenance of those systems necessary to generate
634 a regular and predictable payroll through the finance and business operations division;

635 2. The implementation and maintenance of those systems necessary to provide
636 regular and predictable financial accounting and procedures through the finance and
637 business operations division;

638 3. The implementation and maintenance of those systems necessary to generate
639 regular and predictable county budgets, budget reports and budget management tools for
640 the county; and

641 4. The implementation and maintenance of the human resources systems of
642 record for all human resources data for county employment purposes.

643 SECTION 3. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are
644 each hereby amended to read as follows:

645 A. The department of ~~((permitting and environmental review))~~ local services is
646 responsible for managing and being fiscally accountable for the permitting division and
647 the road services division. The department shall also administer the county roads
648 function as authorized in applicable sections of Titles 36 and 47 RCW and other laws,
649 regulations and ordinances as may apply. Consistent with Motion 15125, the executive
650 shall:

651 1. Work in partnership with each county council district to focus on
652 coordinating, enhancing and improving municipal services provided to the county's
653 unincorporated areas. To effectuate this partnership, the executive shall routinely and
654 proactively meet and collaborate with councilmembers representing unincorporated
655 areas, about potential organizational, operational and other changes to county programs
656 or services that will affect unincorporated area residents;

657 2. Be available to brief the council's standing and regional committees on issues
658 related to unincorporated area local services;

659 3. Develop and implement programs and strategies that emphasize:

660 a. improving the coordination of local services by county agencies through
661 increased collaboration;

662 b. strengthening partnerships between the county, communities and other
663 entities;

664 c. improving the delivery, responsiveness and quality of local services to the
665 people, businesses and communities of unincorporated King County through unified
666 accountability;

667 d. improving local services through robust employee engagement while
668 embracing equity and social justice and continuous improvement;

669 e. strengthening unincorporated communities by supporting local planning and
670 community initiatives; and

671 f. pursuing innovative funding strategies.

672 B. The department shall also manage the community service area framework
673 adopted by Ordinance 17139, which shall be called the community service area program.

674 The community service area program shall develop and implement programs and services
675 to help all residents of unincorporated King County be more knowledgeable of, better

676 served by and heard by King County departments and agencies. The community service
677 area program shall work with all county departments and agencies whose services,

678 programs and projects are of interest to unincorporated area residents, to promote
679 successful public engagement. The work program developed for each community service

680 area shall include input from the councilmember or councilmembers who represent that
681 area. The work program shall include, but not be limited to, the required elements in

682 Ordinance 17139, potential action items for the area, known planning activities for the
683 area, and public meetings for the area. The community service area program shall

684 provide regular updates to that councilmember or councilmembers on the progress of the
685 work program throughout the year.

686 C. Until an ordinance that makes changes to the King County Code required in

687 section 217 of this ordinance is effective, the permitting division shall be considered the
688 successor agency to the department of permitting and environmental review. Therefore,
689 upon effectiveness of this ordinance and until an ordinance required by section 217 is
690 effective, where the code states or intends a decision to be made or action to be
691 implemented by the department of permitting and environmental review, those decisions
692 or actions shall be performed by the permitting division.

693 D.1. The duties of the permitting division shall include the following:

694 ~~((1.))~~ a. ~~((E))~~ ensuring consistent and efficient administration of environmental,
695 building and land use codes and regulations for commercial and residential projects by
696 means of permit review and approval, construction inspections and public information;

697 ~~((2.))~~ b. ~~((M))~~ managing the development and implementation of
698 unincorporated subarea plans in coordination with the regional planning function in
699 K.C.C. 2.16.025 and in accordance with the King County Comprehensive Plan and state
700 Growth Management Act requirements;

701 ~~((3.))~~ c. ~~((P))~~ participating on the interbranch regional planning team as
702 specified in K.C.C. 2.16.025;

703 ~~((4.))~~ d. ~~((A))~~ administering the state Environmental Policy Act and acting as
704 lead agency, including making the threshold determinations, determining the amount of
705 environmental impact and reasonable mitigation measures and coordinating with other
706 departments and divisions in the preparation of county environmental documents or in
707 response to environmental documents from other agencies;

708 ~~((5.))~~ e. ~~((E))~~ effective processing and timely review of land development
709 proposals, including zoning variance and reclassification, master drainage plans,

710 variances from the surface water design manual and the King County road standards,
711 critical area, subdivision, right-of-way use, urban planned development, clearing and
712 grading, shoreline, special use and conditional use applications;

713 ~~((6-))~~ f. ~~((P))~~ pursuing and resolving code violations, including preparing for
714 administrative or legal actions, evaluating the department's success in obtaining
715 compliance with King County rules and regulations and designing measures to improve
716 compliance;

717 ~~((7-))~~ g. ~~((R))~~ regulating the operation, maintenance and conduct of county-
718 licensed businesses, except taxicab and for-hire drivers and vehicles; and

719 ~~((8-))~~ h. ~~((D))~~ developing and implementing an inspection program to identify
720 fire hazards and require conformance with K.C.C. Title 17, reviewing building plans and
721 applications for compliance with K.C.C. Title 17 and conducting inspections, including
722 inspections of new construction, for compliance with K.C.C. Title 17.

723 ~~((B.1. The director of the department shall be the))~~ 2. The permitting division
724 manager shall be the:

- 725 a. county planning director;
- 726 b. zoning adjuster;
- 727 c. responsible official for purposes of administering the state Environmental
728 Policy Act;
- 729 d. county building official; and
- 730 e. county fire marshal.

731 ~~((2-))~~ 3. The ~~((director))~~ manager may delegate the functions in subsection
732 ~~((B.1-))~~ D.2. of this section to qualified subordinates.

733 E. The road services division is responsible for designing, constructing,
734 maintaining and operating a comprehensive system of roadways and other transportation
735 facilities and services to support a variety of transportation modes for the safe and
736 efficient movement of people and goods and delivery of services. The duties of the
737 division shall include the following:

738 1. Designing, constructing and maintaining county roads, bridges and associated
739 drainage facilities;

740 2. Designing, installing and maintaining county traffic signs, markings and
741 signals;

742 3. Designing, installing and maintaining bicycle and pedestrian facilities;

743 4. Managing intergovernmental contracts or agreements for services related to
744 road maintenance and construction and to other transportation programs supporting the
745 transportation plan;

746 5. Inspecting utilities during construction and upon completion for compliance
747 with standards and specifications; assuring that public facilities disturbed due to
748 construction are restored;

749 6. Performing detailed project development of roads capital improvement
750 projects that are consistent with the transportation element of the county's Comprehensive
751 Plan, and coordinating such programming with other county departments and divisions
752 assigned responsibilities for Comprehensive Plan implementation;

753 7. Incorporating into the roads capital improvement program those projects
754 identified in the transportation needs report, community plans, related functional plans
755 and elsewhere consistent with the county's Comprehensive Plan;

- 756 8. Preparing, maintaining and administering the county road standards;
- 757 9. Preparing and administering multiyear roads maintenance and capital
- 758 construction plans and periodic updates;
- 759 10. Administering the transportation concurrency and mitigation payment
- 760 programs; and
- 761 11.a. Performing the duties of the office of the county road engineer, which is
- 762 hereby established as an administrative office of the road services division. The office of
- 763 the county road engineer shall be an office of record, supervised by the county road
- 764 engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the
- 765 road services division. The office of the county road engineer shall be located within the
- 766 corporate limits of the county seat.
- 767 b. The county road engineer shall carry out all duties assigned to the county
- 768 road engineer as prescribed by state statute, except as modified by the county executive
- 769 as authorized in subsection E.11.c. of this section.
- 770 c. The county executive may assign professional engineering duties of the
- 771 county road engineer to someone other than the county road engineer, except as
- 772 otherwise assigned by King County Code, and only if the individual assigned those duties
- 773 shall be qualified as required under RCW 36.80.020. The executive shall provide to the
- 774 county council and the Washington state County Road Administration Board, in writing,
- 775 those specific professional engineering duties not assigned to the county road engineer,
- 776 the name and position of each person responsible for carrying out those assigned duties,
- 777 the specific reporting and working relationships with the county road engineer and the
- 778 duration for which those duties have been assigned.

779 SECTION 4. Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097 are
780 each hereby amended to read as follows:

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

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

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

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

791 SECTION 5. Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140 are
792 each hereby repealed.

793 SECTION 6. Ordinance 12075, Section 6, and K.C.C. 2.32.130 are each hereby
794 amended to read as follows:

795 A. ~~((BOARD CREATED:))~~ There is hereby created a King County urban arterial
796 advisory board hereafter to be known as the King County arterial council, and hereinafter
797 referred to as the advisory council.

798 B. ~~((MEMBERSHIP TERMS:))~~ The advisory council will consist of five
799 members; the director of the department of ~~((transportation))~~ local services, who will serve
800 as chairman; two members to be elected officials of incorporated cities or towns of King
801 County other than the city of Seattle; and two members to be licensed engineers practicing

802 as city engineers or directors of public works of incorporated cities or towns of King
803 County, other than the city of Seattle.

804 The four members of the advisory council other than the director of the department
805 of ~~((transportation))~~ local services shall serve terms of three years.

806 C. ~~((MEMBERS TO BE RESIDENTS.))~~ Members of the advisory council shall
807 be residents of King County throughout their term and shall serve without compensation.

808 D. ~~((DUTIES.))~~ The advisory council will be responsible for recommending
809 allocation of proceeds of the forward thrust bonds for cities other than Seattle, as issued
810 pursuant to voter adoption of King County Bond Resolution 34569 at the special election
811 held February 13, 1968, and as authorized by ordinance of the King County council.

812 The advisory council shall, subject to contractual commitments entered into prior to
813 the date of the ordinance codified in this section, recommend and promulgate rules and
814 procedures to insure proper design procedures as they relate to alignment and geometry,
815 adequate specifications for construction, rules for purchase of right-of-way, and other rules
816 deemed advisable to the conduct of developing an integrated arterial system for the
817 residents of King County.

818 All rules and procedures established by the advisory council shall be made public as
819 currently and hereafter amended.

820 E. ~~((RULES OF PROCEDURE.))~~ The manager of the road services division shall
821 serve as executive secretary of the advisory council and will be responsible for all records.

822 The manager of the road services division will prepare and forward an agenda for
823 all members prior to each meeting and will prepare and distribute the minutes of each
824 meeting and include a summary of information concerning discussions of the meeting and

825 a review of previous advisory council actions pertinent to discussion subjects.

826 The advisory council may elect additional officers and shall adopt such
827 administrative procedures as are required to accomplish the purposes of this act.

828 The members of the advisory council shall constitute a quorum and a majority of
829 such quorum may secure approval of a transaction of the advisory council.

830 F. ((FUNDING:)) For purposes of providing funds to pay the cost of staff services
831 to the advisory council in execution of its duties, the arterial council operating fund was
832 originally created by County Commissioner Resolution 35555 on June 24, 1968. The fund
833 was created from current expense funds to be reimbursed from appropriate capital
834 improvement funds for actual project cost incurred on behalf of the capital improvement
835 projects. The arterial council operating fund is hereby continued without change.

836 Withdrawal from the operating fund to pay the cost of the staff services shall be
837 made on the basis of actual costs.

838 SECTION 7. Ordinance 12075, Section 11, as amended, and K.C.C. 2.40.030 are
839 each hereby amended to read as follows:

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

842 B. The fifteen voting members of the commission shall serve without
843 compensation and represent the diversity of the agricultural economy, various
844 agricultural operations, and the regions of the county. Membership should be
845 representative of producers of agricultural commodities and persons with demonstrated
846 knowledge, experience and interest in agricultural real estate, food and feed processing,
847 wholesale and retail marketing, produce buying, direct marketing, supply, and finance.

848 However, at least eight of the voting commission members shall be producers as defined
849 in K.C.C. 2.40.020.

850 C. The directors of the departments of natural resources and parks, (~~permitting~~
851 ~~and environmental review~~), community and human services, public health~~((s))~~ and
852 executive services, department of local services permitting division manager and a
853 representative from the King County conservation district may serve as additional
854 members in an ex officio capacity.

855 SECTION 8. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are
856 each hereby amended to read as follows:

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

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

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

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

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

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

871 c. residential forest landowners with greater than twenty acres of rural forest
872 land enrolled in the Forest Land Designation (chapter 84,33 RCW) program; and

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

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

876 3. The Washington Department of Natural Resources;

877 4. Affected Indian tribes;

878 5. Consumers or users of local forest products, such as mills, lumber
879 suppliers, craftspeople, artisans, florist suppliers or users of other alternative forest
880 products;

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

882 7. Rural cities.

883 D. The directors of the departments of natural resources and parks(~~(, permitting~~
884 ~~and environmental review,)) and executive services, the chief officer of the office of
885 performance, strategy and budget, the department of local services permitting division
886 manager, a representative of the King County council (~~((natural resources, parks and open~~
887 ~~space))~~ planning, rural service and environment committee, or its successor, a
888 representative of the Mount Baker-Snoqualmie National Forest, a representative of the
889 Washington State University Extension and the director of the King Conservation District
890 may serve as nonvoting ex officio members of the commission.~~

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

894 necessary to attend commission meetings and activities.

895 SECTION 9. Ordinance 12075, Section 21, and K.C.C. 2.96.040 are each hereby
896 amended to read as follows:

897 A. ~~((Definitions.))~~ The following definitions shall apply in the interpretation of
898 this section.

899 1. "Alcohol" means a mixture containing no less than eighty-five percent
900 methanol, ethanol or other alcohols, in any combination, by volume.

901 2. "Alternative fuel" means of propulsion by other than gasoline or diesel fuel and
902 shall include:

903 a. alcohol.

904 b. dual energy.

905 c. electricity.

906 d. natural gas.

907 e. propane.

908 f. human powered.

909 3. "Director" means the director of the department of ~~((transportation))~~ executive
910 services.

911 4. "Dual Energy" means capable of being operated using an alternative fuel and
912 gasoline or diesel fuel.

913 5. "Purchased" means purchased, leased, borrowed, obtained by gift or otherwise
914 acquired.

915 B. ~~((Goals. The director shall ensure that at least fifty percent of the vehicles~~
916 ~~purchased by King County in 1992 shall operate using alternative fuel. At least seventy-~~

917 ~~five percent of the vehicles purchased by King County in 1993 shall operate using~~
918 ~~alternative fuel.~~

919 ~~C. Alternatives.))~~ In order to comply with subsection B of this section, the director
920 may purchase vehicles which are manufactured to operate on alternative fuel, convert
921 newly purchased vehicles to operate on alternative fuel, or any combination thereof.

922 ~~((D. Heavy equipment.))~~ C. Heavy equipment which is intended solely for off-
923 road usage and for which the implementation of this section would be infeasible is exempt
924 from the requirements of this chapter.

925 SECTION 10. Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020 are
926 each hereby amended to read as follows:

927 For the purpose of this chapter:

928 A. "Department" means executive departments and administrative offices, the
929 sheriff's office, the department of assessments, the department of judicial administration,
930 the department of elections, county boards, commissions, committees and other
931 multimember bodies. However, "department" does not include the legislative branch and
932 all offices established under Article 2 of the King County Charter, the hearing examiner,
933 the board of appeals, the personnel board, the board of health, superior courts, district
934 courts and the prosecuting attorney's office.

935 B. "Penalty" means a punishment established by ordinance or other law imposed as
936 a consequence of failing to abide by or comply with the law, ordinance or a rule adopted
937 under ordinance or other law.

938 C.1. "Rule" means any department order, directive or regulation of general
939 applicability:

940 a. the violation of which subjects a person outside county employment to a
941 penalty;

942 b. that subjects a person outside of county employment to the payment of a fee;

943 c. that establishes, alters or revokes any procedure, practice or requirement
944 relating to a department hearing; or

945 d. that establishes, alters or revokes any qualifications or standards for the
946 issuance, suspension or revocation of a license to pursue any commercial activity, trade or
947 profession.

948 2. "Rule" includes the amendment or repeal of a prior rule, but does not include:

949 a. a statement concerning only the internal management of a department and not
950 affecting private rights or procedures available to the public;

951 b. a declaratory ruling issued in accordance with an ordinance; or

952 c. a traffic restriction for motor vehicles, bicyclists and pedestrians established
953 by the director of the department of ~~((transportation))~~ local services, the director of the
954 Metro transit department or their designees if an official traffic control device gives notice
955 of the restriction.

956 SECTION 11. Ordinance 14033, Section 4, as amended, and K.C.C. 2.100.030
957 are each hereby amended to read as follows:

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

961 B. A request for a code interpretation must be submitted in writing to the director
962 of the department with primary responsibility administering or implementing the

963 development regulation that is the subject of the request. If the person is uncertain as to the
964 appropriate department to which the code interpretation request should be submitted, the
965 person shall submit the request to the ~~((director of the))~~ department of ~~((permitting and
966 environmental review))~~ local services permitting division manager or designee, who shall
967 make the determination and forward the request to the appropriate department, and notify
968 the person as to which department is responsible for responding to the request.

969 C. A code interpretation request must:

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

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

975 3. Identify the specific section or sections of King County's development
976 regulations for which an interpretation is requested;

977 4. Identify the parcel or site, if the code interpretation request involves a particular
978 parcel of property or site;

979 5. Identify the code enforcement action, if the code interpretation request involves
980 a code enforcement case;

981 6. Be accompanied by the fee required under K.C.C. 2.100.070; and

982 7. Be limited to a single subject, which may require interpretation of one or more
983 code sections.

984 D.1. Within fifteen business days after receiving a code interpretation request, the
985 director shall acknowledge receipt of the request. The director shall mail the

986 acknowledgment to the person submitting the request at the address provided in the
987 request. The acknowledgment shall include the following information, as applicable:

988 a. If the director determines that the code interpretation request does not contain
989 the information required under this section, the director shall identify in the
990 acknowledgment the deficiencies in the code interpretation request. In such a situation, the
991 director is under no obligation to process the code interpretation request until a code
992 interpretation request complying with this chapter is submitted;

993 b. If the director determines that the code interpretation request is ambiguous or
994 unclear, the director may request that the person making the request to clarify the request.
995 The director is under no obligation to process the code interpretation request until an
996 adequately clarified code interpretation request is submitted;

997 c. If the director determines that the code interpretation request presents
998 substantially the same issue as is pending before an adjudicatory body, such as the King
999 County hearing examiner, the King County council when acting as a quasi-judicial body,
1000 any other quasi-judicial agency or any local, state or federal court, the director shall so state
1001 in the acknowledgment. The director is then under no obligation to further process the
1002 code interpretation request; and

1003 d. If a code interpretation is requested regarding an issue that the director has
1004 previously addressed through a code interpretation, the director is not obligated to issue
1005 another code interpretation and shall so state in the acknowledgment required by this
1006 section and shall identify the previous code interpretation.

1007 2. If the director determines that the code interpretation request relates to a
1008 particular parcel of property, the director shall cause notice of the code interpretation

1009 request to be given to the taxpayer of record for the subject parcel.

1010 3. If the code interpretation request relates to a specific development project
1011 pending before the county, the director shall cause notice of the code interpretation request
1012 to be given to all parties of record for that project, including the applicant.

1013 4. The notice required under this section must include a copy of the code
1014 interpretation request and a copy of the director's acknowledgment. Notice required under
1015 this section may be by United States mail or other appropriate method of delivery.

1016 SECTION 12. Ordinance 14033, Section 5, as amended, and K.C.C. 2.100.040
1017 are each hereby amended to read as follows:

1018 A. A person may submit written analysis and supporting documentation to assist
1019 the director in analyzing a code interpretation request.

1020 B. The director may conduct research or investigation as the director deems
1021 necessary to resolve the issue presented in the code interpretation request and may refer the
1022 request to department staff and other county staff for review and analysis.

1023 C. A code interpretation must be in writing, clearly labeled "Code Interpretation,"
1024 and describe the basis for the interpretation.

1025 D. The director shall issue a code interpretation within sixty days after receiving
1026 the code interpretation request, unless the director determines that based on the unusual
1027 nature of the issue additional time is necessary to respond to the request. If the code
1028 interpretation request relates to a specific development proposal that is pending before the
1029 department of ~~((permitting and environmental review))~~ local services, permitting division,
1030 or relates to a code enforcement action that is subject to appeal under K.C.C. chapter 23.36,
1031 the code interpretation shall become final when the department of ~~((development and~~

1032 ~~environmental)) local services, permitting division,~~ issues its final decision on the
1033 underlying development proposal for a type 1 or 2 decision, the department makes its
1034 recommendation on a type 3 or 4 decision or, based on the code interpretation, the
1035 department issues a notice and order, citation or stop work order under K.C.C. Title 23. If
1036 the director determines that a code interpretation request does not to relate to a specific
1037 development proposal that is currently pending before the county or to a code enforcement
1038 action, the code interpretation is final when issued by the director.

1039 E. The director shall maintain a list of indexed code interpretations for public
1040 inspection and post the index and code interpretations on a King County web site and
1041 transmit a copy of each code interpretation to the clerk of the King County council.

1042 F. The director shall mail copies of the code interpretation to the following:

- 1043 1. The person who requested the code interpretation;
- 1044 2. If the director determines that the code interpretation relates to a specific
1045 development proposal that is pending before the county, the applicant and all other parties
1046 of record for that proposal;
- 1047 3. If the director determines the code interpretation relates to a specific parcel of
1048 property, the taxpayer of record for that parcel; and
- 1049 4. Any person who has submitted written comments regarding the director's
1050 review of the code interpretation request.

1051 G. When it is final, a code interpretation remains in effect until it is rescinded in
1052 writing by the director or it is modified or reversed on appeal by the hearing examiner, the
1053 King County council or an adjudicatory body.

1054 H. A code interpretation issued by the director governs all staff review and

1055 decisions unless withdrawn or modified by the director or modified or reversed on appeal
1056 by the King County hearing examiner, King County council, or an adjudicatory body.

1057 SECTION 13. Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050
1058 are each hereby amended to read as follows:

1059 A. The King County emergency management advisory committee is hereby
1060 established. The committee shall act in an advisory capacity to the executive, council and
1061 the office of emergency management on emergency management matters and facilitate
1062 the coordination of regional emergency planning in King County.

1063 B. The committee shall be composed of members who represent the following
1064 emergency management interests, with each interest having one member except for the
1065 Sound Cities Association, which may have three members:

- 1066 1. The Central Region Emergency Medical Services and Trauma Care Council;
- 1067 2. Each city with a population of over one hundred thousand;
- 1068 3. Electric and gas utilities;
- 1069 4. The financial community;
- 1070 5. The King County Fire Chiefs Association;
- 1071 6. The King County Fire Commissioners Association;
- 1072 7. The King County Police Chiefs Association;
- 1073 8. Local emergency planning committees;
- 1074 9. The Port of Seattle;
- 1075 10. Private business and industry;
- 1076 11. The Puget Sound Educational Service District;
- 1077 12. The King and Kitsap Counties Chapter of the American Red Cross;

- 1078 13. Water and sewer districts;
- 1079 14. The Sound Cities Association;
- 1080 15. The Washington Association of Building Officials;
- 1081 16. The King County executive or ~~((the executive's))~~ designee;
- 1082 17. The King County department of natural resources and parks;
- 1083 18. The King County department of ~~((transportation))~~ local services;
- 1084 19. The King County Metro transit department;
- 1085 20. The King County department of executive services;
- 1086 21. The Seattle-King County department of public health;
- 1087 ~~((21.))~~ 22. The Muckleshoot Tribe;
- 1088 ~~((22.))~~ 23. The Snoqualmie Tribe;
- 1089 ~~((23.))~~ 24. The King County sheriff's office;
- 1090 ~~((24.))~~ 25. The Northwest Healthcare Response Network; and
- 1091 ~~((25.))~~ 26. A faith-based organization prepared to provide emergency relief
- 1092 services to the public.

1093 C. The scope and charge of the committee is to:

- 1094 1. Advise King County on emergency management issues and facilitate
- 1095 coordination of regional emergency planning in King County;
- 1096 2. Assist King County in the development of programs and policies concerning
- 1097 emergency management; and
- 1098 3. Review and comment on proposed emergency management rules, policies or
- 1099 ordinances before the adoption of the rules, policies or ordinances.

- 1100 D.1. The executive shall appoint regular members and one alternate member for

1101 each regular member of the committee, subject to confirmation by the council.

1102 2. Individuals serving as regular members of the committee shall be the chair of
1103 the association or designee if an association or agency is named as a member.

1104 Individuals serving as alternate members of the committee shall be designated by the
1105 association if an association or agency is named as a member. This includes the Sound
1106 Cities Association, which shall designate the individuals to serve as its regular members
1107 and alternates.

1108 3. Individuals serving the committee from industry groups or a faith-based
1109 organization shall be recruited with the assistance of those entities.

1110 4. A regular or alternate member of the committee shall serve a term of three
1111 years or until the regular or alternate member's successor is appointed and confirmed as
1112 provided in this section. The terms of office shall be staggered consistent with K.C.C.
1113 chapter 2.28.

1114 5. Memberships are not limited as to numbers of terms, but regular and alternate
1115 members shall participate in a reappointment process every three years. Reappointment
1116 is subject to confirmation by the county council.

1117 6. A vacancy shall be filled for the remainder of the term of the vacant position
1118 in the manner described in the initial appointment.

1119 E.1. The committee shall elect a regular or alternate committee member as chair
1120 by a majority vote of committee members. The term of the chair is one year.

1121 2. The committee shall adopt appropriate bylaws, including quorum
1122 requirements.

1123 F. The office of emergency management shall provide ongoing administrative

1124 support to the committee.

1125 G. Members of the committee shall serve without compensation.

1126 SECTION 14. Ordinance 12077, Section 11, and K.C.C. 3.28.020 are each

1127 hereby amended to read as follows:

1128 The compensation provided for in ~~((Section))~~ K.C.C. 3.28.010 shall not exceed the
1129 average monthly charge billed by the department of ~~((transportation))~~ executive services
1130 for equivalent vehicles.

1131 SECTION 15. Ordinance 12077, Section 12, and K.C.C. 3.30.010 are each

1132 hereby amended to read as follows:

1133 The purpose of this chapter is to ensure the proper use of public funds with regard
1134 to the county's practice of allowing employees to commute to and from work in county
1135 owned vehicles. The intent of this chapter is to:

1136 A. Restrict the number of county owned vehicles being used by employees to
1137 commute to and from work;

1138 B. Establish criteria and policies for evaluating and authorizing take-home vehicle
1139 assignments;

1140 C. Require the fleet ~~((administration))~~ services division of the department of
1141 ~~((transportation))~~ executive services to document the number of current take-home vehicle
1142 assignments;

1143 D. Require the fleet ~~((administration))~~ services division of the department of
1144 ~~((transportation))~~ executive services to develop administrative rules for implementing the
1145 provisions of this chapter; and

1146 E. Require the fleet ~~((administration))~~ services division of the department of

1147 ~~((transportation))~~ executive services to ~~((re-evaluate))~~ reevaluate all take-home vehicle
1148 assignments in accordance with the policies and criteria established ~~((herein))~~ in this
1149 section.

1150 SECTION 16. Ordinance 12077, Section 13, as amended, and K.C.C. 3.30.040
1151 are each hereby amended to read as follows:

1152 The fleet ~~((administration))~~ services division of the department of ~~((transportation))~~
1153 executive services shall be the executive agency in charge of implementing the provisions
1154 of this chapter. The division shall:

1155 A. Develop the administrative rules to implement the provisions of this chapter.

1156 B. Evaluate all take-home vehicle assignment requests from executive departments
1157 and administrative offices; and

1158 C. Approve and monitor take-home vehicle assignments requested by executive
1159 departments and administrative offices.

1160 SECTION 17. Ordinance 12077, Section 14, as amended, and K.C.C. 3.30.050
1161 are each hereby amended to read as follows:

1162 The fleet ~~((administration))~~ services division of the department of ~~((transportation))~~
1163 executive services shall develop and maintain central records of all county take-home
1164 vehicle assignments. The records shall be maintained in one location and shall be readily
1165 available to the council and the public upon request. At a minimum, the record-keeping
1166 should contain:

1167 A. Vehicle assignment by department, division, position title, and employee name;

1168 B. Mileage including a breakdown of commuting mileage and work related

1169 mileage based on a trip log;

1170 C. Number and nature of emergency related calls, if the take-home vehicle is
1171 assigned based on an emergency response justification; and

1172 D. A calculation of savings if take-home vehicle assignment is based on an
1173 economic justification.

1174 SECTION 18. Ordinance 12077, Section 15, and K.C.C. 3.30.060 are each
1175 hereby amended to read as follows:

1176 ~~((Beginning in 1994, the))~~ The fleet ~~((administration))~~ services division of the
1177 department of ~~((transportation))~~ executive services shall, ~~((on a semi-annual basis))~~
1178 semiannually, ~~((re-evaluate))~~ reevaluate and update all executive department take-home
1179 vehicle assignments. By June 30 and December 31 of each year, the fleet
1180 ~~((administration))~~ services division shall make available to the council and the public an
1181 updated list of take-home vehicle assignments. The updated list shall identify each take-
1182 home vehicle assignment by department, division, and position title. In addition, there
1183 should be written documentation for each take-home vehicle assignment which describes
1184 how each assignment meets the policies and criteria set forth in this chapter.

1185 SECTION 19. Ordinance 12045, Section 21, as amended, and K.C.C. 4.56.030
1186 are each hereby amended to read as follows:

1187 The fleet ~~((administration))~~ services division of the department of
1188 ~~((transportation))~~ executive services shall keep documentation of the county personal
1189 property inventory.

1190 A. The fleet ~~((administration))~~ services division shall review the department and
1191 agency inventory reports and investigate any large or unusual lost, stolen or unlocatable
1192 inventory amounts. The division shall compare current year amounts with previous years

1193 and to what is currently on hand. "Large" shall mean any dollar amount equal to, or in
1194 excess of, the current capitalization rate.

1195 B. The personal property inventory shall include all items with a capitalization
1196 rate equal to or greater than the current capitalization threshold for equipment established
1197 in the federal Office of Management and Budget Circular No. A-87, Cost Principles for
1198 State, Local, and Indian Tribal Governments. All weapons shall continue to be tracked
1199 countywide by the fleet (~~(administration)~~) services division, personal property section.
1200 Other below-threshold items that individual departments want to control may be managed
1201 at the department level in accordance with guidelines established by the fleet
1202 (~~(administration)~~) services division, personal property section.

1203 C. One employee in each department or agency shall be designated as the
1204 department's or agency's inventory contact. Property disposal in any department or
1205 agency shall be initiated by the inventory contact and approved by the department
1206 director or agency head. Documentation shall require the signatures of both the inventory
1207 contact and the department director or agency head, as applicable, on the disposition
1208 forms sent to the fleet (~~(administration)~~) services division. No transactions will be valid
1209 without both signatures.

1210 D. The employees in the fleet (~~(administration)~~) services division who are
1211 involved in the inventorying and disposing of county personal property, as designated by
1212 the manager of the fleet (~~(administration)~~) services division, and members of their
1213 immediate families shall be prevented from purchasing or otherwise participating in the
1214 purchase of surplus personal property.

1215 E. At each sale a bidder sign-up sheet shall be posted to indicate whether the

1216 bidder is employed by the county, and, if so, in which department or agency, or whether
1217 any member of their immediate family is employed by the county and, if so, in which
1218 department or agency.

1219 F. The fleet ((administration)) services division will maintain comprehensive
1220 documentation of all personal property sales, including those items specified in RCW
1221 36.32.210, as amended, and will document each deletion or change that is made to the
1222 final property sale listing.

1223 SECTION 20. Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035
1224 are each hereby amended to read as follows:

1225 County employees shall be held accountable and responsible for all of the various
1226 personal property assigned to them during the course of their employment with the
1227 county.

1228 A. Written documentation, by employee, of all changes in assigned capitalized
1229 items from the department or agency inventory reports will be recorded at the time of the
1230 occurrence and kept in each county department or agency.

1231 B. The fleet ((administration)) services division shall provide a report of losses to
1232 the county council, county administrative officer and office of risk management. The
1233 report to the county council shall be transmitted with the biennial budget.

1234 C. The fleet ((administration)) services division shall recommend to the
1235 department or agency director or manager corrective action for all capitalized items lost
1236 or misplaced due to employee negligence or misconduct.

1237 D. If the director or manager determines an employee to be negligent in the care
1238 of the property assigned to the employee or if a terminated employee fails to return

1239 personal property assigned to the employee, then the county may pursue any remedy
1240 available at law for recovery of loss of property. If a career service employee is
1241 disciplined, that employee has the right to the full protection of the county disciplinary-
1242 grievance process as established by applicable union bargaining agreements and the
1243 county code provisions and administrative guidelines for the career service.

1244 E. The fleet (~~(administration)~~) services division shall be the sole agency
1245 responsible for inventorying and disposing of county personal property.

1246 SECTION 21. Ordinance 12045, Section 3, as amended, and K.C.C. 4.56.040 are
1247 each hereby amended to read as follows:

1248 If the item or lot of surplus personal property carries a depreciated value of not
1249 less than five thousand dollars and not more than two hundred fifty thousand dollars in
1250 the current inventory, a survey committee will be convened to estimate the market value
1251 of an item of personal property, and the committee shall then advise the date, location
1252 and manner of sale that is likely to be the most advantageous to the county. The
1253 originating department, the manager of the fleet (~~(administration)~~) services division, and
1254 the director of the department of (~~(transportation)~~) executive services are to be
1255 represented on each survey committee that is convened. When the survey committee
1256 determines that an item or lot of surplus personal property carries a depreciated value of
1257 two hundred fifty thousand dollars or more, the county executive shall not dispose of said
1258 personal property without prior approval by motion of the council. The motion approved
1259 by the council shall state concisely a description of the item or lot of surplus personal
1260 property and procedures to be followed by the executive in disposing of the personal
1261 property through sale.

1262 SECTION 22. Ordinance 12045, Section 2, as amended, and K.C.C. 4.56.050 are
1263 each hereby amended to read as follows:

1264 The managers of the fleet (~~(administration)~~) services and facilities management
1265 divisions shall have the responsibilities and powers assigned to their respective divisions
1266 in K.C.C. chapter 4.56, as amended.

1267 SECTION 23. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100
1268 are each hereby amended to read as follows:

1269 A. All sales of real and personal property shall be made to the highest responsible
1270 bidder at public auction or by sealed bid except when:

1271 1. County property is sold to a governmental agency;

1272 2. The county executive has determined an emergency to exist; or the county
1273 council, by ordinance, has determined that unique circumstances make a negotiated direct
1274 sale in the best interests of the public;

1275 3. County real property is traded for real property of similar value, or when
1276 county personal property is traded for personal property of similar value;

1277 4. The facilities management division has determined that the county will
1278 receive a greater return on real property when it is listed and sold through a residential or
1279 commercial real estate listing service;

1280 5. County personal property is traded in on the purchase of another article;

1281 6. Property has been obtained by the county through the proceeds of grants or
1282 other special purpose funding from the federal or state government, wherein a specific
1283 public purpose or purposes are set forth as a condition of use for the property, that
1284 purpose or purposes to be limited to the provision of social and health services or social

1285 and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in
1286 the best interest of the county, in each instance, upon recommendation by the county
1287 executive and approval by the county council, that in order to fulfill the condition of use,
1288 the county may sell or otherwise convey the property in some other manner consistent
1289 with the condition of use; however, the county may only convey the property to private,
1290 nonprofit corporations duly organized according to the laws of the state of Washington,
1291 which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as
1292 amended, and which nonprofit corporations are organized for the purpose of operating
1293 social and health service facilities as defined by chapter 43.83D RCW;

1294 7. The county property is sold for on-site development of affordable housing
1295 which provides a public benefit, provided that the developer has been selected through a
1296 request for proposals;

1297 8. It is deemed to be in the public interest to restrict the use of the project for
1298 provision of social or health services or such other public purposes as the county deems
1299 appropriate;

1300 9. The facilities management division for real property and the fleet
1301 ~~((administration))~~ services division for personal property, in consultation with the county
1302 executive and the county council, may, in the best interests of the county, donate or
1303 negotiate the sale of either county surplus personal property or real property, or both,
1304 with bona fide nonprofit organizations wherein the nonprofit organizations provide
1305 services to the poor and infirm or with other governmental agencies with whom
1306 reciprocal agreements exist. Such transactions shall be exempt from the requirements of
1307 fair market value, appraisal and public notice. Where a department has identified

1308 personal property that is appropriate for surplusing to nonprofit organizations, the
1309 department shall utilize the fleet (~~((administration))~~) services division to manage the
1310 surplusing process, and the fleet (~~((administration))~~) services division shall ensure that the
1311 personal property is in good working order, that county data and inventory tags are
1312 removed and that consistent records of donations and sales are retained. The facilities
1313 management division or fleet (~~((administration))~~) services division, as applicable, also
1314 may, in the best interest of the county, procure services to support King County in lieu of
1315 payment with nonprofit organizations who provide services that will benefit the public.
1316 Such transactions are based upon the recommendation of the facilities management
1317 division or fleet (~~((administration))~~) services division, as applicable, and the department
1318 having custodianship of the property. The facilities management division or fleet
1319 (~~((administration))~~) services division, as applicable, shall maintain a file of appropriate
1320 correspondence or such information that leads to a recommendation by the division to the
1321 county executive and the county council to undertake such transactions, and such
1322 information shall be available for public inspection at the facilities management division
1323 or fleet (~~((administration))~~) services division, as applicable. The facilities management
1324 division or fleet (~~((administration))~~) services division, as applicable, may also seek
1325 reimbursement from the benefiting organization for the administrative costs of processing
1326 the surplus property;

1327 10. The county property is a retired passenger van being made available in
1328 accordance with subsection E. of this section;

1329 11. The county property is located in a historic preservation district within the
1330 Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-

1331 site mixed use development consistent with historic preservation requirements, which
1332 includes affordable housing and which may also include market rate housing, retail or
1333 other uses, and which is selected after a competitive request for proposal process; or

1334 12.a. The county property is declared surplus to the future foreseeable needs of
1335 the county and sold to a governmental agency that will, consistent with Section 230.10.10
1336 of the King County Charter, other applicable laws, regulations and contract restrictions,
1337 such as grant funding requirements, compensate the county for the real property as well
1338 as provide public benefits. For the purposes of this subsection, "public benefits" means
1339 benefits to the public that are in addition to the public benefit that may arise from the
1340 primary intended use of the property by the purchasing governmental agency and which
1341 may include, but are not limited to, the provision of affordable housing, open space or
1342 park land, child care facilities, public art beyond what is required under applicable law, or
1343 monetary contribution toward such benefits.

1344 b. A sale shall not qualify under the exception in K.C.C. 4.56.100.A.12.a.
1345 unless:

1346 (1) before declaring the property surplus to the future foreseeable needs of the
1347 county under K.C.C. 4.56.070, because the property is neither necessary for the essential
1348 government services of any other county department nor needed by any other county
1349 department, the facilities management division must have recommended to the executive
1350 that engaging in a negotiated direct sale with that governmental agency would be in the
1351 best interests of the public; and

1352 (2) within sixty days of the facilities management division making its
1353 recommendation, the executive shall report by letter the executive's intent to engage in

1354 the direct negotiation for the conveyance of the real property. The letter shall describe
1355 the proposed terms of the sale, including, but not limited to, the primary intended use of
1356 the property proposed by the governmental agency and the public benefits expected to be
1357 provided by the governmental agency. The letter shall be filed in the form of a paper
1358 original and an electronic copy with the clerk of the council, who shall retain the original
1359 and provide an electronic copy to all councilmembers and the lead staff to the budget and
1360 fiscal management committee or its successor.

1361 c. Subsection A.12.b. of this section shall apply beginning January 1, 2018.

1362 B. The county may, if it deems such action to be for the best public interest,
1363 reject any and all bids, either written or oral, and withdraw the property from sale. The
1364 county may then renegotiate the sale of withdrawn property, providing the negotiated
1365 price is higher than the highest rejected bid.

1366 C. In any conveyance of real property that requires construction of affordable
1367 housing in development of the property, the executive shall include covenants so that:

1368 1. At least with respect to that construction, the prevailing rate of wage, as
1369 defined in RCW 39.12.010, shall be required to be paid to all worker classifications for
1370 which the state Department of Labor and Industries has established a prevailing rate of
1371 wage; and

1372 2. At least with respect to that construction, state-certified apprentices for
1373 construction shall be required to be used across the trades, including women, at-risk
1374 youth or people of color, with a fifteen percent apprentice utilization goal.

1375 D. Whenever the procedures of a grant agency having an interest in real or
1376 personal property requires disposition in a manner different from the procedures set forth

1377 in this chapter, the property shall be disposed of in accordance with the procedures
1378 required by this chapter unless the grant agency specifically requires otherwise.

1379 E. Each year, the Metro transit department shall make available retired passenger
1380 vans for exclusive use by nonprofit organizations or local governments that are able to
1381 address the mobility needs of low-income, elderly or young people or people with
1382 disabilities. Each agency selected to receive a van must enter into an agreement with
1383 King County that provides that the agency will accept the van "as is" without guarantee
1384 or warranty expressed or implied and shall transfer title as prescribed by law before use.
1385 The council shall allocate the vans by motion to nonprofit organizations or local
1386 governments based upon the following criteria:

1387 1. Demonstrated capacity to support ongoing van operation, including assured
1388 funding for licensing, insuring, fueling and maintaining the van;

1389 2. Ability to provide qualified and trained drivers;

1390 3. Specific plans for use of the van to transport low-income, elderly or young
1391 people or people with disabilities, and assurance that the use shall be available to those
1392 persons without regard to affiliation with any particular organization;

1393 4. Geographic distribution of the van allocations in order to address the mobility
1394 needs of low-income, elderly or young people or people with disabilities countywide; and

1395 5. Ability to support county's public transportation function by reducing single
1396 occupancy vehicle trips, pollution and traffic congestion; supplementing services
1397 provided by the county's paratransit system and increasing the mobility for the transit-
1398 dependent for whom regular transit might not always be a convenient option.

1399 SECTION 24. Ordinance 12045, Section 12, as amended, and K.C.C. 4.56.130

1400 are each hereby amended to read as follows:

1401 A. The county organizations responsible for conducting sales shall be reimbursed
1402 for advertising, postage and selling fees, if any, from the proceeds of the sale. The
1403 manager of the finance and business operations division is authorized to establish such
1404 funds and accounts necessary to deposit sale proceeds until final disposition. The balance
1405 of the proceeds shall be deposited into the proper county fund or account, as directed by
1406 the facilities management division, the fleet ((~~administration~~)) services division or the
1407 county council, as applicable.

1408 B. In no case shall the title be transferred until the purchase price has been fully
1409 paid.

1410 SECTION 25. Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195 are
1411 each hereby amended to read as follows:

1412 In addition to disposing of surplus vanpool vehicles from the metropolitan public
1413 transportation function by public auction or sealed bid as provided elsewhere in this
1414 chapter, the county may dispose of such vehicles by negotiated direct sale if the fleet
1415 ((~~administration~~)) services division determines such disposition method will likely yield
1416 higher returns to the county than the public auction or sealed bid methods.

1417 A. The county may use the services of a broker under contract to the county to
1418 conduct such negotiated direct sales. If such sale will be conducted by a broker, the broker
1419 shall be selected and a contract awarded in accordance with the negotiated procurement
1420 policies set forth in K.C.C. chapter 2.93. The provisions of the broker contract shall
1421 include the following:

1422 1. The broker shall provide notice to the public of the availability of the vehicles;

1423 2. The broker shall receive a commission as negotiated with the county and set
1424 forth in the broker contract;

1425 3. The term of the broker contract may be for greater than one year but shall not
1426 exceed three years; and

1427 4. The county reserves the right to transfer or sell vehicles outside of the broker
1428 contract to governmental, quasi-governmental and social service agencies and other parties
1429 selected by the executive or the council, as applicable, and in the event of such transfers or
1430 sales, shall owe no commission or other payments to the broker except to the extent the
1431 broker has incurred costs related to vehicles provided to the broker but subsequently
1432 withdrawn from the broker by the county.

1433 B. Drivers of vanpool vehicles, as consideration for driving the vehicles, shall
1434 receive a credit against the purchase price of vanpool vehicles. The credit for drivers shall
1435 not exceed one thousand dollars based on a credit of twenty dollars for each month as a
1436 driver. The director of the Metro transit department shall determine the credit earned by
1437 each driver and submit such determination to the manager of the fleet (~~(administration)~~)
1438 services division.

1439 SECTION 26. Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300 are
1440 each hereby amended to read as follows:

1441 A. The fleet (~~(administration)~~) services division shall annually identify
1442 countywide fleet standards for cars, trucks, sport utility vehicles and other nonrevenue
1443 vehicles. These standards shall apply to fleets managed by the Metro transit department as
1444 well as the fleet (~~(administration)~~) services, solid waste and airport divisions, and shall be
1445 developed as follows:

1446 1. The fleet managers of the Metro transit department as well as the fleet
1447 ((administration)) services, solid waste and airport divisions shall annually review the
1448 inventory of cars, trucks, sport utility vehicles and any other nonrevenue vehicles identified
1449 to be replaced in the coming year. The fleet managers shall assign a standard for each class
1450 of vehicle. If a vehicle meeting the standard is not available through an existing
1451 procurement contract, the fleet managers shall collaborate to determine the best method of
1452 procurement of the vehicle;

1453 2. To the extent practicable, the original equipment manufacturer's recommended
1454 routine maintenance schedules, as specified by the use of the vehicle, shall be adhered to
1455 for all nonrevenue county fleet vehicles. Fleet managers may, at their discretion, document
1456 and adjust the frequency of routine service intervals where a deviation from the
1457 recommended routine maintenance schedule is indicated due to factors including, but not
1458 limited to, vehicle age, mileage, service hours or operating environment;

1459 3.a. Vehicle replacement cycles shall, to the extent practicable, be consistent for
1460 each class of vehicle. The optimal mileage at which each class of vehicle should be
1461 replaced shall be established by the fleet managers using criteria such as purchase price,
1462 depreciation and maintenance costs. All county fleets will apply the same criteria to
1463 establish the optimal mileage and the maximum life cycle.

1464 b. Fleet managers shall prepare an alternative fuel technology vehicle integration
1465 plan, describing necessary and appropriate steps towards the successful integration of
1466 alternative fuel vehicles into the county fleets. Plan elements may include:

1467 (1) a description of the challenges and barriers that alternative fuel vehicles
1468 may encounter in efforts to integrate them into the county fleet;

1469 (2) a description of opportunities for such vehicles in service to county
1470 government transportation needs;

1471 (3) identification and a specific timeline for ascertainment of needed planning
1472 and analytical information in support of plan preparation, including:

1473 (a) vehicle maintenance and repair histories, and related information that will
1474 support development of appropriate vehicle life cycle replacement standards; and

1475 (b) vehicle utilization data;

1476 (4) a summary of appropriate steps needed to integrate such vehicles into the
1477 county fleet; and

1478 (5) other elements((:

1479 ~~c. The alternative fuel technology vehicle integration plan together with a~~
1480 ~~motion providing for acknowledgement of the transmittal of the plan, shall be filed with the~~
1481 ~~clerk of the council by March 31, 2014, who shall retain the original and provide an~~
1482 ~~electronic copy to all councilmembers and the lead staff of the transportation, economy and~~
1483 ~~environment committee or its successor));~~

1484 4. The countywide fleet standards shall be evaluated by county fleet managers
1485 biannually, to coincide with the biennial budget cycle, and updated if needed; and

1486 5. The manager of the fleet ((~~administration~~) services division shall have lead
1487 responsibility for facilitating the biannual evaluation of countywide fleet standards.

1488 B. The executive shall annually transmit an electronic copy and one paper copy of
1489 the King County fleet standards to the clerk of the council by August 31 for distribution to
1490 all councilmembers and the lead staff for the transportation, economy and environment
1491 committee, or its successor. The report shall include:

1492 1. Vehicle types for purchase for standard passenger cars, trucks and sport utility
1493 vehicles for the next calendar year;

1494 2. Standard maintenance schedules for routine safety and service work for each
1495 type of vehicle; and

1496 3. Vehicle life including both optimal mileage and maximum life cycle for
1497 vehicle replacement planning.

1498 SECTION 27. Ordinance 17527, Section 7, and K.C.C. 4A.200.100 are each
1499 hereby amended to read as follows:

1500 A. There is hereby created the airport capital fund.

1501 B. The fund shall be a first tier fund. It is an enterprise capital fund.

1502 C. The director of the department of ((~~transportation~~)) executive services shall be
1503 the manager of the fund.

1504 D. All receipts from the Federal Aviation Administration shall be deposited in the
1505 fund.

1506 E. The fund shall remain intact from year to year and is pledged to the payment
1507 of both interest and bond redemption of those bonds that were issued for the acquisition,
1508 construction or maintenance of the King County international airport.

1509 SECTION 28. Ordinance 12076, Section 12, as amended, and K.C.C.
1510 4A.200.110 are each hereby amended to read as follows:

1511 A. There is hereby created the airport operating fund.

1512 B. The fund shall be a first tier fund. It is an enterprise fund.

1513 C. The director of the department of ((~~transportation~~)) executive services shall be
1514 the manager of the fund.

1515 D. All receipts from the operation of the King County international airport shall
1516 be deposited in the airport operating fund.

1517 E. The fund shall remain intact from year to year, and is pledged to the payment
1518 of all operating expenses of the King County international airport, and for the payment of
1519 all future operations of the airport facilities.

1520 SECTION 29. Ordinance 13263, Section 33, as amended, and K.C.C.

1521 4A.200.200 are each hereby amended to read as follows:

1522 A. There is hereby created the code compliance and abatement fund.

1523 B. The fund is a first tier fund as described in this chapter. It is a special revenue
1524 fund.

1525 C. The director of the department of ~~((permitting and environmental review))~~
1526 local services shall be the manager of the fund.

1527 D. All moneys collected from the assessment of civil penalties, from cleanup
1528 restitution payments to the agency, from the recovery of the costs of pursuing code
1529 compliance and abatement and from the recovery of abatement costs shall be deposited in
1530 the fund.

1531 E. The fund shall support abatement and code enforcement administrative costs,
1532 including, but not limited to, personnel costs, and shall be accounted for through either
1533 creation of a fund or other appropriate accounting mechanism in the department issuing
1534 the citation or notice and order under which the abatement occurred.

1535 F. Withdrawals from the moneys collected under this section for the purpose of
1536 funding administrative costs within the code enforcement section of the department of
1537 ~~((permitting and environmental review))~~ local services shall not exceed one hundred

1538 seventy-five thousand dollars in a calendar year.

1539 SECTION 30. Ordinance 18323, Section 1, and K.C.C. 4A.200.215 are each

1540 hereby amended to read as follows:

1541 A. There is hereby created the county road construction fund.

1542 B. The fund is a first tier fund. It is a capital projects fund.

1543 C. The director of the department of (~~transportation~~) local services shall be the
1544 manager of the fund.

1545 D. All receipts from transfers from the roads operating fund, bond proceeds,
1546 grants and other revenues for road division construction projects shall be deposited in the
1547 fund.

1548 SECTION 31. Ordinance 18323, Section 2, and K.C.C. 4A.200.217 are each

1549 hereby amended to read as follows:

1550 A. There is hereby created the county road major maintenance fund.

1551 B. The fund is a first tier fund. It is a capital projects fund.

1552 C. The director of the department of (~~transportation~~) local services shall be the
1553 manager of the fund.

1554 D. All receipts from transfers from the roads operating fund, bond proceeds,
1555 grants and other revenues for county road preservation and major maintenance projects
1556 with an appropriation shall be deposited in the fund.

1557 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter
1558 4A.200 a new section to read as follows:

1559 A. There is hereby created the department of local services director's office fund.

1560 B. The fund is a first tier fund. It is a special revenue fund.

1561 C. The director of the department of local services shall be the manager of the
1562 fund.

1563 D. Receipts from charges to other funds within the department of local services,
1564 cost allocations to other county agencies and other dedicated revenue sources shall be
1565 deposited in the fund.

1566 SECTION 33. K.C.C. 4A.200.262, as amended by this ordinance, is hereby
1567 recodified as a new section in K.C.C. chapter 4A.200.

1568 SECTION 34. Ordinance 17752, Section 4, and K.C.C. 4A.200.262 are each
1569 hereby amended to read as follows:

1570 A. There is hereby created the ~~((department of))~~ permitting ~~((and environmental
1571 review))~~ division fund.

1572 B. The fund shall be a first tier fund. It is a special revenue fund.

1573 C. The director of the department of ~~((permitting and environmental review))~~
1574 local services shall be the manager of the fund.

1575 D. All receipts from federal, state and local sources, including license and permit
1576 fees administered by the ~~((department of))~~ permitting ~~((and environmental review))~~
1577 division, shall be deposited in the fund.

1578 E. The fund shall be used to support permitting ~~((and environmental review))~~
1579 division activities and related administration.

1580 SECTION 35. Ordinance 18662, Section 3, and K.C.C. 4A.200.263 are each
1581 hereby amended to read as follows:

1582 A. There is hereby created the department of ~~((permitting and environmental
1583 review))~~ local services technology capital fund.

1584 B. The fund shall be a second tier fund. It is a capital projects fund.

1585 C. The director of the department of (~~permitting and environmental review~~)
1586 local services shall be the manager of the fund.

1587 D. The fund shall account for the proceeds of receipts from transfers from
1588 operating funds, bond proceeds, grants, and other revenues identified in the budget
1589 process to support approved technology projects. Receipts will be transferred into the
1590 capital fund on a reimbursable or scheduled basis.

1591 E. The fund shall be used to support technology capital projects which support
1592 the operations of the department of (~~permitting and environmental review~~) local
1593 services.

1594 F. Any subfund of the fund created to hold and manage bond proceeds shall be
1595 treated as a first tier fund.

1596 SECTION 36. Ordinance 17527, Section 162, as amended, and K.C.C.
1597 4A.200.287 are each hereby amended to read as follows:

1598 A. There is hereby created (~~(a)~~) the equipment rental and revolving fund.

1599 B. The fund is a first tier fund. The fund is an internal service fund.

1600 C. The director of the department of (~~transportation~~) executive services shall be
1601 the manager of the fund.

1602 D. All receipts from rates charged for full cost recovery for the fund's services to
1603 county agencies shall be deposited in the fund.

1604 SECTION 37. Ordinance 17527, Section 148, and K.C.C. 4A.200.440 are each
1605 hereby amended to read as follows:

1606 A. There is hereby created the mitigation payment system trust and agency fund.

1607 B. The fund shall be a first-tier fund. It is a trust and agency fund.

1608 C. The director of the department of ~~((transportation))~~ local services shall be the
1609 fund manager.

1610 D. All mitigation payment system fees shall be placed in appropriate deposit
1611 accounts within the fund.

1612 SECTION 38. Ordinance 17527, Section 161, and K.C.C. 4A.200.450 are each
1613 hereby amended to read as follows:

1614 A. There is hereby created a motor pool equipment rental and revolving fund.

1615 B. The fund is a first tier fund. The fund is an internal service fund.

1616 C. The director of the department of ~~((transportation))~~ executive services shall be
1617 the manager of the fund.

1618 D. All receipts from rates charged for full cost recovery for the fund's services to
1619 county agencies shall be deposited in the fund.

1620 SECTION 39. Ordinance 17527, Section 160, as amended, and K.C.C.
1621 4A.200.650 are each hereby amended to read as follows:

1622 A. There is hereby created a roads capital fund.

1623 B. The fund is a first tier fund. It is a capital projects fund.

1624 C. The director of the department of ~~((transportation))~~ local services shall be the
1625 manager of the fund.

1626 D. All receipts from transfers from the roads operating fund, bond proceeds,
1627 grants and other revenues for road~~((s))~~ services division projects with an appropriation
1628 approved before ~~((the effective date of 2017/2018 biennial appropriations ordinance))~~
1629 November 28, 2016, shall be deposited in the fund.

1630 SECTION 40. Ordinance 17527, Section 157, and K.C.C. 4A.200.660 are each
1631 hereby amended to read as follows:

1632 A. There is hereby created a roads operating fund.

1633 B. The fund is a first tier fund. The fund is a special revenue fund.

1634 C. The director of the department of (~~transportation~~) local services shall be the
1635 manager of the fund.

1636 D. All receipts from all or part of the unincorporated property tax levy, gas tax,
1637 fees for service and other revenues shall be deposited in the fund.

1638 SECTION 41. Ordinance 12925, Sections 1 through 7, as amended, and K.C.C.
1639 4A.200.760 are each hereby amended to read as follows:

1640 A. There is hereby created the wastewater equipment rental and revolving fund.

1641 B. The fund shall be a first tier fund. It is an internal service fund.

1642 C. The director of the department of (~~transportation~~) executive services shall be
1643 the manager of the fund.

1644 D. All receipts from rates charged for the fund's services to the wastewater
1645 treatment division shall be deposited in the fund.

1646 E. The fund shall account for financial resources for the full cost recovery of
1647 rolling stock purchased by the water quality fund. The department of (~~transportation~~)
1648 executive services shall establish charges for full cost recovery for the equipment
1649 accounted for by the fund and shall establish the terms and charges for sale of surplus
1650 equipment.

1651 SECTION 42. Ordinance 18398, Section 8, and K.C.C. 4A.601.025 are each
1652 hereby amended to read as follows:

1653 Subject to appropriation by the county council, the following county departments
1654 and agencies are authorized to absorb the operational and business costs accepting
1655 electronic payments, including transaction processing costs, for the specified fees, fines,
1656 charges, fares or other payments listed:

1657 A. The department of executive services, records and licensing services division,
1658 for payments for animal shelter, care and control and pet licensing purposes, including all
1659 fees, donations and penalties in K.C.C. 11.04.035;

1660 B. District court for court-related fees, fines and other charges;

1661 C. The department of natural resources and parks, parks and recreation division,
1662 for park services and facilities usage provided to the public;

1663 D. The department of natural resources and parks, wastewater treatment division,
1664 for sewage capacity charges;

1665 E. The department of natural resources and parks, solid waste division, for
1666 municipal solid waste fees;

1667 F. The department of public health for public health environmental permits and
1668 community health clinic fees;

1669 G. The department of local services, permitting ~~((and environmental review))~~
1670 division, for permitting and environmental review permit fees;

1671 H. The department of information technology for geographic information system
1672 course fees; and

1673 I. The Metro transit department for public transportation fares.

1674 SECTION 43. Ordinance 7025, Section 3, as amended, and K.C.C. 4A.700.1000
1675 are each hereby amended to read as follows:

1676 A. Applicants for construction permits within the King County right-of-way shall
1677 pay an inspection fee at the rate of one hundred seventy-six dollars per hour of utility
1678 inspection to the department of (~~transportation~~) local services, road services division.
1679 The fee is in addition to any other county fees and is nonrefundable.

1680 B. The fee shall be collected in accordance with administrative procedures
1681 developed by the department of (~~transportation~~) local services, road services division.

1682 SECTION 44. Ordinance 1888, Article I, Section 2, as amended, and K.C.C.
1683 6.01.010 are each hereby amended to read as follows:

1684 For the purpose of all business license ordinances the words and phrases used
1685 herein, unless the context otherwise indicates, shall have the following meanings:

1686 A. "Certificate" means any certificate or renewal of certificate issued pursuant to
1687 any business license ordinance;

1688 B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of
1689 the records and licensing services division, department of executive services or designee.

1690 For all other business licenses, permits or certificates, "director" means the (~~director~~)
1691 manager of the department of (~~permitting and environmental review~~) local services,
1692 permitting division or designee;

1693 C. "License" means any license or renewal of license issued pursuant to any
1694 business license ordinance;

1695 D. "Licensee" means any person to whom a license or renewal of license has been
1696 issued pursuant to any business license ordinance;

1697 E. "Permit" means any permit or renewal of permit issued pursuant to any business
1698 license ordinance;

1699 F. "Person" means any individual, partnership, firm, joint stock company,
1700 corporation, association, trust, estate or other legal entity;

1701 G. "Registrant" means any person to whom a registration or renewal of registration
1702 has been issued pursuant to any business license ordinance;

1703 H. "Registration" means any registration or renewal of registration issued pursuant
1704 to any business license ordinance.

1705 SECTION 45. Ordinance 1492, Section 23, as amended, and K.C.C. 6.24.180 are
1706 each hereby amended to read as follows:

1707 A. Every advertisement by a licensee advertising or soliciting business shall
1708 contain the company name and address as they appear in the records of the department of
1709 ~~((permitting and environmental review))~~ local services, permitting division.

1710 B. Licensees, in their promotional literature and oral sales presentations to
1711 members of the public, shall not claim any relationship or affiliation with any official or
1712 semiofficial law enforcement organization. Such literature or sales presentation shall be
1713 accompanied by an accurate and clear description of the services ~~((which))~~ that the licensee
1714 does in fact offer or provide.

1715 C. Solicitors performing oral sales presentations to members of the public shall not
1716 carry visible weapons.

1717 SECTION 46. Ordinance 1710, Section 5, as amended, and K.C.C. 6.27.050 are
1718 each hereby amended to read as follows:

1719 A. Each application for a right-of-way franchise shall be reviewed by the following
1720 agencies prior to submission to the King County council for hearing and decision:

1721 1. King County department of executive services; and

1722 2. King County department of ~~((transportation))~~ local services.

1723 B. In addition, each application for a right-of-way franchise by sewer and water
1724 districts and water distributors shall be submitted to the utilities technical review
1725 committee. Approval by that committee is required prior to any submission of the
1726 application to the council for approval. Approval shall be forthcoming if all criteria
1727 outlined in K.C.C. 6.27.060 are met.

1728 C. In accordance with RCW 36.55.040, the council shall set a time and a place for
1729 a public hearing on each franchise application which has been reviewed in accordance with
1730 subsections A and B of this section. The county shall post notice of such hearing in three
1731 public places fifteen days before the hearing and publish notice twice in some daily
1732 newspaper in the county not less than five days before the hearing.

1733 SECTION 47. Ordinance 18326, Section 7, and K.C.C. 6.70.050 are each hereby
1734 amended to read as follows:

1735 The director shall deny, suspend or revoke a license issued under this chapter if
1736 the Washington state Liquor and Cannabis Board does not issue a license to the business,
1737 or if the department of ~~((permitting and environmental review))~~ local services, permitting
1738 division, receives notice that the state license issued to the business is suspended or
1739 revoked, or was not reissued. A business owner whose application for a business license
1740 has been denied or whose license has been suspended or revoked may appeal the decision
1741 to the office of the hearing examiner in accordance with K.C.C. 6.01.150.

1742 SECTION 48. Ordinance 18326, Section 8, and K.C.C. 6.70.060 are each hereby
1743 amended to read as follows:

1744 A retail marijuana business license expires one year from the date the business

1745 license is issued by the department of ~~((permitting and environmental review))~~ local
1746 services, permitting division. To avoid a lapse in the effectiveness of a license, an
1747 application to renew a license must be submitted to the director, on a form provided by
1748 the director, at least thirty days before the expiration of the business license. A retail
1749 marijuana business license renewal expires one year from the previous license's
1750 expiration date.

1751 SECTION 49. Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030 are
1752 each hereby amended to read as follows:

1753 The operators of all existing shooting sports facilities shall apply for an operating
1754 license no later than April 9, 1994. The operator of each new shooting sports facility
1755 shall apply for an operating license at the time of application for building permits or land
1756 use permits necessary for the new facility. The application shall be made on a form
1757 prescribed by the manager of the records and licensing services division. The records
1758 and licensing services division is authorized to issue such a license after a determination
1759 that the application is accurate and complete, and includes a notarized certification by the
1760 shooting sports facility operator that the facility meets commonly accepted shooting
1761 facility safety and design practices and will be operated in a manner which protects the
1762 safety of the general public. The records and licensing services division shall base its
1763 licensing determination on the review and concurrence of the King County departments
1764 of public safety and ~~((permitting and environmental review))~~ local services, permitting
1765 division or ~~((their))~~ designees. This section shall not relieve the applicant of any
1766 obligation to obtain any other required land use or building permits or approvals, except
1767 shooting sports facilities in operation before January 9, 1994, shall not be required to seek

1768 new land use or building permits solely for issuance of a license.

1769 SECTION 50. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
1770 each hereby amended to read as follows:

1771 The definitions in this section apply throughout this chapter unless the context
1772 clearly requires otherwise.

1773 A. "Adjustment" means a department-approved variation in the application of the
1774 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
1775 project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which
1776 was used in prior editions of the Surface Water Design Manual.

1777 B. "Applicant" means a property owner or a public agency or public or private
1778 utility that owns a right-of-way or other easement or has been adjudicated the right to
1779 such an easement under RCW 8.12.090, or any person or entity designated or named in
1780 writing by the property or easement owner to be the applicant, in an application for a
1781 development proposal, permit or approval.

1782 C. "Basin" means a geographic area that contains and drains to a stream or river
1783 named and noted on common maps, such as the Cedar river, Sammamish river, Green
1784 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains to
1785 a nonflowing water body named and noted on common maps, such as Lake Washington or
1786 Puget Sound.

1787 D. "Basin plan" means a plan and all implementing regulations and procedures
1788 including, but not limited to, capital projects, public education activities and land use
1789 management adopted by ordinance for managing surface water and stormwater within the
1790 basin.

1791 E. "Best management practice" or "BMP" means any schedule of activities,
1792 prohibition of practices, maintenance procedure, or structural and/or managerial practice
1793 approved by King County that, when used singly or in combination, prevents or reduces the
1794 release of pollutants and other adverse impacts to surface water, stormwater and
1795 groundwater.

1796 F. "Closed depression" means an area greater than five thousand square feet at
1797 overflow elevation that is low-lying and that has no or such a limited surface water outlet
1798 that the area acts as a stormwater retention facility.

1799 G. "Construct or modify" means to install a new drainage pipe or ditch or make
1800 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
1801 that either serves to concentrate previously unconcentrated surface water or stormwater
1802 runoff or serves to increase, decrease or redirect the conveyance of surface water or
1803 stormwater runoff. "Construct or modify" does not include installation or maintenance of a
1804 driveway culvert installed as part of a single-family residential building permit.

1805 H. "Construction stormwater pollution prevention BMP" means a control or
1806 measure that prevents or reduces the discharge of pollutants and sediments resulting from
1807 construction activities.

1808 I. "Conveyance system" means the drainage facilities and features, both natural and
1809 constructed, that provide for the collection and transport of surface water or stormwater
1810 runoff. The natural elements of the "conveyance system" include swales and small
1811 drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the
1812 "conveyance system" include gutters, ditches, pipes, catch basins, channels and most flow
1813 control and water quality facilities.

1814 J. "Department" means the department of natural resources and parks or its
1815 successor.

1816 K. "Development" means any activity that requires a permit or approval, including,
1817 but not limited to, a building permit, grading permit, shoreline substantial development
1818 permit, conditional use permit, special use permit, zoning variance or reclassification,
1819 subdivision, short subdivision, urban planned development, binding site plan, site
1820 development permit or right-of-way use permit. "Development" does not include forest
1821 management activities, as defined in K.C.C. chapter 21A.06.

1822 L. "Directed drainage review" means the drainage review for a proposed single
1823 family residential project or agricultural project that is not subject to simplified or large
1824 project drainage review.

1825 M. "Director" means the director of the department of natural resources and parks,
1826 or the authorized representatives of the director, including compliance officers and
1827 inspectors whose responsibility includes the detection and reporting of code violations.

1828 N. "Drainage" means the collection, conveyance, containment or discharge, or any
1829 combination thereof, of stormwater runoff or surface water.

1830 O. "Drainage facility" means a constructed or engineered feature that collects,
1831 conveys, stores, treats or otherwise manages stormwater runoff or surface water. "Drainage
1832 facility" includes, but is not limited to, a constructed or engineered stream, lake, wetland or
1833 closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP,
1834 water quality facility, erosion and sediment control facility and any other structure and
1835 appurtenance that provides for drainage.

1836 P. "Drainage review" means an evaluation by King County staff of a proposed

1837 project's compliance with the drainage requirements in the Surface Water Design Manual.
1838 The types of drainage review include: simplified drainage review, targeted drainage
1839 review, directed drainage review, full drainage review and large project drainage review.

1840 Q. "Erosion and sediment control" means any temporary or permanent measures
1841 taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden
1842 water does not leave the site or enter into wetlands or aquatic areas.

1843 R. "Financial guarantee" means a form of financial security posted to do one or
1844 more of the following: ensure timely and proper completion of improvements; ensure
1845 compliance with the King County Code; or provide secured warranty of materials, quality
1846 of work of the improvements and design. "Financial guarantees" include assignments of
1847 funds, cash deposit, surety bonds or other forms of financial security acceptable to the
1848 ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services
1849 permitting division manager or designee. "Performance guarantee," "maintenance
1850 guarantee" and "defect guarantee" are considered subcategories of financial guarantee.

1851 S. "Flood hazard management plan" means a plan and all implementing goals,
1852 objectives, guiding principles, policies and programs, including, but not limited to, capital
1853 projects, public outreach and education activities and enforcement programs for reduction
1854 of flood risks and prepared in accordance with RCW 86.12.200.

1855 T. "Flow control BMP" means small scale drainage facility or feature that is part of
1856 a development site strategy to use processes such as infiltration, dispersion, storage,
1857 evaporation, transpiration, forest retention and reduced impervious surface foot print to
1858 mimic predeveloped hydrology and minimize stormwater runoff. "Flow control BMPs"
1859 include the methods and designs specified in the Surface Water Design Manual. Flow

1860 control BMPs are also known as low impact development, or LID, BMPs.

1861 U. "Flow control facility" means a drainage facility designed in accordance with
1862 the drainage requirements in this chapter to mitigate the impacts of increased stormwater
1863 runoff generated by site development. A "flow control facility" is designed either to hold
1864 water for a considerable length of time and then release it by evaporation, plant
1865 transpiration or infiltration into the ground or to hold runoff for a short period of time and
1866 then release it to the conveyance system.

1867 V. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for
1868 any proposed project, unless the project is subject to simplified drainage review, directed
1869 drainage review targeted drainage review or large project drainage review, that:

- 1870 1. Would result in two thousand square feet or more of new impervious surface,
1871 replaced impervious surface or new plus replaced impervious surface; or
- 1872 2. Would result in seven thousand square feet or more of land disturbing activity.

1873 W. "Groundwater" means all water found in the soil and stratum beneath the land
1874 surface or beneath the bed of any surface water.

1875 X. "High-use site" means the area of a commercial, industrial or road intersection
1876 site that generates a higher than average number of vehicle turnovers or has other
1877 characteristics that generate the potential for chronic oil accumulation. "High use site"
1878 includes:

- 1879 1. The area of a commercial or industrial site subject to:
 - 1880 a. an expected daily traffic count greater than one hundred vehicles per one
1881 thousand square feet of gross building area;
 - 1882 b. petroleum storage or transfer in excess of one thousand five hundred gallons

1883 per year, not including routine heating oil storage or transfer at the end-user point of
1884 delivery; or

1885 c. use, storage or maintenance of a fleet of twenty-five or more diesel or jet fuel
1886 vehicles each weighing over ten tons; or

1887 2. A road intersection with average daily traffic counts of twenty-five thousand
1888 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
1889 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

1890 Y. "Hydraulically connected" means connected through surface flow or water
1891 features such as wetlands or lakes.

1892 Z. "Impervious surface" means a hard surface area that either prevents or retards
1893 the entry of water into the soil mantle as under natural conditions before development or
1894 that causes water to run off the surface in greater quantities or at an increased rate of flow
1895 from the flow present under natural conditions before development. Common impervious
1896 surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots,
1897 storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or
1898 other surfaces that similarly impede the natural infiltration of surface water or stormwater.
1899 For purposes of applying the impervious surface thresholds in this chapter, permeable
1900 pavement, vegetated roofs and underdrained pervious surfaces are considered "impervious
1901 surface," while an open uncovered flow control or water quality facility is not.

1902 AA. "Improvement" means a permanent, human-made, physical change to land or
1903 real property including, but not limited to, buildings, streets, driveways, sidewalks,
1904 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and
1905 landscaping.

1906 BB. "Land disturbing activity" means an activity that results in a change in the
1907 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.
1908 "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing,
1909 grading, filling, excavation and compaction. "Land disturbing activity" does not include
1910 tilling conducted as part of agricultural practices, landscape maintenance or gardening.

1911 CC. "Lake management plan" means a plan describing the lake management
1912 recommendations and requirements adopted by public rule for managing water quality
1913 within individual lake basins.

1914 DD. "Large project drainage review" means the evaluation required by K.C.C.
1915 9.04.030 for any proposed project that:

1916 1. Has an urban plan development land use designation in the King County
1917 Comprehensive Plan land use map;

1918 2. Would, at full buildout of the project site, result in fifty acres or more of new
1919 impervious surface within a drainage subbasin or a number of subbasins hydraulically
1920 connected across subbasin boundaries; or

1921 3. Has a project site of fifty acres or more within a critical aquifer recharge area,
1922 as defined in K.C.C. Title 21A.

1923 EE. "Licensed civil engineer" means a person registered with the State of
1924 Washington as a professional engineer in civil engineering.

1925 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse
1926 or cessation in the use of currently serviceable structures, facilities, equipment or
1927 systems, if there is no expansion of the structure, facilities, equipment or system and
1928 there are no significant hydrologic impacts. "Maintenance" includes the repair or

1929 replacement of nonfunctional facilities or the replacement of existing structures with
1930 different types of structures, if the repair or replacement is required by one or more
1931 environmental permits or to meet current engineering standards and the functioning
1932 characteristics of the original facility or structure are not changed.

1933 GG. "Master drainage plan" means a comprehensive drainage control plan required
1934 for projects subject to large project drainage review and intended to prevent significant
1935 adverse impacts to surface water and groundwater, both onsite and offsite.

1936 HH. "Native vegetated surface" means a surface in which the soil conditions,
1937 ground cover and species of vegetation are like those of the original native condition for the
1938 site, as more specifically set forth in the Surface Water Design Manual.

1939 II. "Natural discharge location" means the location where runoff leaves the project
1940 site under existing site conditions as defined in the Surface Water Design Manual.

1941 JJ. "Natural hazard" means a condition in land or water, or both, that arises in
1942 whole or in part out of natural processes and that creates a threat of immediate and
1943 substantial harm. A "natural hazard" may include, but is not limited to, a beaver dam, a
1944 debris dam in a stream, severe erosion at the base of a steep slope or a stream displaced
1945 from its original channel.

1946 KK. "New impervious surface" means the creation of impervious surface or the
1947 addition of a more compacted surface such as the paving of existing dirt or gravel.

1948 LL. "New pervious surface" means the conversion of a native vegetated surface or
1949 other native surface to a nonnative pervious surface, including, but not limited to, pasture
1950 land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing
1951 nonnative pervious surface that results in increased stormwater runoff as defined in the

1952 Surface Water Design Manual.

1953 MM. "Pollution-generating impervious surface" means an impervious surface
1954 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
1955 generating impervious surface includes those surfaces subject to vehicular use; industrial
1956 activities; or storage of erodible or leachable materials, wastes or chemicals and that
1957 receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be
1958 included if runoff from uphill could regularly run through it or if rainfall could regularly
1959 blow in and wet the pavement surface. Metal roofs are also considered pollution-
1960 generating impervious surface unless they are treated to prevent leaching. Roofs exposed
1961 to the venting of significant amounts of dusts, mists or fumes from manufacturing,
1962 commercial or other indoor activities are also included, as are vegetated roofs exposed to
1963 pesticides, fertilizers or loss of soil.

1964 NN. "Pollution-generating pervious surface" means a nonimpervious surface
1965 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
1966 generating pervious surfaces" include: surfaces subject to vehicular use, industrial
1967 activities, storage of erodible or leachable materials, wastes or chemicals, and that receive
1968 direct rainfall or the run-on or blow-in of rainfall; or surfaces subject to the use of
1969 pesticides and fertilizers to the loss of soil. "Pollution-generating pervious surface"
1970 includes, but is not limited to, the lawn and landscaped areas of a residential, commercial or
1971 industrial site or land use, golf course, park, sports field and county-standard grassed
1972 modular grid pavement.

1973 OO. "Project" means any proposed action to alter or develop a site that may also
1974 require drainage review.

1975 PP. "Project site" means the portion of a site and any offsite areas subject to
1976 proposed project activities, alterations and improvements including those required by this
1977 chapter.

1978 QQ. "Redevelopment project" means a project that proposes to add, replace or
1979 modify impervious surface for purposes other than a residential subdivision or maintenance
1980 on a site that:

1981 1. Is already substantially developed in a manner that is consistent with its current
1982 zoning or with a legal nonconforming use; or

1983 2. Has an existing impervious surface coverage of thirty-five percent or more.

1984 RR. "Replaced impervious surface" means an existing impervious surface
1985 proposed to be removed and reestablished as impervious surface, excluding impervious
1986 surface removed for the sole purpose of installing utilities or performing maintenance. For
1987 structures, "removed" means the removal of buildings down to the foundation. For other
1988 impervious surfaces, "removed" means the removal down to base course or bare soil. For
1989 purposes of this definition, "base course" means the layer of crushed rock that typically
1990 underlies an asphalt or concrete pavement.

1991 SS. "Salmon conservation plan" means a plan and all implementing regulations and
1992 procedures including, but not limited to, land use management adopted by ordinance,
1993 capital projects, public education activities and enforcement programs for conservation and
1994 recovery of salmon within a water resource inventory area designated by the state under
1995 WAC 173-500-040.

1996 TT. "Shared facility" means a drainage facility designed to meet one or more of the
1997 requirements of K.C.C. 9.04.050 for two or more separate projects contained within a

1998 basin. Shared facilities usually include shared financial commitments for those drainage
1999 facilities.

2000 UU. "Simplified drainage review" means the drainage review for a proposed
2001 single-family residential project or agricultural project that:

2002 1. Would result in impervious and new pervious surface insufficient to require a
2003 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water
2004 Design Manual; and

2005 2. Meets the simplified drainage requirements and BMPs specified in the Surface
2006 Water Design Manual, including flow control BMPs, construction stormwater pollution
2007 prevention BMPs, and drainage plan submittal requirements.

2008 VV. "Site" means a single parcel, or either two or more contiguous parcels that are
2009 under common ownership or documented legal control or a portion of single parcel under
2010 documented legal control separate from the remaining parcel, used as a single parcel for a
2011 proposed project for purposes of applying for authority from King County to carry out a
2012 proposed project. For projects located primarily within dedicated rights-of-way, "site"
2013 includes the entire width of right-of-way subject to improvements proposed by the project.

2014 WW. "Stormwater" means the water produced during precipitation or snowmelt,
2015 which runs off, soaks into the ground or is dissipated into the atmosphere. Stormwater that
2016 runs off or soaks into the ground ultimately becomes surface water or groundwater.

2017 XX. "Stormwater compliance plan" means a plan or study and all regulations and
2018 procedures that have been adopted by the county to implement the plan or study, including,
2019 but not limited to, capital projects, public education activities and enforcement programs
2020 for managing stormwater quantity and quality discharged from the county's municipal

2021 separate storm sewer system in compliance with the National Pollutant Discharge
2022 Elimination System permit program under the Clean Water Act.

2023 YY. "Stormwater runoff" means stormwater that flows over, or just below, the
2024 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface
2025 water or groundwater.

2026 ZZ. "Subbasin" means a geographic area that:

- 2027 1. Drains to a stream or water body named and noted on common maps; and
2028 2. Is contained within the basin of the stream or water body.

2029 AAA. "Surface water" means the water that exists on land surfaces before, during,
2030 and after stormwater runoff occurs and includes, but is not limited to, the water found on
2031 ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes,
2032 wetlands and Puget Sound. It also includes shallow groundwater.

2033 BBB. "Surface Water Design Manual" means the manual, and supporting
2034 documentation referenced or incorporated in the manual, describing surface and stormwater
2035 design and analysis requirements, procedures and guidance. The "Surface Water Design
2036 Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is
2037 available from the department of ~~((permitting and environmental review))~~ local services,
2038 permitting division, or the department of natural resources and parks, water and land
2039 resources division, or their successors ~~((agencies))~~.

2040 CCC. "Targeted drainage review" means an abbreviated evaluation required by
2041 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
2042 project drainage review. Targeted drainage review may be required for some projects in
2043 simplified drainage review.

2044 DDD. "Water quality facility" means a drainage facility designed in accordance
2045 with the drainage requirements in this chapter to mitigate the impacts of increased
2046 pollutants in stormwater runoff generated by site development. A "water quality facility"
2047 uses processes that include but are not limited to settling, filtration, adsorption and
2048 absorption to decrease pollutant concentrations and loadings in stormwater runoff.

2049 SECTION 51. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are
2050 each hereby amended to read as follows:

2051 A. A proposed project required to have drainage review by K.C.C. 9.04.030 must
2052 meet each of the following core requirements, which are described in detail in the Surface
2053 Water Design Manual. Projects subject only to simplified drainage review that meet the
2054 simplified drainage requirements and BMPs specified in the Surface Water Design
2055 Manual, including flow control BMPs, construction stormwater pollution prevention
2056 BMPs and drainage plan submittal requirements are deemed to comply with the
2057 following core requirements:

2058 1. Core requirement 1: Discharge at the natural location. All stormwater runoff
2059 and surface water from a project shall be discharged at the natural location so as not to be
2060 diverted onto, or away from, downstream properties. The manner in which stormwater
2061 runoff and surface water are discharged from the project site shall not create a significant
2062 adverse impact or significantly aggravate an existing adverse impact to downhill
2063 properties or drainage facilities as specified in the discharge requirements of the Surface
2064 Water Design Manual;

2065 2. Core requirement 2: Offsite analysis. The initial application submittal for
2066 proposed projects shall include an offsite analysis report that assesses potential offsite

2067 drainage and water quality impacts associated with development of the proposed site and
2068 proposes appropriate mitigations to those impacts. This initial submittal shall include, at
2069 minimum, a Level One downstream analysis as described in the Surface Water Design
2070 Manual. If impacts are identified, the proposed projects shall meet any applicable
2071 problem-specific requirements as specified in the Surface Water Design Manual;

2072 3. Core requirement 3: Flow control facilities. Proposed projects that would
2073 result in five thousand square feet or more of new plus replaced impervious surface or
2074 three quarters of an acre or more of new pervious surface shall provide flow control
2075 facilities to control stormwater runoff generated by new impervious surface, new
2076 pervious surface, replaced impervious surface and any existing impervious surface added
2077 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow
2078 control facilities shall meet the area-specific flow control facility requirements and the
2079 flow control facility implementation requirements applicable to the project site as
2080 specified in the Surface Water Design Manual. Projects subject to area-specific flow
2081 control facility requirements shall meet one of the flow control facility performance
2082 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water
2083 Design Manual:

2084 a. Level One shall match the predeveloped site's peak discharge rates for the
2085 two-year and ten-year return periods;

2086 b. Level Two shall meet Level One criteria and also match the predeveloped
2087 site's discharge durations for the predeveloped peak discharge rates between the fifty
2088 percent of the two-year peak flow through the fifty-year peak flow; or

2089 c. Level Three shall meet Level Two criteria and also match the predeveloped

2090 site's peak discharge rate for the one hundred-year return period;

2091 4. Core requirement 4: Conveyance system. All engineered conveyance system
2092 elements for proposed projects shall be analyzed, designed and constructed to provide the
2093 minimum level of protection against overtopping, flooding, erosion and structural failure
2094 as specified by the conveyance requirements for new and existing systems and
2095 conveyance implementation requirements described in the Surface Water Design Manual;

2096 5. Core requirement 5: Construction stormwater pollution prevention. All
2097 proposed projects that will conduct construction activities onsite or offsite or will clear,
2098 grade or otherwise disturb the site shall provide stormwater pollution prevention controls,
2099 spill controls, and erosion and sediment controls-to-prevent, reduce or eliminate the
2100 discharge of pollutants including sediment to onsite or adjacent drainage facilities,
2101 adjacent properties and surface water or groundwater. Erosion and sediment controls
2102 shall be applied in accordance with K.C.C. chapter 16.82 and as specified by the
2103 temporary erosion and sediment control measures and performance criteria and
2104 implementation requirements in the King County Surface Water Design Manual;

2105 6. Core requirement 6: Maintenance and operation. Maintenance of all
2106 drainage facilities in compliance with King County maintenance standards is the
2107 responsibility of the applicant or property owner as described in the Surface Water
2108 Design Manual, except those facilities for which King County assumes maintenance and
2109 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design
2110 Manual;

2111 7. Core requirement 7: Financial guarantees and liability. All drainage
2112 facilities constructed or modified for projects, except downspout infiltration and

2113 dispersion systems for single family residential lots, must comply with the liability
2114 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title
2115 27A;

2116 8. Core requirement 8: Water quality facilities. Proposed projects that would
2117 result in five thousand square feet or more of new plus replaced pollution generating
2118 impervious surface or three quarters of an acre or more of new pollution-generating
2119 pervious surface, or that are redevelopment projects that would result in a total of five
2120 thousand square feet or more of new and replaced pollution-generating impervious surface,
2121 shall provide water quality facilities to treat polluted stormwater runoff generated by new
2122 or replaced pollution-generating impervious surface, new pollution-generating pervious
2123 surface and any existing pollution-generating impervious surface added on or after
2124 January 8, 2001, as specified in the Surface Water Design Manual. However, pervious
2125 surfaces are specifically excluded if there is a good faith agreement with the King
2126 Conservation District to implement a farm management plan for agricultural uses, and
2127 pervious areas for other uses are specifically excluded if King County department of
2128 ~~((permitting and environmental review))~~ local services, permitting division, approves a
2129 landscape management plan that controls solids, pesticides, fertilizers and other erodible
2130 or leachable materials leaving the site. Water quality facilities shall meet the area-
2131 specific water quality facility requirements and the water quality implementation
2132 requirements applicable to the project site as specified in the Surface Water Design
2133 Manual. The facilities specified by these requirements are designed to reduce pollutant
2134 loads according to the applicable annual average performance goals listed in a. through d.
2135 of this subsection A.8. for ninety-five percent of the annual average runoff volume:

- 2136 a. for basic water quality: remove eighty percent of the total suspended solids;
- 2137 b. for enhanced basic water quality: remove sixty percent dissolved zinc and
- 2138 thirty percent of dissolved copper;
- 2139 c. for sensitive lake protection: remove fifty percent of the total phosphorus;
- 2140 and
- 2141 d. for sphagnum bog protection: remove fifty percent of the total phosphorus
- 2142 and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of
- 2143 less than 6.5 and an alkalinity of less than ten milligrams per liter.
- 2144 9. Core requirement 9: Flow control BMPs. Proposed projects that would
- 2145 result in two thousand square feet or more of new plus replaced impervious surface or
- 2146 seven thousand square feet or more of land disturbing activity shall provide flow control
- 2147 BMPs that use processes such as infiltration, dispersion, storage, evaporation,
- 2148 transpiration, forest retention and reduced impervious surface footprint to mimic pre-
- 2149 developed hydrology and minimize stormwater runoff generated by new impervious
- 2150 surface, new pervious surface, replaced impervious surface and any existing impervious
- 2151 surface added on or after January 8, 2001, as specified in the Surface Water Design
- 2152 Manual. Flow control BMPs shall be applied to manage stormwater runoff from the
- 2153 aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs
- 2154 specific to the project location, size and impervious coverage; or as required to
- 2155 demonstrate that developed discharge durations from the surfaces match pre-developed
- 2156 durations for those surfaces for the range of predeveloped discharge rates from eight
- 2157 percent of the two-year peak flow to fifty percent of the two-year peak flow as specified
- 2158 in the Surface Water Design Manual.

2159 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall
2160 meet any of the following special requirements that apply to the site and that are
2161 described in detail in the Surface Water Design Manual. The department performing
2162 drainage review as specified in K.C.C. 9.04.070 shall verify if a proposed project is
2163 subject to and must meet any of the following special requirements.

2164 1. Special requirement 1: Other adopted area-specific requirements. If a
2165 proposed project is in a designated critical drainage area, or is in an area included in an
2166 adopted master drainage plan, basin plan, salmon conservation plan, stormwater
2167 compliance plan, flood hazard management plan, lake management plan or shared facility
2168 plan, then the proposed project shall meet the applicable drainage requirements of the
2169 critical drainage area, master drainage plan, basin plan, salmon conservation plan,
2170 stormwater compliance plan, flood hazard management plan, lake management plan or
2171 shared facility plan;

2172 2. Special requirement 2: Floodplain/floodway delineation. If a proposed
2173 project contains or is adjacent to a stream, lake, wetland or closed depression, or if other
2174 King County regulations require study of flood hazards relating to the proposed project,
2175 the one hundred year floodplain boundaries and floodway shall be determined and
2176 delineated on the site improvement plans and profiles and any final maps prepared for the
2177 proposed project. The flood hazard study shall be prepared as specified in the Surface
2178 Water Design Manual;

2179 3. Special requirement 3: Flood protection facilities. If a proposed project
2180 contains or is adjacent to a stream that has an existing flood protection facility, such as a
2181 levee, revetment or berm, or proposes to either construct a new or modify an existing

2182 flood protection facility, then the flood protection facilities shall be analyzed and
2183 designed as specified in the Surface Water Design Manual;

2184 4. Special requirement 4: Source Control. If a proposed project requires a
2185 commercial building or commercial site development permit, then water quality source
2186 controls shall be applied to prevent rainfall and runoff from coming into contact with
2187 pollutants to the maximum extent practicable. Water quality source controls shall be
2188 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution
2189 prevention manual and the Surface Water Design Manual. All structural source controls
2190 shall be identified on the site improvement plans and profiles or final maps prepared for
2191 the proposed project; and

2192 5. Special requirement 5: Oil control. If a proposed project is any of the
2193 following, then oil control shall be applied to all runoff from the high-use portion of a site
2194 as specified in the Surface Water Design Manual:

2195 a. a project that creates a high-use site;

2196 b. a redevelopment project proposing one hundred thousand dollars or more of
2197 improvements to an existing high-use site; or

2198 c. a redevelopment project that results in new plus replaced pollution-
2199 generating impervious surface of five thousand square feet or more or new pollution-
2200 generating pervious surface of three quarters of an acre or more.

2201 C.1. An adjustment to the requirements contained in this section or other
2202 requirements in the Surface Water Design Manual may be proposed. The resulting
2203 development shall be subject to all of the remaining terms and conditions of this chapter
2204 and the adjustment shall:

2205 a. produce a compensating or comparable result in the public interest; and
2206 b. meet this chapter's objectives of safety, function, appearance, environmental
2207 protection and maintainability based upon sound engineering judgment.

2208 2. If complying with subsection C.1.a. of this section will deny all reasonable
2209 use of a property, the best practicable alternative shall be obtained as determined by the
2210 ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services
2211 permitting division manager or designee according to the adjustment process defined in
2212 the Surface Water Design Manual.

2213 3. Requests for adjustments that may conflict with the requirements of any other
2214 King County division shall require review and concurrence with that division. The
2215 director shall coordinate to resolve conflicts between adjustments to the Surface Water
2216 Design Manual and requirements of others divisions.

2217 4. A request for an adjustment is a Type 1 land use decision as provided for in
2218 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in
2219 the Surface Water Design Manual.

2220 5. The county may require monitoring of experimental designs and technology
2221 or untested applications proposed by the applicant in order to determine compliance with
2222 subsection C.1. of this section and the approved plans and conditions.

2223 6. The applicant may appeal an adjustment decision by following the appeal
2224 procedures as specified in the Surface Water Design Manual.

2225 D. The drainage review requirements in this section and in the Surface Water
2226 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

2227 SECTION 52. Ordinance 2812, Section 4, as amended, and K.C.C. 9.04.060 are

2228 each hereby amended to read as follows:

2229 Development in areas where the department has determined that the existing
2230 flooding, drainage and/or erosion conditions present an imminent likelihood of harm to
2231 the welfare and safety of the surrounding community shall meet special drainage
2232 requirements set by the director until such time as the community hazard is alleviated.
2233 Such conditions may include the limitation of the volume of discharge from the subject
2234 property to predevelopment levels, preservation of wetlands or other natural drainage
2235 features or other controls necessary to protect against community hazard. Where
2236 alternate facility designs or methods will produce a compensating or comparable result in
2237 the public interest and which will meet this section's objectives of safety, function,
2238 appearance, environmental protection and maintainability, based upon sound engineering
2239 judgment, an adjustment to the special drainage requirements promulgated under this
2240 section may be proposed, provided that the resulting development shall be subject to all
2241 of the remaining terms and conditions of this chapter. Where application of this section
2242 will deny all reasonable use of a property and a facility or design that produces a
2243 compensating or comparable result cannot be obtained, then a best practicable alternative
2244 may be obtained, to be determined by the ~~((director of the))~~ department of ~~((permitting
2245 and environmental review))~~ local services permitting division manager or designee
2246 according to the adjustment process defined in the Surface Water Design Manual.

2247 SECTION 53. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are
2248 each hereby amended to read as follows:

2249 A.1. All engineering plans shall be submitted to the department of ~~((permitting
2250 and environmental review))~~ local services, permitting division, for drainage review in

2251 accordance with the Surface Water Design Manual except those drainage plans
2252 developed by, or under the review of, the water and land resources division of the
2253 department of natural resources and parks for either surface water or stormwater capital
2254 improvement, repair, maintenance or restoration projects or other linear government
2255 agency projects, such as roadways, railways, pipelines, utility lines and trails.

2256 2. If engineering plans are returned for any reason, they shall be returned to the
2257 applicant.

2258 3. All master drainage plans, if required, shall be submitted to the department of
2259 ~~((permitting and environmental review))~~ local services, permitting division, for drainage
2260 review in accordance with the specifications in the Surface Water Design Manual. The
2261 master drainage plan process should commence at the same time as the state
2262 Environmental Policy Act (SEPA) process.

2263 4. Drainage plans not subject to drainage review by the department of
2264 ~~((permitting and environmental review))~~ local services, permitting division, under
2265 subsection A.1. of this section shall be reviewed by the water and land resources division
2266 of the department of natural resources and parks in accordance with K.C.C. 9.04.050.
2267 Project applicability and compliance with K.C.C. 9.04.050 shall be documented in
2268 writing and available for review.

2269 B. The expiration time frames as specified in the Surface Water Design Manual
2270 shall apply to all permit and approval applications.

2271 C. All plans shall be processed in accordance with the drainage review
2272 procedures specified in the Surface Water Design Manual.

2273 D. All submittal procedures, definitions and specifications for the required

2274 contents of engineering plans are presented in the Surface Water Design Manual.

2275 SECTION 54. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are
2276 each hereby amended to read as follows:

2277 A. No work related to permanent or temporary storm drainage control for a
2278 permitted development may proceed without the approval of the (~~director of the~~)
2279 department of (~~permitting and environmental review~~) local services permitting division
2280 manager or designee.

2281 B. Erosion and sediment control measures associated with both the interim and
2282 permanent drainage systems shall be:

2283 1. Constructed in accordance with the approved plan prior to any grading or
2284 land clearing other than that associated with an approved erosion and sediment control
2285 plan; and

2286 2. Satisfactorily sequenced and maintained until all improvements, restoration,
2287 and landscaping associated with the permit and approvals for the project are completed
2288 and the potential for onsite erosion has passed.

2289 C. The applicant shall have constructed and have in operation those portions of
2290 the drainage facilities necessary to accommodate the control of surface and storm water
2291 runoff discharging from the site before the construction of any other improvements or
2292 buildings on the site, or to final recording of a plat or short plat, unless upon written
2293 request of the applicant, the development engineer authorizes recording before
2294 construction of facilities in order to minimize impacts that may result from construction
2295 of facilities during inappropriate times of the year.

2296 SECTION 55. Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100 are

2297 each hereby amended to read as follows:

2298 The applicant required to construct the drainage facility pursuant to K.C.C.
2299 chapter 9.04 shall maintain a combined single limit per occurrence liability policy in the
2300 amount established annually by the King County risk management program, which shall
2301 name King County as an additional insured and protect King County from liability
2302 relating to the construction or maintenance of the facility until construction approval or
2303 acceptance for maintenance, whichever is last. Proof of this required liability policy shall
2304 be provided to the ~~((director of permitting and environmental review prior to))~~ the
2305 department of local services permitting division manager or designee before commencing
2306 construction of any drainage facility. If this liability insurance is not kept in effect as
2307 required, King County may initiate enforcement action pursuant to K.C.C. Title 23.

2308 SECTION 56. Ordinance 12020, Section 33, as amended, and K.C.C. 9.04.105
2309 are each hereby amended to read as follows:

2310 The department of ~~((permitting and environmental review))~~ local services,
2311 permitting division, ~~((or its successor ((organization)))~~), is authorized to require all
2312 applicants issued permits or approvals under the provisions of ~~((the))~~ this title to post
2313 financial guarantees consistent with the provisions of K.C.C. Title 27A.

2314 SECTION 57. Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120 are
2315 each hereby amended to read as follows:

2316 A. The person or persons holding title to the property and the applicant required
2317 to construct a drainage facility shall remain responsible for the facility's continual
2318 performance, operation and maintenance in accordance with the standards and
2319 requirements of the department and remain responsible for any liability as a result of

2320 these duties. This responsibility includes maintenance of a drainage facility ((which))

2321 that is:

2322 1. Under a maintenance guarantee or defect guarantee;

2323 2. A private road conveyance system;

2324 3. Released from all required financial guarantees prior to July 7, 1980((:));

2325 4. Located within and serving only one single family residential lot;

2326 5. Located within and serving a multifamily or commercial site unless the

2327 facility is part of an approved shared facility plan;

2328 6. Located within or associated with an administrative or formal subdivision

2329 which handles runoff from an area of which less than two-thirds is designated for

2330 detached or townhouse dwelling units located on individual lots unless the facility is part

2331 of an approved shared facility plan;

2332 7. Previously terminated for assumption of maintenance responsibilities by the

2333 department in accordance with K.C.C. 9.04.110; or

2334 8. Not otherwise accepted by the county for maintenance.

2335 B. Prior to the issuance of any of the permits for any multifamily or commercial

2336 project required to have a flow control or water quality treatment facility, the applicant

2337 shall record a declaration of covenant as specified in the Surface Water Design Manual.

2338 The restrictions set forth in such covenant shall include, but not be limited to, provisions

2339 for notice to the persons holding title to the property of a King County determination that

2340 maintenance and/or repairs are necessary to the facility and a reasonable time limit in

2341 which such work is to be completed.

2342 1. In the event that the titleholders do not effect such maintenance and/or

2343 repairs, King County may perform such work upon due notice. The titleholders are
2344 required to reimburse King County for any such work. The restrictions set forth in such
2345 covenant shall be included in any instrument of conveyance of the subject property and
2346 shall be recorded with the records and licensing services division.

2347 2. The county may enforce the restrictions set forth in the declaration of
2348 covenant provided in the Surface Water Design Manual.

2349 C. Prior to the issuance of any of the permits and/or approvals for the project or
2350 the release of financial guarantees posted to guarantee satisfactory completion, the person
2351 or persons holding title to the subject property for which a drainage facility was required
2352 shall pay a fee established by the ~~((director of))~~ department of ~~((permitting and
2353 environmental review))~~ local services permitting division manager or designee to
2354 reasonably compensate the county for costs relating to inspection of the facility to ensure
2355 that it has been constructed according to plan and applicable specifications and standards.

2356 D. The duties specified in this section with regard to payment of inspection fees
2357 and reimbursement of maintenance costs shall be enforced against the person or persons
2358 holding title to the property for which the drainage facility was required.

2359 E. Where not specifically defined in this section, the responsibility for
2360 performance, operation and maintenance of drainage facilities and conveyance systems,
2361 both natural and constructed, shall be determined on a case-by-case basis.

2362 SECTION 58. Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140 are
2363 each hereby amended to read as follows:

2364 A.1. The director is authorized to promulgate and adopt administrative rules under
2365 the procedures specified in K.C.C. chapter 2.98, for the purpose of implementing and

2366 enforcing this chapter. Adopted administrative rules are available to the public from the
2367 department of ~~((permitting and environmental review))~~ local services, permitting division,
2368 or the department of natural resources and parks, water and land resources division. This
2369 includes, but is not limited to, the Surface Water Design Manual. Administrative rules
2370 adopted in accordance with to this section shall be posted to the websites of the department
2371 of ~~((permitting and environmental review))~~ local services, permitting division, and the
2372 department of natural resources and parks, water and land resources division, as well as any
2373 other website maintained by the executive to provide the public access to adopted public
2374 rules. The director should provide email notification to the council when an administrative
2375 rule adopted in accordance with this section has been posted to the websites. The email
2376 notification shall be sent to the clerk of the council, who shall retain the original email and
2377 provide an electronic copy to all councilmembers, the council chief of staff, the policy staff
2378 director and the lead staff for the transportation, economy and environment committee, or
2379 its successor.

2380 2. The director of the department of ~~((permitting and environmental review))~~ local
2381 services or designee is authorized to develop procedures for applying those administrative
2382 rules adopted under subsection A.1. of this section and regulations during the review of
2383 permit applications for the development of land. These procedures may also be contained
2384 in the Surface Water Design Manual.

2385 B. The director is authorized to make such inspections and take all actions that may
2386 be required to enforce this chapter.

2387 C. Whenever necessary to make an inspection to enforce this chapter, monitor for
2388 proper function of drainage facilities or whenever the director has reasonable cause to

2389 believe that violations of this chapter are present or operating on a subject property or
2390 portion thereof, the director may enter the premises at all reasonable times to inspect the
2391 same or perform any duty imposed upon the director by this chapter; provided that, if the
2392 premises or portion thereof is occupied, the director shall first make a reasonable effort to
2393 locate the owner or other person having charge or control of the premises or portion thereof
2394 and seek entry.

2395 D. Proper ingress and egress shall be provided to the director to inspect, monitor or
2396 perform any duty imposed upon the director by this chapter. The director shall notify the
2397 responsible party in writing of failure to comply with this access requirement. Failing to
2398 obtain a response within seven days from the receipt of notification the director may order
2399 the work required completed or otherwise address the cause of improper access. The
2400 obligation for the payment of all costs that may be incurred or expended by the county in
2401 causing the work to be done shall thereby be imposed on the person holding title to the
2402 subject property.

2403 SECTION 59. Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010 are
2404 each hereby amended to read as follows:

2405 The following definitions shall apply in the interpretation and enforcement of this
2406 chapter:

2407 A. "Basin plan" means a plan and all implementing regulations and procedures
2408 including but not limited to capital projects, public education activities, land use
2409 management regulations adopted by ordinance for managing surface and storm water
2410 management facilities and features within individual subbasins.

2411 B. "Department" means the department of natural resources and parks or its

2412 successor ((agency)).

2413 C. "Developed parcel" means any parcel altered from the natural state by the
2414 construction, creation or addition of impervious surfaces.

2415 D. "Director" means the director of the department of natural resources and parks
2416 or its successor ((agency)) or ((the director's)) designee.

2417 E. "Division" means the department of natural resources and parks, water and land
2418 resources division or its successor ((agency)).

2419 F. "Effective impervious area" means the portion of actual impervious area that is
2420 connected, or has the effect of being connected as defined in the King County Surface
2421 Water Design Manual, directly to the storm water drainage system via surface flow or
2422 discrete conveyances such as pipes, gutters or ditches.

2423 G. "Flow control facility" means a drainage facility designed to mitigate the
2424 impacts of increased surface and storm water runoff generated by site development in
2425 accordance with the drainage requirements in this chapter. A flow control facility is
2426 designed either to hold water for a considerable length of time and then release it by any
2427 combination of evaporation, plant transpiration or infiltration into the ground or to hold
2428 runoff for a short period of time and then release it to the conveyance system.

2429 H. "Flow control best management practice" means a method or design for
2430 dispersing, infiltrating or otherwise reducing or preventing development-related increases
2431 in surface and storm water runoff at, or near, the sources of those increases. "Flow control
2432 best management practice" includes the methods and designs specified in the Surface
2433 Water Design Manual.

2434 I. "Lake management plan" means the plan, and supporting documents as

2435 appropriate, describing the lake management recommendations and requirements that has
2436 been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.
2437 Adopted lake management plans are available from the division and the department of
2438 ~~((permitting and environmental review))~~ local services, permitting division. A synopsis of
2439 adopted lake management plans shall be distributed to all Surface Water Design Manual
2440 subscribers as part of the manual's routine update process.

2441 J. "Drainage facility" means the system of collecting, conveying, and storing
2442 surface and storm water runoff. Drainage facilities shall include but not be limited to all
2443 surface and storm water conveyance and containment facilities including streams,
2444 pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration
2445 facilities, flow control facilities, erosion/sedimentation control facilities and other drainage
2446 structures and appurtenances, both natural and constructed.

2447 K. "Impervious surface" means either a hard surface area that either prevents or
2448 retards the entry of water into the soil mantle as it entered under natural conditions before
2449 development, or a hard surface area that causes water to run off the surface in greater
2450 quantities or at an increased rate of flow from the flow present under natural conditions
2451 before development, or both. Common impervious surfaces include, but are not limited to,
2452 roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved,
2453 graveled or made of packed or oiled earthen materials or other surfaces which similarly
2454 impede the natural infiltration of surface and storm water. Open, uncovered flow control
2455 facilities shall not be considered as impervious surfaces.

2456 L. "Land use code" means restrictions on the type of development for a specific
2457 parcel of land as identified by records maintained by the King County department of

2458 assessments as modified or supplemented by information resulting from investigation by
2459 the division. Land use codes are preliminary indicators of the extent of impervious surface
2460 and are used in the initial analysis to assign an appropriate rate category for a specific
2461 parcel.

2462 M. "Maintenance" means the act or process of cleaning, repairing or preserving a
2463 system, unit, facility, structure or piece of equipment.

2464 N. "Natural surface water drainage system" means such landscape features as
2465 rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological
2466 cycle.

2467 O. "National Pollutant Discharge Elimination System permit" means a permit
2468 issued by the Washington state Department of Ecology for discharges to waters of the
2469 United States under the Clean Water Act.

2470 P. "Open space" means any parcel, property or portion thereof classified for current
2471 use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the
2472 development rights have been sold to King County under K.C.C. chapter 26.04. This
2473 definition includes lands that have been classified as open space, agricultural or timber
2474 lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

2475 Q. "Parcel" means the smallest separately segregated unit or plot of land having an
2476 identified owner, boundaries and surface area that is documented for property tax purposes
2477 and given a tax lot number by the King County assessor.

2478 R. "Person" means any individual, firm, company, association, corporation or
2479 governmental agency.

2480 S. "Program" means the surface water management program as created and

2481 established in this chapter.

2482 T. "Rate category" means the classification in this chapter given to a parcel in the
2483 service area based upon the type of land use on the parcel and the percentage of impervious
2484 surface area contained on the parcel.

2485 U. "Residence" means a building or structure or portion thereof, designed for and
2486 used to provide a place of abode for human beings. "Residence" includes "residential" or
2487 "residential unit" as referring to the type of or intended use of a building or structure.

2488 V. "Residential parcel" means any parcel that contains no more than three
2489 residences or three residential units within a single structure and is used primarily for
2490 residential purposes.

2491 W. "Service area" means unincorporated King County.

2492 X. "Storm water plan" means a King County ordinance specifying the storm water
2493 control facilities that will be funded by a bond issue.

2494 Y. "Subbasin" means a drainage area that drains to a water course or water body
2495 named and noted on common maps and that is contained within a basin as defined in
2496 K.C.C. 9.04.020.

2497 Z. "Surface and storm water management services" means the services provided by
2498 the surface water management program, including but not limited to basin planning,
2499 facilities maintenance, regulation, financial administration, public involvement, drainage
2500 investigation and enforcement, aquatic resource restoration, surface and storm water quality
2501 and environmental monitoring, natural surface water drainage system planning,
2502 intergovernmental relations and facility design and construction.

2503 AA. "Surface water management fee protocols" means the surface water

2504 management fee standards and procedures that have been formally adopted by rule under
2505 the procedures specified in K.C.C. chapter 2.98. The surface water management fee
2506 protocols are available from the department of natural resources and parks, water and land
2507 resources division, or its successor ((agency)).

2508 BB. "Surface and storm water" means water originating from rainfall and other
2509 precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes
2510 and wetlands as well as shallow ground water.

2511 CC. "Surface and storm water management system" means constructed drainage
2512 facilities and any natural surface water drainage features that do any combination of
2513 collection, storing, controlling, treating or conveying surface and storm water.

2514 DD. "Surface Water Design Manual" means the manual, and supporting
2515 documentation referenced or incorporated in the manual, describing surface and storm
2516 water design and analysis requirements, procedures and guidance that has been formally
2517 and most recently adopted by rule under the procedures in K.C.C. chapter 2.98. The
2518 Surface Water Design Manual is available from the department of ((~~permitting and~~
2519 ~~environmental review~~)) local services, permitting division, or the department of natural
2520 resources and parks, water and land resources division, or its successor ((agency)).

2521 EE. "Undeveloped parcel" means any parcel that has not been altered from its
2522 natural state by the construction, creation or addition of impervious surface.

2523 FF. "Water quality treatment facility" means a drainage facility designed to reduce
2524 pollutants once they are already contained in surface and storm water runoff. "Water
2525 quality treatment facility" means the structural component of best management practices.
2526 When used singly or in combination, a water quality treatment facility reduces the potential

2527 for contamination of either surface or ground waters, or both.

2528 SECTION 60. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are
2529 each hereby amended to read as follows:

2530 A. It is the finding of the county that the majority of the basins in the service area
2531 are shared with incorporated cities and towns. In order to achieve a comprehensive
2532 approach to surface and storm water management the county and incorporated jurisdictions
2533 within a specific basin shall coordinate surface and storm water, management services. In
2534 addition, the program may contract for services with interested municipalities or special
2535 districts including but not limited to sewer and water districts, school districts, port districts
2536 or other governmental agencies.

2537 B. It is the finding of the county that many of the difficulties found in the
2538 management of surface and storm water problems are contributed to by the general lack of
2539 public knowledge about the relationship between human actions and surface and storm
2540 water management. In order to achieve a comprehensive approach to surface and storm
2541 water management the county should provide general information to the public about land
2542 use and human activities that impact surface and storm water management. Pursuant to
2543 RCW 36.89.085, it is the finding of the county that public school districts can provide
2544 significant benefits to the county regarding surface and storm water management through
2545 educational programs and community activities related to protection and enhancement of
2546 the surface and storm water management system. These programs and activities can
2547 provide students with an understanding of human activities and land use practices that
2548 create surface and storm water problems and involve students by learning from first hand
2549 exposure, the difficulties of resolving surface and storm water management problems after

2550 they occur.

2551 C. It is the finding of the county that technical assistance and community education
2552 have been shown to be a cost-effective means of improving the management of the impacts
2553 of surface and storm water runoff. Technical assistance and community education
2554 regarding stewardship enables King County, its residents and businesses to comply with
2555 federal, state and local mandates and enables the county to protect its quality of life and its
2556 natural resources. The promotion of stewardship is an integral part of a comprehensive
2557 surface and storm water management program.

2558 D. It is the finding of the county that developed parcels contribute to an increase in
2559 surface and storm water runoff to the surface and storm water management system. This
2560 increase in surface and storm water runoff results in the need to establish rates and charges
2561 to finance the county's activities in surface and storm water management. Developed
2562 parcels shall be subject to the rates and charges of the surface water management program
2563 based on their contribution to increased runoff. The factors to be used to determine the
2564 degree of increased surface and storm water runoff to the surface and storm water
2565 management system from a particular parcel shall be the percentage of impervious surface
2566 coverage on the parcel, the total acreage of the parcel and any mitigating factors as
2567 determined by King County.

2568 E. It is the finding of the county that undeveloped parcels do not contribute as
2569 much as developed parcels to an increase in surface and storm water runoff into the surface
2570 and storm water management system. Undeveloped properties shall be exempt from the
2571 rates and charges of the surface water management program.

2572 F. It is the finding of the county that maintained drainage facilities mitigate the

2573 increased runoff contribution of developed parcels by providing on-site drainage control.
2574 Parcels served by flow control facilities that were required for development of the parcel
2575 pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as
2576 required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and
2577 storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided
2578 in the rates and charges of the surface water management program, if the facility is
2579 maintained at the parcel owner's expense to the standard established by the department.

2580 G. It is the finding of the county that improvements to the quality of storm water
2581 runoff can decrease the impact of that runoff on the environment. Parcels served by
2582 water quality treatment facilities that were required for development of the parcel
2583 pursuant to K.C.C. chapter 9.04 and approved by King County or that can be
2584 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment
2585 of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
2586 discount as provided in the rates and charges of the surface water management program,
2587 if the facility is maintained at the parcel owner's expense to the standard established by
2588 the department.

2589 H. It is the finding of the county that parcels with at least sixty-five percent of
2590 their land in forest, no more than twenty percent in impervious surface, and dispersed
2591 runoff from the impervious surface through the forested land resulting in an effective
2592 impervious area of ten percent or less for the entire parcel, do not contribute as much to
2593 an increase in surface and storm water runoff as properties with less forest that do not
2594 disperse. These properties shall be eligible to receive a discount as provided in the rates
2595 and charges of the surface water management program if the runoff from the impervious

2596 surface is dispersed in accordance with the standards established by the department.

2597 I. It is the finding of the county that parcels that make use of their pervious surface
2598 area to absorb storm water runoff from the impervious surfaces do not contribute as much
2599 to an increase in surface and storm water runoff as properties that do not use their pervious
2600 area to absorb runoff. These properties shall be eligible to receive a discount as provided in
2601 the rates and charges of the surface water management program if the runoff from the
2602 impervious surface is dispersed in accordance with the standards established by the
2603 department.

2604 J. It is a finding of the county that open space properties provide a benefit to the
2605 surface and storm water management system by the retention of property in an
2606 undeveloped state. Open space properties shall receive a discount from the rates and
2607 charges to encourage the retention of property as open space.

2608 K. It is a finding of the county that current scientific studies demonstrate that
2609 conservation and maintenance of forestland and open space contribute to the proper
2610 management of surface water quality and quantity. The scientific analysis performed in
2611 connection with the Cedar river, Issaquah creek and Bear creek basin plans have
2612 demonstrated that forests intercept and evaporate more rainfall, provide more soil storage,
2613 retain and trap more sediments and purify contaminated water better than any other land
2614 use. Conservation and maintenance of public forests, the provision of technical assistance
2615 and encouragement to private landowners to retain forests are effective ways to prevent
2616 disruption of natural hydrology. Open Space lands, to the extent that they retain their
2617 natural condition and do not contain impervious surface, also perform an important surface
2618 water function by not detracting from the functioning of natural hydrology systems.

2619 Conservation and maintenance of publicly owned open space and forestland is often more
2620 cost-effective than building and maintain artificial or engineered surface and storm water
2621 management facilities. Additional financial resources are required to conserve and
2622 maintain those natural resource lands that serve important surface and storm water
2623 management functions.

2624 L. It is a finding of the county that the majority of the parcels in the service area are
2625 residential. The variance between residential parcels in impervious surface coverage is
2626 found to be minor and to reflect only minor differences in increased runoff contributions.
2627 The administrative cost of calculating the service charge individually for each residential
2628 parcel and maintaining accurate information would be very high. A flat charge for
2629 residential parcels is less costly to administer than calculating a separate charge for each
2630 parcel and is equitable because of the similarities in impervious surface coverage between
2631 residential parcels. Therefore, residential parcels shall be charged a flat charge based upon
2632 an average amount of impervious surface.

2633 M. It is a finding of the county that very lightly developed nonresidential parcels
2634 that have an impervious surface coverage of ten percent or less of the total parcel acreage
2635 are characterized by a very low intensity of development and generally a large number of
2636 acres. A greater number of acres of undeveloped land associated with an impervious
2637 surface results in significantly less impact to the surface and storm water management
2638 system. Many of the very lightly developed properties are recreational, agricultural and
2639 timber lands identified in the King County Comprehensive Plan and should be encouraged
2640 to retain their low intensity of development. These parcels shall be charged a flat rate to
2641 encourage the retention of large areas of very lightly developed land.

2642 N. It is the finding of the county that lightly to very heavily developed
2643 nonresidential parcels that have an impervious surface coverage of more than ten percent
2644 have a substantial impact on the surface and storm water management system. The impact
2645 of these parcels on the surface and storm water management system increases with the size
2646 of the parcels. Therefore, lightly to very heavily developed properties shall be charged a
2647 rate determined by the percent of impervious surface coverage multiplied by the parcel
2648 acreage.

2649 O. It is a finding of the county that county and state roads contribute a significant
2650 amount of increased runoff to the surface and storm water management system, which
2651 contributes to the need for basin planning, drainage facilities and other related services.
2652 However, both the county roads and state highway programs provide substantial annual
2653 programs for the construction and maintenance of drainage facilities, and the roads systems
2654 and their associated drainage facilities serve as an integral part of the surface and storm
2655 water management system. The rate charged county roads and state highways shall reflect
2656 the benefit that county roads and state highway facilities provide to the surface and storm
2657 water management system. County and state road drainage systems unlike the drainage
2658 systems on other properties are continually being upgraded to increase both conveyance
2659 capacity and control. It is envisioned that the roads program will work cooperatively with
2660 the surface water management program to improve regional surface and storm water
2661 management services as new information is available from basin plans and other sources.
2662 The percentage of impervious surface coverage for county roads and state highways shall
2663 be calculated by dividing average width of roadway and shoulder by the average width of
2664 the right of way. The service charge shall be calculated in accordance with RCW

2665 90.03.525.

2666 P. It is the finding of the county that comprehensive management of surface and
2667 storm water runoff must include anticipation of future growth and development in the
2668 design and improvement of the surface and storm water management system. Service
2669 charge revenue needs shall be based upon the present and future requirements of the
2670 surface and storm water management system, and these needs shall be considered when
2671 determining the rates and charges of the program.

2672 Q. It is the finding of the county that basin plans are essential to establishing a
2673 comprehensive approach to a capital improvement program, maintenance of facilities and
2674 regulation of new developments. A plan should analyze the measures needed to control
2675 surface and storm water runoff that results from existing and anticipated development
2676 within the basin. The measures investigated to control runoff should include land use
2677 regulation such as setback requirements or community plan revisions that revise land use
2678 densities as well as the use of drainage facilities. A plan also should recommend the
2679 quantity and water quality runoff control measures required to further the purposes set forth
2680 in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations,
2681 including but not limited to land use management, funding needs, and incentives for
2682 preserving the natural surface water drainage system should be identified in the plan. The
2683 proposed ordinances and regulations necessary to implement the plan shall be transmitted
2684 to the council simultaneously with the plan.

2685 R. It is a finding of the county that the federal government has increased
2686 requirements concerning surface water quantity and control. The federal Clean Water Act,
2687 implemented through municipal storm water NPDES permits, mandates a wide variety of

2688 local programs to manage surface water and improve water quality. Compliance will
2689 increasingly be measured by the effectiveness of King County's surface water and water
2690 quality programs. The NPDES permit impacts operations in the ((roads,)) solid waste,
2691 parks and airport divisions, the department of ((permitting and environmental review))
2692 local services and the Metro transit department, and most activities in the water and land
2693 resources division.

2694 S. It is a finding of the county that Chinook salmon were listed as a threatened
2695 species in March 1999, and bull trout were listed as a threatened species in November
2696 1999, under the federal Endangered Species Act. These listings focus the need for higher
2697 standards in managing surface water including new, expanded and more intensive
2698 programs to control the quantity of runoff as well as its quality. Programs responding to
2699 these imperatives have included the design, permitting and construction of facilities,
2700 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,
2701 regulation development and coordination with other agencies on transboundary issues.

2702 T. It is the finding of the county that areas with development related surface and
2703 storm water problems require comprehensive management of surface and storm water.

2704 U. It is the finding of the county that additional surface and storm water runoff
2705 problems may be caused by new land use development if not properly mitigated both
2706 through protection of natural systems and through constructed improvements. The Surface
2707 Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King
2708 County to mitigate the impact of land use development. Further mitigation of these
2709 impacts is based on expertise that continues to evolve as new information on our natural
2710 systems is obtained and new techniques are discovered. The surface water management

2711 program, through reconnaissance studies, basin plans, and other special studies, will
2712 continuously provide valuable information on the existing problems and areas of the
2713 natural drainage system that need special protection. The county is researching and
2714 developing methods to protect the natural drainage system through zoning, buffering and
2715 setbacks to alleviate existing problems. Setback and buffering measures allow natural
2716 preservation of wetlands and stream corridors to occur, alleviate erosion and water
2717 pollution and provide a safe environment for the small mammals and fish that inhabit
2718 sensitive areas. Based upon the findings in this subsection, and as information and
2719 methods become available, the executive, as appropriate shall draft and submit to the
2720 council, regulations and development standards to allow protection of the surface and storm
2721 water management system including natural drainage systems.

2722 V. It is the finding of the county that the unique stormwater needs of the
2723 unincorporated rural area of the county require that the county's surface water management
2724 program established under chapter 36.89 RCW develop a rural drainage program. The
2725 intent of this rural drainage program is to provide a means through which existing and
2726 emerging surface water problems in the rural areas can be addressed in a manner that
2727 preserves both rural resources and rural activities including agriculture and forestry. Rural
2728 drainage services provided by the division shall support a rural level of development and
2729 not facilitate urbanization. This rural drainage program shall result in a program consistent
2730 with Countywide Planning Policies and King County Comprehensive Plan policies.

2731 W. The program will maintain long-term fiscal viability and fund solvency for all
2732 of its related funds. All required capital and operating expenditures will be covered by
2733 service charges and other revenues generated or garnered by the program. The program

2734 will pay all current operating expenses from current revenues and will maintain an
2735 operating reserve to minimize service impacts due to revenue or expenditure variances
2736 from plan during a fiscal year. This reserve will be calculated based on the historic
2737 variability of revenue and expenditures. The program will adopt a strategic financial
2738 planning approach that recognizes the dynamic nature of the program's fiscal operating
2739 environment. Long-term projections will be updated in the program's adopted strategic
2740 plan. One-time revenues will be dedicated to one-time-only expenditures and will not be
2741 used to support ongoing requirements. The program's approach to financial reporting and
2742 disclosure will be comprehensive, open and accessible.

2743 X. The program shall prepare an annual, multiyear capital improvement program
2744 that encompasses all of the program's activities related to the acquisition, construction,
2745 replacement, or renovation of capital facilities or equipment. All proposed new facilities
2746 will be subject to a consistent and rigorous needs analysis. The program's capital facilities
2747 will be planned and financed to ensure that the benefits of the facilities and the costs for
2748 them are balanced over time.

2749 Y. The program will manage its debt to ensure continued high credit quality,
2750 access to credit markets, and financial flexibility. All of the program's debt management
2751 activities will be conducted to maintain at least the current credit ratings assigned to the
2752 county's debt by the major credit rating agencies and to maintain an adequate debt service
2753 coverage ratio. Long-term debt will not be used to support operating expenses. The
2754 program will develop and maintain a central system for all debt-related records that will
2755 include all official statements, bid documents, ordinances indentures, leases, etc., for all of
2756 the program's debt and will accurately account for all interested earnings in debt-related

2757 funds. These records will be designed to ensure that the program is in compliance with all
2758 debt covenants and with state and federal laws.

2759 SECTION 61. Ordinance 10636, Section 6, as amended, and K.C.C. 9.12.045 are
2760 each hereby amended to read as follows:

2761 A. The director is authorized to implement this chapter. The director is authorized
2762 to promulgate and adopt administrative rules and regulations under the procedures
2763 specified in K.C.C. chapter 2.98 for the purpose of implementing and enforcing this
2764 chapter. The director shall coordinate the implementation and enforcement of this chapter
2765 with other departments of King County government. Administrative rules adopted in
2766 accordance with this section shall be posted to the websites of the department of
2767 ~~((permitting and environmental review))~~ local services, permitting division, and the
2768 department of natural resources and parks, water and land resources division, or their
2769 successors ~~((agencies))~~, as well as any other website maintained by the executive to provide
2770 the public access to adopted public rules. The director should provide email notification to
2771 the council when an administrative rule adopted in accordance with this section has been
2772 posted to the websites. The email notification shall be sent to the clerk of the council, who
2773 shall retain the original email and provide an electronic copy to all councilmembers, the
2774 council chief of staff, the policy staff director and the lead staff for the transportation,
2775 economy and environment committee, or its successor.

2776 B. Whenever necessary to make an inspection to enforce any provision of this
2777 chapter, to monitor for proper implementation of BMPs or whenever the director has
2778 reasonable cause to believe that violations of this chapter are occurring, the director may
2779 enter the premises at all reasonable times to inspect or perform any duty imposed by this

2780 chapter; but if the premises are occupied, the director shall first make a reasonable effort to
2781 locate the owner or other person in control of any building, structure, property or portion
2782 thereof and seek entry. Unless entry is consented to by the owner or other person in control
2783 of any building, structure, property or portion thereof, or conditions are believed to exist
2784 which create a threat of immediate and substantial harm, the director, before entry, shall
2785 obtain a search warrant as authorized by the laws of the state of Washington. The director
2786 should provide email notification to the council in a timely manner after entering a property
2787 without permission. The email notification shall be sent to the clerk of the council, who
2788 shall retain the original email and provide an electronic copy to all councilmembers, the
2789 council chief of staff, the policy staff director and the lead staff for the transportation,
2790 economy and environment committee, or its successor.

2791 SECTION 62. Ordinance 14214, Section 6, as amended, and K.C.C. 9.14.050 are
2792 each hereby amended to read as follows:

2793 A. The department of natural resources and parks shall be the lead agency for King
2794 County's groundwater protection program and shall be responsible for the following
2795 activities:

- 2796 1. Oversee implementation of King County's groundwater protection program;
- 2797 2. Provide staff support to any groundwater protection committee appointed by
2798 King County and respond to the committees in a timely manner regarding the adoption of
2799 committee recommendations;
- 2800 3. Identify sources and methods of funding regional groundwater protection
2801 services and seek funding for these services;
- 2802 4. Develop any combination of interlocal agreements, memorandums of

2803 understanding and operating agreements with cities, special purpose districts, sewer and
2804 water utilities and associations, and water purveyors for implementation of groundwater
2805 management plans and regional groundwater protection services in King County. These
2806 agreements shall include provisions addressing the scope, governance, structure, funding
2807 and transition to implementation of certified groundwater management plans and regional
2808 groundwater protection services in King County;

2809 5. Consult with the Washington state Department of Ecology about the feasibility
2810 of integrating the goals and implementation of certified groundwater management plans,
2811 where possible, with adopted watershed plans to avoid creating redundant work programs;

2812 6. Coordinate with the department of ~~((permitting and environmental review))~~
2813 local services, permitting division, for any review required pursuant to K.C.C. Title 21A
2814 regarding land use, water use, environmentally sensitive areas and special district overlays,
2815 or the exercise of other authorities, that relate to groundwater protection;

2816 7. Coordinate with the Seattle-King County department of public health for work
2817 performed pursuant to the King County Board of Health Code Title 10, Solid Waste
2818 Handling, Title 11, Hazardous Chemicals, Title 12, Water, Title R12, Water and Title 13,
2819 On-site Sewage, or the exercise of other authorities, that relate to groundwater protection;

2820 8. Coordinate with the office of regional policy and planning for work performed
2821 pursuant to K.C.C. Title 20, Planning, or the exercise of other authorities, that relate to
2822 groundwater protection;

2823 9. Coordinate internally within the department of natural resources for work
2824 performed under K.C.C. Title 9, Surface Water Management, K.C.C. chapter 20.70,
2825 Critical Aquifer Recharge Areas and K.C.C. Title 28, Water Pollution Abatement and

2826 Wastewater Treatment, or the exercise of other authorities, that relate to groundwater
2827 protection;

2828 10. In consultation with the department of (~~permitting and environmental~~
2829 ~~review~~) local services, permitting division, the Seattle-King County department of public
2830 health, and divisions within the department of natural resources, develop an integrated
2831 annual work plan that incorporates each of these agencies work programs relative to
2832 groundwater protection and that delineates the groundwater protection services provided by
2833 King County. A draft annual work plan shall be submitted to any groundwater protection
2834 committee appointed by King County for their review and recommendations. The
2835 department of natural resources shall distribute the final annual work plan to the King
2836 County council, any groundwater protection committee appointed by King County, cities,
2837 special purpose districts, sewer and water utilities and associations, water purveyors and
2838 other entities that are implementing activities recommended in certified groundwater
2839 management plans;

2840 11. Develop a three-year work plan that identifies long-term needs for
2841 groundwater protection, in consultation with any groundwater protection committee
2842 appointed by King County, cities, special purpose districts, sewer and water utilities and
2843 associations, and water purveyors. The work plan should include an examination by the
2844 Seattle-King County department of public health of the effectiveness of the current
2845 compliance methodology for violations of regulations governing operation, maintenance
2846 and repair of groundwater facilities by public water systems or individuals, and an
2847 examination of alternative compliance methodologies that provide for a hierarchy of
2848 responses to such violations (e.g., education, site visit, notification, fines, civil penalty,

2849 operating restrictions). The work plan shall include an examination of existing county fees
2850 or charges for groundwater testing that could reduce any current testing disincentives
2851 caused by unaffordability of those fees or charges. The department of natural resources
2852 shall distribute the three-year work plan to the King County council, any groundwater
2853 protection committee appointed by King County, cities, special purpose districts, sewer and
2854 water utilities and associations, water purveyors and other entities that have a role in the
2855 three-year work plan; and

2856 12. Provide an annual written report on the groundwater protection program. This
2857 report shall include, but not be limited to, information from the prior calendar year on
2858 groundwater protection services provided by King County, expenditures for the
2859 groundwater protection program and recommendations from any groundwater protection
2860 committee appointed by King County. By March 31 of each year the report shall be
2861 submitted to any groundwater protection committee appointed by King County.

2862 B. The King County auditor shall review whether or not groundwater protection
2863 services are being provided by King County and provide to the King County council by
2864 July 2003 an inventory of groundwater protection services that are provided and are not
2865 provided by King County.

2866 C. The regional water quality committee is requested to make recommendations to
2867 the King County council between April and September 2003 on the efficacy of the
2868 groundwater protection program in King County, including but not limited to the following
2869 areas: public outreach, education and stewardship; data management; coordination of
2870 groundwater protection activities with all interested entities, users and individuals; regional
2871 involvement in the groundwater protection program; development of agreements and

2872 funding for regional groundwater protection services, and the role of the department of
2873 natural resources in providing groundwater protection services.

2874 SECTION 63. Ordinance 12767, Section 2, and K.C.C. 12.44.830 are each
2875 hereby amended to read as follows:

2876 A. It is unlawful to use or operate any internal combustion engine, including
2877 remote-controlled, gasoline-powered model boats, on Lake Twelve, defined as all the
2878 water of Lake Twelve lying within Section 12, Township 21, Range 6 as well as Section
2879 7, Township 21, Range 7; provided, that nothing in this section shall be construed to
2880 prevent any public official or construction company from performing their authorized
2881 duties.

2882 B. The department of (~~transportation~~) local services shall have the
2883 responsibility of posting and maintaining appropriate signs.

2884 SECTION 64. Ordinance 13202, Section 1, and K.C.C. 12.44.840 are each
2885 hereby amended to read as follows:

2886 A. It is unlawful to use or operate any internal combustion engine, including
2887 remote-controlled, gasoline-powered model boats, on Lake Langlois, defined as all the
2888 water of Lake Langlois lying within Sections 22 and 23, Township 25, Range 7;
2889 provided, that nothing in this section shall be construed to prevent any public official or
2890 construction company from performing their authorized duties. The department of
2891 (~~transportation~~) local services shall have the responsibility of posting and maintaining
2892 appropriate signs.

2893 B. Consistent with K.C.C. 12.44.070, no watercraft equipped with motor
2894 propulsion other than internal combustion shall be operated on Lake Langlois at a speed

2895 in excess of eight miles per hour.

2896 SECTION 65. Ordinance 14240, Section 1, and K.C.C. 12.44.850 are each
2897 hereby amended to read as follows:

2898 A. It is unlawful to use or operate any internal combustion engine on Lake Alice,
2899 defined as all the water of Lake Alice lying within Section 27, Township 24N, Range 7E
2900 provided, that nothing in this section shall be construed to prevent any public official or
2901 construction company from performing their authorized duties.

2902 B. The department of (~~transportation~~) local services shall have the
2903 responsibility of posting and maintaining appropriate signs.

2904 SECTION 66. Ordinance 4257, Section 6, as amended, and K.C.C. 12.46.050 are
2905 each hereby amended to read as follows:

2906 Any owner or captain who desires to anchor or moor the owner's or captain's
2907 vessel, watercraft or obstruction and who is not temporarily at anchor or moored in
2908 compliance with K.C.C. 12.46.060, shall apply for and obtain from the director a
2909 conditional permit prior to anchoring or mooring such craft. Issuance of such permit
2910 shall be subject to compliance with the following conditions, as determined by the
2911 director:

2912 A. Less than thirty days duration:

2913 1. The moorage or anchorage shall be compatible with the general public use of
2914 the requested area and with the existing land use and land use planning in the vicinity;

2915 2. The moorage or anchorage shall not deprive or materially interfere with the
2916 reasonable water access of properties adjacent to or in the vicinity of the requested water
2917 area, nor shall the moorage or anchorage encroach on or over privately owned property

2918 without the consent of the property owner;

2919 3. No public food sales or retail sales of any other kind, charged or donated
2920 admission, holding of animals or fowl, or storage of toxic chemicals or petroleum
2921 products, except for propulsion of the craft, shall be permitted without first having
2922 obtained all legally required inspections and permits, approvals or licenses from the
2923 public agencies with jurisdiction, including, but not limited, to the Seattle-King County
2924 department of public health, the King County departments of public safety, natural
2925 resources and parks, (~~permitting and environmental review~~) local services, permitting
2926 division, and executive services, and the appropriate fire district;

2927 4. Moorage or anchorage for purpose of residential use shall not be permitted;

2928 5. The applicant shall provide to the director and maintain during the period of
2929 the permit a bond, cash deposit or sight irrevocable letter of credit from a reputable
2930 lending institution approved by the director in an amount specified by the director, but
2931 not to exceed five hundred thousand dollars, sufficient to cover the potential cost of
2932 removal of the watercraft, vessel or obstruction in the event of sinking; and in the event
2933 of adjacent publicly owned structures, the cost of repair thereof in event of collision;

2934 6. The applicant shall provide to the director written proof from the auditor or
2935 comptroller of the vessel's or watercraft's home port or principal place of business or use
2936 showing that all current taxes and assessments are paid; and

2937 7. The applicant shall execute and deliver to the director upon a form supplied
2938 by the director an agreement in writing and acknowledged by the applicant to hold and
2939 save harmless the County of King from any and all claims, actions or damages of every
2940 kind and description which may accrue to, or be suffered by, any persons by reason of or

2941 related to the use and occupation of the waters by the permit holder;

2942 B. Thirty days or greater duration:

2943 1. All conditions necessary for a permit of less than thirty days' duration must
2944 be met, except that the bond, cash deposit or sight irrevocable letter of credit from a
2945 reputable lending institution approved by the director shall not exceed one million
2946 dollars;

2947 2. The applicant shall provide to the director a certificate of seaworthiness from
2948 a marine surveyor who is certified by the National Association of Marine Surveyors or
2949 from a person certified by a similar professional organization acceptable to the director,
2950 except this condition shall not apply to obstructions; and

2951 3. Maximum duration shall be three hundred sixty-five days, subject to renewal
2952 in accordance with K.C.C. 12.46.090; and

2953 C. Discretionary conditions: In addition to the mandatory conditions specified
2954 above, the director may, within the director's reasonable discretion, require that any one
2955 or combination of the following conditions be met:

2956 1. That the applicant, prior to issuance of the permit, provide and maintain in
2957 full force and effect while the permit is in force, public liability insurance in an amount
2958 specified by the director sufficient to cover potential claims for bodily injury, death or
2959 disability and for property damage, which may arise from or be related to the applicant's
2960 use of the waters, naming the County of King as an additional insured;

2961 2. That the vessel, watercraft or obstruction connect its plumbing system to the
2962 nearest available county sanitary sewers;

2963 3. That the vessel, watercraft or obstruction permit the moorage of vessels or

2964 watercraft alongside and access thereto;

2965 4. That the vessel, watercraft or obstruction be removed as soon as privately
2966 owned or controlled moorage space becomes available; or

2967 5. Any other condition reasonably related to protecting the public safety, health
2968 or welfare.

2969 SECTION 67. Ordinance 4257, Section 8, as amended, and K.C.C. 12.46.080 are
2970 each hereby amended to read as follows:

2971 A. Any person may apply for an anchoring and mooring permit by submitting to
2972 the director a written application stating the owner's and captain's name, address and
2973 telephone number; the type, description and size of the vessel, watercraft or obstruction;
2974 the reason for the application; the area of proposed anchorage or moorage, readily
2975 identifiable on a current chart or map; a description of the means by which the vessel,
2976 watercraft or obstruction will be anchored or moored; and the length of time, including
2977 inclusive dates, for which the permit is desired.

2978 B. The director may process the application in conjunction with review of an
2979 application for a United States Army Corps of Engineers permit, if such a permit is
2980 required.

2981 C. The application shall be referred to the department of ~~((permitting and
2982 environmental review))~~ local services, permitting division, for comment and
2983 recommendation thereon.

2984 D. In the event that the director determines that granting the permit might deprive
2985 or materially interfere with reasonable water access of privately or publicly owned
2986 properties, the director shall notify the property owners or public agencies, or both, in

2987 writing and give them a reasonable time to comment on the application.

2988 E. The director is authorized to impose on the applicant reasonable fees designed
2989 to reimburse the county for processing of the application and administration of the permit
2990 system, including any notice or publication required under this chapter. Fees shall be set
2991 by a schedule promulgated by the director through appropriate rules and regulations.

2992 Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime
2993 Schooling Vessels or scientific research, the fees may be reduced or waived for a period
2994 not to exceed six months.

2995 SECTION 68. Ordinance 10154, Section 4, as amended, and K.C.C. 12.82.040
2996 are each hereby amended to read as follows:

2997 The clerk of the council shall send notice of adoption of each ordinance approving
2998 a map pursuant to K.C.C. 12.82.020 or K.C.C. 12.82.030 of this chapter to the clerks of
2999 the district and superior courts, the office of the prosecuting attorney, the department of
3000 ~~((transportation))~~ local services, the department of public safety, the department of
3001 natural resources and parks, the police department of each jurisdiction within which each
3002 mapped school or park is located and the records and licensing services division as the
3003 custodian of official county records.

3004 SECTION 69. Ordinance 10393, Section 1, as amended, and K.C.C. 12.82.070
3005 are each hereby amended to read as follows:

3006 The boundaries of drug-free zones surrounding the following schools as listed in
3007 Exhibits A - F located within the Catholic Archdiocese are hereby adopted for:

3008 A. John F. Kennedy Memorial High School;

3009 B. St. Francis of Assisi Elementary School;

- 3010 C. St. Bernadette Elementary School;
- 3011 D. Eastside Catholic High School;
- 3012 E. St. Luke School; and
- 3013 F. Holy Family School.

3014 The maps produced by the county engineer of the location and boundaries of the drug-
3015 free zones surrounding these schools within the Catholic Archdiocese, as supported by
3016 Archdiocese endorsement, have been filed with the clerk of the council and are on file
3017 with the King County department of ((~~transportation~~)) local services, road services
3018 division, and the King County department of executive services, records and licensing
3019 services division.

3020 SECTION 70. Ordinance 10508, Section 1, as amended, and K.C.C. 12.82.080
3021 are each hereby amended to read as follows:

3022 The boundaries of drug-free zones surrounding the following schools as listed in
3023 Exhibits A - H located within the Federal Way School District are hereby adopted:

- 3024 A. Camelot Elementary School;
- 3025 B. Lake Dolloff Elementary and Kilo Junior High Schools;
- 3026 C. Lakeland Elementary School;
- 3027 D. North Lake Elementary School;
- 3028 E. Rainier View Elementary School;
- 3029 F. Valhalla Elementary School;
- 3030 G. Woodmont Elementary School; and
- 3031 H. Thomas Jefferson High School.

3032 The maps produced by the county engineer of the location and boundaries of the drug-

3033 free zones surrounding these schools within the Federal Way School District, as
3034 supported by the Federal Way School District, are on file with the department of
3035 ~~((transportation))~~ local services, road services division, and the department of executive
3036 services, records and licensing services division.

3037 SECTION 71. Ordinance 10509, Section 1, as amended, and K.C.C. 12.82.090
3038 are each hereby amended to read as follows:

3039 The boundaries of drug-free zones surrounding the following schools as listed in
3040 Exhibits A - N-2 located within the Lake Washington School District are hereby adopted:

- 3041 A. Louisa May Alcott Elementary School;
- 3042 B-1 and B-2. Emily Dickinson Elementary and Evergreen Junior High Schools;
- 3043 C. Robert Frost Elementary School;
- 3044 D. Christa McAuliffe Elementary School;
- 3045 E. Margaret Mead Elementary School;
- 3046 F. John Muir Elementary School;
- 3047 G. Carl Sandburg Elementary School;
- 3048 H-1 and H-2. Samantha Smith Elementary School;
- 3049 I. Henry David Thoreau Elementary School;
- 3050 J-1 and J-2. Laura Ingalls Wilder Elementary School;
- 3051 K. Finn Hill Junior High School;
- 3052 L-1, L-2 and L-3. Inglewood Junior High School;
- 3053 M. Kamiakin Junior High School; and
- 3054 N-1 and N-2. Site 86.

3055 The maps produced by the county engineer of the location and boundaries of the drug-

3056 free zones surrounding these schools within the Lake Washington School District, as
3057 supported by the Lake Washington School District, are on file with the department of
3058 ~~((transportation))~~ local services, road services division, and the department of executive
3059 services, records and licensing services division.

3060 SECTION 72. Ordinance 10689, Section 1, as amended, and K.C.C. 12.82.100
3061 are each hereby amended to read as follows:

3062 The boundaries of drug-free zones surrounding the following schools as listed in
3063 Exhibits A - Y located within the Kent School District No. 415 are hereby adopted:

- 3064 A. Carriage Elementary School;
- 3065 B. Cedar Valley Hill Elementary;
- 3066 C. Covington Elementary School;
- 3067 D. Crestwood Elementary School;
- 3068 E. Fairwood Elementary School;
- 3069 F. Grass Lake Elementary School;
- 3070 G. Horizon Elementary School;
- 3071 H. Jenkins Creek Elementary School;
- 3072 I. Lake Youngs Elementary School;
- 3073 J. Martin Sortun Elementary School;
- 3074 K. Meridian Elementary School;
- 3075 L. Panther Lake Elementary School;
- 3076 M. Park Orchard Elementary School;
- 3077 N. Pine Tree Elementary School;
- 3078 O. Ridgewood Elementary School;

- 3079 P. Soos Creek Elementary School;
- 3080 Q. Springbrook Elementary School;
- 3081 R. Sunrise Elementary School;
- 3082 S. Administration Center;
- 3083 T. Mattson Junior High School;
- 3084 U. Meeker Junior High School;
- 3085 V. Meridian Junior High School;
- 3086 W. Junior High Site No. 6;
- 3087 X. Kentridge Senior High School; and
- 3088 Y. Kentwood Senior High School.

3089 The maps produced by the county engineer of the location and boundaries of the drug-
3090 free zones surrounding these schools within the Kent School District No. 415, as
3091 supported by Kent School District No. 415, are on file with the department of
3092 ~~((transportation))~~ local services, road services division, and the department of executive
3093 services, records and licensing services division.

3094 SECTION 73. Ordinance 10690, Section 1, as amended, and K.C.C. 12.82.110
3095 are each hereby amended to read as follows:

3096 The boundaries of drug-free zones surrounding the following schools as listed in
3097 Exhibits A - M located within the Renton School District No. 403 are hereby adopted:

- 3098 A. Benson Hill Elementary School;
- 3099 B. Campbell Hill Elementary School;
- 3100 C. Cascade Elementary School;
- 3101 D. Hazelwood Elementary School;

- 3102 E. Lakeridge Elementary School;
- 3103 F. Maplewood Heights Elementary School;
- 3104 G. Renton Park Elementary School;
- 3105 H. Sierra Heights Elementary School;
- 3106 I. A. W. Dimmitt Middle School;
- 3107 J. Lindbergh High School;
- 3108 K. Renton Alternative School;
- 3109 L. John A. Thompson School; and
- 3110 M. Bryn Mawr Elementary School.

3111 The maps produced by the county engineer of the location and boundaries of the drug-
3112 free zones surrounding these schools within the Renton School District No. 403, as
3113 supported by Renton School District No. 403, are on file with the department of
3114 ~~((transportation))~~ local services, road services division, and the department of executive
3115 services, records and licensing services division.

3116 SECTION 74. Ordinance 10723, Section 1, as amended, and K.C.C. 12.82.120
3117 are each hereby amended to read as follows:

3118 The boundaries of drug-free zones surrounding the following schools as listed in
3119 Exhibits A - K located within the Issaquah School District No. 411 are hereby adopted:

- 3120 A. Apollo Elementary School;
- 3121 B. Briarwood Elementary School;
- 3122 C. Cougar Ridge Elementary School;
- 3123 D. Challenger Elementary School;
- 3124 E. Discovery Elementary School;

3125 F. Maple Hills Elementary School;

3126 G. Sunny Hills Elementary School;

3127 H. Sunset Elementary School;

3128 I. Maywood Middle School;

3129 J. Pine Lake Middle School; and

3130 K. Liberty Senior High School.

3131 The maps produced by the county engineer of the location and boundaries of the drug-
3132 free zones surrounding these schools within the Issaquah School District No. 411, as
3133 supported by the Issaquah School District No. 411, are on file with the department of
3134 ~~((transportation))~~ local services, road services division, and the department of executive
3135 services, records and licensing services division.

3136 SECTION 75. Ordinance 10724, Section 1, as amended, and K.C.C. 12.82.130
3137 are each hereby amended to read as follows:

3138 The boundaries of drug-free zones surrounding the following schools as listed in
3139 Exhibits A - F located within the Snoqualmie Valley School District No. 410 are hereby
3140 adopted:

3141 A. Fall City Elementary School;

3142 B. North Bend Elementary School;

3143 C. Opstad Elementary School;

3144 D. Chief Kanim Middle School;

3145 E. Snoqualmie Elementary School, Snoqualmie Middle School and Mt. Si
3146 Athletic Fields; and

3147 F. Mt. Si. Senior High School.

3148 The maps produced by the county engineer of the location and boundaries of the drug-
3149 free zones surrounding these schools within the Snoqualmie Valley School District No.
3150 410, as supported by the Snoqualmie Valley School District No. 410, are on file with the
3151 department of (~~(transportation)~~) local services, road services division, and the department
3152 of executive services, records and licensing services division.

3153 SECTION 76. Ordinance 10793, Section 1, as amended, and K.C.C. 12.82.140
3154 are each hereby amended to read as follows:

3155 The boundaries of drug-free zones surrounding the school as listed in Exhibit "A"
3156 located within the Enumclaw School District No. 216 are hereby adopted:

3157 A. Westwood Elementary School.

3158 The maps produced by the county engineer of the location and boundaries of the drug-
3159 free zones surrounding this school within the Enumclaw School District 216, as
3160 supported by the Enumclaw School District 216, are on file with the department of
3161 (~~(transportation)~~) local services, road services division, and the department of executive
3162 services, records and licensing services division.

3163 SECTION 77. Ordinance 11006, Section 1, as amended, and K.C.C. 12.82.150
3164 are each hereby amended to read as follows:

3165 The boundaries of drug-free zones surrounding the following schools as listed in
3166 Exhibits "A" through "Q" located within the Shoreline School District are hereby
3167 adopted:

3168 A. Briarcrest Elementary School and Shorecrest High School;

3169 B. Brookside Elementary School;

3170 C. Cedarbrook Elementary School;

- 3171 D. Echo Lake Elementary School;
- 3172 E. Highland Terrace Elementary School;
- 3173 F. Park Elementary School;
- 3174 G. Meridian Park Elementary School;
- 3175 H. North City Elementary School;
- 3176 I. Parkwood Elementary School;
- 3177 J. Ridgecrest Elementary School;
- 3178 K. Sunset Elementary School;
- 3179 L. Syre Elementary School;
- 3180 M. Einstein Middle School;
- 3181 N. Kellogg Middle School;
- 3182 O. Shorewood High School;
- 3183 P. Shoreline Center; and
- 3184 Q. Aldercrest Annex.

3185 The maps produced by the county engineer of the location and boundaries of the drug-
3186 free zones surrounding these schools within the Shoreline School District, as supported
3187 by the Shoreline School District, are on file with the department of ((~~transportation~~))
3188 local services, road services division, and the department of executive services, records
3189 and licensing services division.

3190 SECTION 78. Ordinance 11040, Section 1, as amended, and K.C.C. 12.82.160
3191 are each hereby amended to read as follows:

3192 The boundaries of drug-free zones surrounding the following schools as listed in
3193 Exhibits "A" through "G" located within the Tahoma School District No. 409 are hereby

3194 adopted:

- 3195 A. Cedar River Elementary School and Shadow Lake Elementary School;
- 3196 B. Glacier Park Elementary School;
- 3197 C. Lake Wilderness Elementary School;
- 3198 D. Rock Creek Elementary School and Central Services Center;
- 3199 E. Maple Valley High School and Maintenance and Transportation Center;
- 3200 F. Tahoma Junior High School; and
- 3201 G. Tahoma Senior High School.

3202 The maps produced by the county engineer of the location and boundaries of the drug-
3203 free zones surrounding these schools within the Tahoma School District No. 409, as
3204 supported by the Tahoma School District No. 409, are on file with the department of
3205 ~~((transportation))~~ local services, road services division, and the department of executive
3206 services, records and licensing services division.

3207 SECTION 79. Ordinance 11080, Section 1, as amended, and K.C.C. 12.82.180
3208 are each hereby amended to read as follows:

3209 The boundaries of drug-free zones surrounding the following schools as listed in
3210 Exhibits "A" through "E" located within the Riverview School District No. 407 are
3211 hereby adopted:

- 3212 A. Carnation Elementary School;
- 3213 B. Cherry Valley Elementary School;
- 3214 C. Stillwater Elementary School;
- 3215 D. Tolt Middle School; and
- 3216 E. Cedarcrest High School.

3217 The maps produced by the county engineer of the location and boundaries of the drug-
3218 free zones surrounding these schools within the Riverview School District No. 407, as
3219 supported by the Riverview School District, are on file with the department of
3220 ~~((transportation))~~ local services, road services division, and the department of executive
3221 services, records and licensing services division.

3222 SECTION 80. Ordinance 11991, Section 1, as amended, and K.C.C. 12.82.200
3223 are each hereby amended to read as follows:

3224 The boundaries of a drug-free zone surrounding the Snoqualmie Valley Christian
3225 School as shown in Exhibit "A" is hereby adopted.

3226 The map produced by the county engineer of the location and boundaries of the
3227 drug-free zone surrounding this school, as supported by the board of directors of the
3228 Snoqualmie Valley Christian School, is on file with the department of ~~((transportation))~~
3229 local services, road services division, and the King County department of executive
3230 services, records and licensing services division.

3231 SECTION 81. Ordinance 3139, Section 2 (part), as amended, and K.C.C.
3232 12.86.030 are each hereby amended to read as follows:

3233 The definitions in this section apply throughout this chapter unless the context
3234 clearly requires otherwise.

3235 A. "Commercial agriculture" means the production of livestock or agricultural
3236 commodities on lands defined as "farm and agricultural land" by RCW 84.34.020 and the
3237 offering of the livestock and agricultural commodities for sale.

3238 B. "Construction" means any site preparation, grading, building, demolition,
3239 substantial repair, alteration or similar action.

3240 C. "dB(A)" means the sound level measured in decibels, using the "A" weighting
3241 network.

3242 D. "Director" means the ~~((director of the))~~ department of ~~((permitting and
3243 environmental review))~~ local services permitting division manager or ~~((the director's))~~
3244 designee.

3245 E. "District" means the land use zones to which this chapter is applied. For the
3246 purposes of this chapter:

3247 1. "Commercial district" includes zones designated in the King County zoning
3248 code as O, NB, CB and RB;

3249 2. "Industrial district" includes zones designated in the King County zoning
3250 code as I and M and special uses;

3251 3. "Residential district" includes zones designated in the King County zoning
3252 code as UR and R-1 through R-48; and

3253 4. "Rural district" includes zones designated in the King County zoning code as
3254 A and RA.

3255 F. "Equipment" means any stationary or portable device or any part thereof
3256 capable of generating sound.

3257 G. "Impulsive sound" means sound having the following qualities: the peak of
3258 the sound level is less than one second and short compared to the occurrence rate; the
3259 onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more
3260 than ten dB(A).

3261 H. "Leq" means the equivalent sound level, that is the constant sound level in a
3262 given time that conveys the same sound energy as the actual time-varying, A-weighted

3263 sound.

3264 I. "Motorcycle" means any motor vehicle having a saddle for the use of the rider
3265 and designed to travel on not more than three wheels in contact with the ground.
3266 However, farm tractors and vehicles powered by engines of less than five horsepower are
3267 not included as "motorcycles."

3268 J. "Motor vehicle" means a vehicle that is self-propelled, used primarily for
3269 transporting persons or property upon public highways and required to be licensed under
3270 RCW 46.16A.030. Aircraft, watercraft and vehicles used exclusively on stationary rails
3271 or tracks are not "motor vehicles."

3272 K. "Motor vehicle racing event" means a competition between motor vehicles or
3273 off-highway vehicles, or both, conducted under a permit issued by a governmental
3274 authority having jurisdiction or, if such a permit is not required, under the auspices of a
3275 recognized sanctioning body.

3276 L. "Muffler" means a device consisting of a series of chambers or other
3277 mechanical designs for the purpose of receiving exhaust gas from an internal combustion
3278 engine, or for the purpose of introducing water to the flow of the exhaust gas, and that is
3279 effective in reducing sound resulting therefrom.

3280 M. "Noise" means the intensity, duration and character of sounds from any and
3281 all sources.

3282 N. "Off-highway vehicle" means a self-propelled motor-driven vehicle neither
3283 used primarily for transporting persons or property upon public highways nor required to
3284 be licensed under RCW 46.16A.030. "Off-highway vehicle" does not include a vehicle
3285 that is designed and used primarily for grading, paving, earthmoving and other

3286 construction work, that is not designed or used primarily for the transportation of persons
3287 or property on a public highway and that is only incidentally operated or moved over the
3288 highway.

3289 O. "Person" means any individual, firm, association, partnership, corporation or
3290 any other entity, public or private.

3291 P. "Public highway" means the entire width between the boundary lines of every
3292 way publicly maintained by the Washington state Department of Transportation or any
3293 county or city when any part thereof is generally open to the use of the public for
3294 purposes of vehicular travel as a matter of right.

3295 Q. "Real property" means an interest or aggregate of rights in land that is
3296 guaranteed and protected by law. "Real property" includes a leasehold interest.

3297 R. "Receiving property" means real property within which sound originating
3298 from outside the property is received.

3299 S. "Sheriff" means the sheriff or the sheriff's authorized representative.

3300 T. "Sound level" means the weighted sound pressure level measured by the use
3301 of a metering characteristic and weighted as specified in American National Standards
3302 Institute Specifications, Section 1.4-1983.

3303 U. "Sound level meter" means a device or combination of devices which
3304 measures sound pressure levels and conforms to Type 1, Type 2 or Type 3 standards as
3305 specified in the American National Standards Institute Specification S1.4-1983. An
3306 impulse sound level meter shall be a peak or impulse, unweighted sound level meter
3307 which is capable of measuring impulse sound in conformance with the Type 1 or Type 2
3308 specifications of ANSI S1.4-1983.

3309 V. "Watercraft" means any contrivance, including aircraft taxiing, but excluding
3310 aircraft in the act of actual landing or takeoff, used or capable of being used as a means of
3311 transportation or recreation on water, powered by an internal or external combustion
3312 engine.

3313 W. "Weekday" means any day Monday through Friday that is not a legal holiday.

3314 X. "Weekend" means Saturday, Sunday or any legal holiday.

3315 SECTION 82. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are
3316 each hereby amended to read as follows:

3317 A utilities technical review committee is created consisting of the following
3318 representatives:

3319 A. Two representatives from the department of natural resources and parks, one
3320 to be appointed by the department's director and one to be the director or ~~((the director's))~~
3321 designee;

3322 B. ~~((The director of the department of transportation or the director's designee;~~
3323 ~~€.))~~ The director of the Metro transit department or ~~((the director's))~~ designee;

3324 ~~((D.))~~ C. The department of local services road services division manager or
3325 designee;

3326 D. The ~~((director of the))~~ department of local services permitting ~~((and~~
3327 ~~environmental review))~~ division manager or ~~((the director's))~~ designee;

3328 E. The director of the Seattle-King County department of public health or ~~((the~~
3329 ~~director's))~~ designee;

3330 F. The ~~((director))~~ manager of the facilities management division of the
3331 department of executive services or ~~((the director's))~~ designee;

3332 G. One representative from the King County council staff; and

3333 H. The county demographer.

3334 SECTION 83. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136

3335 are each hereby amended to read as follows:

3336 All new development within the Urban Growth Area shall be served by an
3337 adequate public or private sewage disposal system, including both collection and
3338 treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and
3339 disposal systems shall be permitted in the Urban Growth Area only for single-family
3340 residences or for short subdivisions only on an interim basis and only as follows:

3341 A. For existing individual lots, the ~~((director of the))~~ department of ~~((permitting~~
3342 ~~and environmental review))~~ local services permitting division manager or designee may
3343 authorize individual on-site sewage treatment and disposal systems given the following
3344 findings:

3345 1. Application of the requirement of K.C.C. 13.24.035 that all development in
3346 the urban growth area be served by public sewers, would deny all reasonable use of an
3347 individual lot;

3348 2. The applicant has submitted a certificate of sewer availability from the most
3349 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the
3350 ~~((director))~~ department of local services permitting division manager or designee that the
3351 requirement to receive public sewer service from the utility is unreasonable or infeasible
3352 at the time of construction; and

3353 3. The applicant has provided a certificate of future connection from the
3354 appropriate utility that certifies that an irrevocable agreement has been entered into with

3355 the utility providing that the property shall be connected to public sewers upon
3356 availability of such sewers and that the property owner shall pay all costs of connection
3357 to the sewer. This certificate shall stipulate that the applicant and the applicant's
3358 successor's and interest agree to participate in and not protest the formation of a utility
3359 local improvement district or local improvement district or utility project that is designed
3360 to provide public sewer services to the property. This certificate shall be recorded in the
3361 real property records of King County and shall be a permanent condition on the property
3362 running with the land until such time as the costs for connection are fully paid to the
3363 utility;

3364 B. For short subdivisions, if:

3365 1. The utilities and technical review committee determines that sewer service is
3366 not available in a timely and reasonable manner for property located within the urban
3367 growth area. In making its determination, the utilities technical review committee shall
3368 follow the procedures applicable to its determinations on whether water service is
3369 available from an existing purveyor in a timely and reasonable manner. However, in lieu
3370 of the process provided for in 13.24.090.B.3.b.(4), any appeal of the determination by the
3371 utilities technical review committee regarding the availability of timely and reasonable
3372 sewer service shall be consolidated with and is subject to the same appeal process as the
3373 underlying short plat application;

3374 2. These on-site systems shall be managed by one of the following entities, in
3375 order of preference:

3376 a. ~~((F))~~the sewer utility whose service area encompasses the proposed short
3377 subdivision; or

3378 b. ~~((F))~~the provider most likely to serve the area; or
3379 c. an Onsite Sewage System Maintainer certified by the Seattle-King County
3380 department of health;

3381 3. The approved short subdivision indicates how additional lots to satisfy the
3382 minimum density requirements of K.C.C. Title 21A will be located on the subject
3383 property if sewers become available in the future;

3384 4. There is no further subdivision or short subdivision of lots created under this
3385 section unless the additional lots are served by public sewers; and

3386 5. The applicant has provided a certificate of future connection as required by
3387 subsection A.3. of this section.

3388 C. The applicant has received approval for an on-site sewage treatment and
3389 disposal system design from the department of public health-Seattle and King County in
3390 accordance with the rules and regulations of the King County board of health, BOH Title
3391 13.

3392 SECTION 84. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140
3393 are each hereby amended to read as follows:

3394 A. All new development in the Urban Growth Area shall be served by:

3395 1. An adequate public or private water supply system, as required by K.C.C.
3396 21A.28.040; and

3397 2. The appropriate existing Group A water purveyor, unless service cannot be
3398 provided in a timely and reasonable manner as provided in RCW 43.20.260 and
3399 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

3400 B. Alternative water service shall be permitted on an interim basis, only as

3401 follows:

3402 1. For individual lots, the ~~((director of the))~~ department of ~~((permitting and~~
3403 ~~environmental review))~~ local services permitting division manager or designee may
3404 authorize interim water service from an existing Group B public water purveyor or the
3405 development of an individual well after making the following findings;

3406 a. The applicant has submitted a certificate of water availability from the
3407 appropriate Group A or Group B water purveyor accompanied by a letter from the same
3408 purveyor that demonstrates to the satisfaction of the ~~((director))~~ department of local
3409 services permitting division manager or designee that the requirement to receive water
3410 service from the purveyor is unreasonable or infeasible at the time of construction, which
3411 means service cannot be provided in a timely and reasonable manner in accordance with
3412 RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as
3413 provided in RCW 19.27.097;

3414 b. For connections to a Group B water purveyor, the applicant has received a
3415 water availability certificate from an existing Group B public water purveyor or has
3416 received pre-application approval for connection to a private well from the Seattle-King
3417 County department of public health in accordance with the rules and regulations of Title
3418 12 of the Seattle-King County board of health;

3419 c. For development of a new individual well, the applicant is unable to receive
3420 water service in a timely and reasonable manner or with reasonable economy and
3421 efficiency from any public water system;

3422 d. The applicant has provided a certificate of future connection from the
3423 appropriate Group A water purveyor that certifies that an irrevocable agreement has been

3424 entered into with the purveyor providing that the property shall be connected to the
3425 purveyor's water system upon availability of such water service and that the property
3426 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
3427 and the applicant's grantees agree to participate in and not protest the formation of a
3428 utility local improvement district (ULID) or local improvement district (LID) or utility
3429 purveyor project that is designed to provide public water services to the property and
3430 agree to decommission any well that is abandoned in the process of connection to a
3431 Group A water system in conformance with applicable state law. This certificate shall be
3432 recorded in the real property records of King County and shall be a permanent condition
3433 on the property running with the land until such time as the costs for connection are fully
3434 paid to the purveyor; and

3435 e. Application of the standards of this title would otherwise preclude
3436 reasonable use of the property.

3437 2. For subdivisions and short subdivisions, interim water service from a new or
3438 existing public water system may be approved as follows:

3439 a. The applicant has received approval for the creation of a new public system
3440 in accordance with the applicable coordinated water system plan or individual water
3441 system plan reviewed by the county and approved by the state, if any, or the applicant has
3442 received a water availability certificate from an existing public water system; and

3443 b. The ~~((director of the))~~ department of ~~((permitting and environmental
3444 review))~~ local services permitting division manager or designee makes the following
3445 findings:

3446 (1) The applicant has provided a certificate of future connection from the

3447 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
3448 entered into with the purveyor providing that the property shall be connected to the
3449 purveyor's water system upon availability of such water service and that the property
3450 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
3451 and the applicant's grantees agree to participate in and not protest the formation of a
3452 utility local improvement district (ULID) or local improvement district (LID) or utility
3453 purveyor project that is designed to provide public water services to the property and
3454 agree to decommission any well that is abandoned in the process of connection to a
3455 Group A water system in conformance with applicable state law. This certificate shall be
3456 recorded in the real property records of King County and shall be a permanent condition
3457 on the property running with the land until such time as the costs for connection are fully
3458 paid to the purveyor;

3459 (2) The applicant provides a statement from the Group A public water system
3460 designated to assume the new public water system, or within whose service area the new
3461 system is proposed to be constructed, that it will provide satellite management of the
3462 system or that it has entered into an agreement or contract with a satellite management
3463 agency certified by the state Department of Health to provide water service until it can
3464 provide direct service, as required by RCW 70.119A.060; and

3465 (3) Any new public water system will be built to the design standards of the
3466 appropriate Group A water purveyor to which it will be eventually connected.

3467 C. Either existing wells or Group B water systems, or both, may serve the lots
3468 that the systems are ultimately designed to serve and shall be managed in compliance
3469 with applicable health regulations.

3470 SECTION 85. Ordinance 9839, Sections 1-4, as amended, and K.C.C. 13.28.035
3471 are each hereby amended to read as follows:

3472 A. The Vashon Coordinated Water System Plan is ratified in accordance with the
3473 regulations of the Washington State Department of Health found in WAC 248-56. The
3474 King County council finds the Vashon Coordinated Water System Plan is consistent with
3475 the county's adopted land use plans and policies, as set forth in chapter 70.116 RCW and
3476 K.C.C. chapter 13.24 and recommends its approval by the Washington state Department
3477 of Health with the following conditions:

3478 1. A principal requirement and objective of the Vashon Coordinated Water
3479 System Plan is the establishment of service areas to assist the water utilities in providing
3480 an effective process for the planning and development of a water system. The Vashon
3481 Coordinated Water System Plan defines a service area as a geographical area assigned to
3482 a water purveyor for the purpose of providing both current and future public water
3483 service consistent with local land use plans. The geographic boundaries are defined by
3484 agreements among adjacent utilities and are recorded on a set of maps on file with the
3485 department of ~~((permitting and environmental review))~~ local services, permitting
3486 division, the Seattle/King County department of public health~~((s))~~ and the department of
3487 executive services. Water service provided within a designated service area is to be
3488 consistent with county land use plans and policies and existing county review procedures
3489 regarding water utility comprehensive plans, a water utility's service area and a planning
3490 area. An existing service area is a geographic area within which service to customers is
3491 available as specifically defined on a map in a utility's comprehensive plan which is
3492 approved by King County as consistent with its land use policies.

3493 A planning area is the remaining geographic area identified on the service area
3494 maps contained in the Vashon Coordinated Water System Plan which is a logical area for
3495 expansion of the system. Extension of service into the planning area requires King
3496 County approval as part of the utility's comprehensive plan to make certain that the
3497 proposed utility service is consistent with land use plans and policies.

3498 2. Vashon Island purveyors recognize the county's land use policies and will not
3499 use water service as a vehicle to supersede the land use policies and zoning on Vashon
3500 Island. The purveyors may perform satellite management of all class 2, 3 and 4 water
3501 systems within their service areas as provided for by the Vashon Coordinated Water
3502 System Plan.

3503 3. An application has been submitted to the United States Environmental
3504 Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer.
3505 For this reason, a water conservation program is an integral element of the Vashon
3506 Coordinated Water System Plan. All purveyors shall develop a conservation element as
3507 part of their individual water comprehensive plans. The conservation programs to reduce
3508 water consumption as outlined in the Vashon Coordinated Water System Plan shall be in
3509 place and operating by 1996 and will be reviewed by the Washington state Department of
3510 Health with assistance from the Water Utility Coordinating Committee. King County
3511 will monitor and review the effectiveness of purveyor conservation plans in conjunction
3512 with the approval of their water comprehensive plans. 1991 will be the base year used to
3513 establish the average annual per capita water consumption figure for measurement
3514 purposes, adjusted for any weather abnormalities or previous reduction as a result of an
3515 existing conservation program. All water utilities shall achieve a four percent minimum

3516 total reduction in water use from the 1991 average annual per capita consumption figure
3517 by 1996.

3518 A minimum total reduction in average per capita water consumption of six
3519 percent from the 1991 base figure is the stated goal for the entire Vashon/Maury Island
3520 Critical Water Supply Service Area by the year 2000.

3521 B. The Vashon Coordinated Water System Plan identified an unresolved service
3522 area dispute between Westside Water Association and Island Spring Water Company.
3523 King County recommends to the Washington state Department of Health that the area in
3524 question be assigned as part of the designated water service area of Westside Water
3525 Association.

3526 C. King County approvals of water service areas through water comprehensive
3527 plans or developer extensions will be based upon consistency with V-59 and V-60 of the
3528 Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County
3529 Comprehensive Plan, in effect on March 14, 1991.

3530 D. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow
3531 requirements as long as the main will serve exempt uses only shall be utilized in sizing
3532 water mains. Consistent with K.C.C. 17.08.030 A.4 and A.5, if fire protection measures
3533 are warranted for buildings over two thousand five hundred square feet, sprinkler
3534 systems, on-site water storage facilities or other measures shall be proven infeasible
3535 before requiring fire flow to the site.

3536 SECTION 86. Ordinance 9462, Sections 1-3, as amended, and K.C.C. 13.28.055
3537 are each hereby amended to read as follows:

3538 A. The East King County Coordinated Water System Plan is ratified in

3539 accordance with the regulations of the Washington state Department of Health found in
3540 chapter 248-56 WAC. The King County council finds the East King County Coordinated
3541 Water System Plan is consistent with the county's adopted land use plans and policies, as
3542 called for in chapter 70.116 RCW and K.C.C. chapter 13.24 and recommends its approval
3543 by the Washington state Department of Health with the following conditions:

3544 1. A principle requirement and objective of the East King County Coordinated
3545 Water System Plan is the establishment of service areas to assist the water utilities in
3546 providing an effective process for the planning and development of a water system. The
3547 East King County Coordinated Water System Plan defines a service area as a
3548 geographical area assigned to a water purveyor for the purpose of providing both current
3549 and future public water service consistent with local land use plans. The geographic
3550 boundaries are defined by agreements among adjacent utilities and are recorded on a set
3551 of maps on file with the permitting division of the department of (~~permitting and~~
3552 ~~environmental review~~) local services, the Seattle-King County health department and the
3553 department of executive services. Water service provided within a designated service
3554 area is to be consistent with local land use plans. In order to be consistent with county
3555 land use plans and policies and existing county review procedures regarding water utility
3556 comprehensive plans, a water utility's service area boundary in the context of the East
3557 King County Coordinated Water System Plan is understood to consist of an existing
3558 service area and a planning area. An existing service area is a geographic area within
3559 which service to customers is available as specifically defined on a map in a utility's
3560 comprehensive plan which is approved by King County as consistent with its land use
3561 policies.

3562 A planning area is the remaining geographic area identified on the service area
3563 maps contained in the East King County Coordinated Water System Plan which is a
3564 logical area for expansion of the system. Extension of service into the planning area
3565 requires King County approval as part of the utility's comprehensive plan to make certain
3566 that the proposed utility service is consistent with land use plans and policies.

3567 2. East King County purveyors recognize the county's land use policies and will
3568 not use water service as a vehicle to supersede the land use policies and zoning within
3569 unincorporated King County.

3570 The purveyors may perform satellite management of all class 2, 3 and 4 water
3571 systems within their service areas as provided for by the East King County Coordinated
3572 Water System Plan.

3573 3. A water conservation program is an integral element of the East King County
3574 Coordinated Water System Plan. All purveyors shall develop a conservation element as
3575 part of their individual water comprehensive plans. The conservation program to reduce
3576 water consumption as outlined in the East King County Coordinated Water System Plan
3577 shall be in place and operating by 1995 and will be reviewed at that time for its
3578 effectiveness by the Washington state Department of Health with assistance from the
3579 Water Utility Coordinating Committee. King County will monitor and review the
3580 effectiveness of purveyor conservation plans in conjunction with the approval of their
3581 water comprehensive plans.

3582 1990 will be the base year used to establish the average annual per capita water
3583 consumption figure for measurement purposes, adjusted for any weather abnormalities or
3584 previous reduction as a result of an existing conservation program.

3585 All utilities of five hundred or fewer customers shall achieve a four percent
3586 minimum total reduction in water use from the 1990 average annual per capita
3587 consumption figure by 1995.

3588 Utilities with five hundred to ten thousand customers and those utilities with
3589 greater than ten thousand customers shall achieve a six and five-tenths percent reduction
3590 per capita consumption figure by 1995.

3591 A minimum total reduction in average per capita water consumption of eight
3592 percent from the 1990 base figure is the stated goal for the entire East King County
3593 Critical Water Supply Service Area by the year 2000.

3594 B. With respect to the unresolved service area between the city of Redmond and
3595 Union Hill Water Association, King County recommends to the Washington state
3596 Department of Health that the area in question be assigned as a part of the city of
3597 Redmond's designated water service area with the following provisions:

3598 1. The city of Redmond shall establish an implementation schedule to finalize
3599 water service arrangements to this area in a timely and reasonable manner and the area
3600 shall be addressed in its Comprehensive Water Plan updated by the end of 1990. If this is
3601 not accomplished, reconsideration will be given to another service provider for the area.

3602 2. The city of Redmond shall endorse land use and zoning as provided in the
3603 Bear Creek Community Plan and Area Zoning and shall not use water service to
3604 supersede King County land use authority. Failure to comply will cause King County to
3605 withdraw its approval of this portion of the coordinated water system plan and to
3606 decertify that particular service area for consistency with county land use plans and
3607 policies. Washington state Department of Health will be notified of this action and the

3608 consequences.

3609 3. King County supports the city of Redmond and the Woodinville Sewer and
3610 Water District in the effort to reexamine the existing interlocal agreement between them
3611 regarding provision of water service in this area and to consider changes based on
3612 property ownership lines.

3613 C. The Seattle-King County department of public health requests that the
3614 following changes to the plan be forwarded to the Washington state Department of
3615 Health for consideration during the final Washington state Department of Health
3616 approval process:

3617 SECTION XI, Part 4 of the East King County Coordinated Water System Plan
3618 follows:

3619 a. 4A, first paragraph, insert before the last sentence:

3620 "SKCHD maintains a database for data related to ground water systems."

3621 Replace the last sentence with: "However, there is currently no unified program for
3622 developing a common utility planning database for storage and use of all utility planning
3623 information."

3624 b. Change the first sentence of the third paragraph to read: "A database will
3625 also be maintained by the SKCHD for groundwater systems and related regulatory
3626 information using information provided by USGSS, EPA, Ecology, and utilities."

3627 SECTION 87. Ordinance 18754, Section 7, and K.C.C. 14.01.175 are each
3628 hereby amended to read as follows:

3629 "Director" means the (~~director~~) manager of the road services division of the
3630 department of (~~transportation~~) local services or its successor, unless otherwise specified.

3631 SECTION 88. Ordinance 18420, Section 15, and K.C.C. 14.01.140 are each
3632 hereby amended to read as follows:

3633 "Development application" means the request made to the department of
3634 ~~((permitting and environmental review))~~ local services, permitting division, or its
3635 successor ~~((agency))~~, for approval of a development.

3636 SECTION 89. Ordinance 18420, Section 16, and K.C.C. 14.01.150 are each
3637 hereby amended to read as follows:

3638 "Developmental approval" means an order, permit or other official action of the
3639 department of ~~((permitting and environmental review))~~ local services, permitting
3640 division, or its successor ~~((agency))~~, granting or granting with conditions an application
3641 for development.

3642 SECTION 90. Ordinance 18420, Section 17, and K.C.C. 14.01.160 are each
3643 hereby amended to read as follows:

3644 "Development engineer" means the employee or employees of the department of
3645 ~~((permitting and environmental review employee))~~ local services, permitting division,
3646 responsible for the conditioning, review, inspection and approval of right-of-way use
3647 permits and road and drainage improvements constructed as part of development permits
3648 administered by the ~~((department of))~~ permitting ((and environmental review)) division.
3649 The development engineer or ~~((the development engineer's))~~ designee shall be a
3650 professional civil engineer registered and licensed under the laws of the state of
3651 Washington.

3652 SECTION 91. Ordinance 18420, Section 25, and K.C.C. 14.01.240 are each
3653 hereby amended to read as follows:

3654 "Reviewing agency" means the department of (~~permitting and environmental~~
3655 ~~review~~) local services, permitting division, or its successor (~~agency~~) responsible for
3656 reviewing subdivisions and other developments within its jurisdiction.

3657 SECTION 92. Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020
3658 are each hereby amended to read as follows:

3659 The department of (~~permitting and environmental review~~) local services,
3660 permitting division, or its successor (~~organization~~), is authorized to require all
3661 applicants issued permits or approvals under the provisions of the title to post financial
3662 guarantees consistent with the provisions of K.C.C. Title 27A.

3663 SECTION 93. Ordinance 665, Section 1, as amended, and K.C.C. 14.04.010 are
3664 each hereby amended to read as follows:

3665 A. King County operates and maintains an extensive road system.

3666 B. The department of (~~transportation~~) local services maintains a road system
3667 database that identifies the roads for which King County is responsible. The department
3668 of (~~transportation~~) local services shall provide road index maps of the official county
3669 road system on the road services division's website annually following the county road
3670 administration board's annual validation of the data.

3671 SECTION 94. Ordinance 18754, Section 26, and K.C.C. 14.08.010 are each
3672 hereby amended to read as follows:

3673 The traffic engineer shall maintain a list of all county roads with a designation of
3674 maximum speed limits. The department of (~~transportation~~) local services shall publish
3675 this list on the King County department of (~~transportation~~) local services, road services
3676 division website.

3677 SECTION 95. Ordinance 11426, Section 1, as amended, and K.C.C. 14.16.010
3678 are each hereby amended to read as follows:

3679 A. The council has determined when in order to prevent serious damage or
3680 destruction to a county road or bridge caused by rain, snow, climatic or other conditions,
3681 the county road engineer may limit weights of vehicles and prohibit or limit classes or
3682 types of vehicles on county roads or bridges, in accordance with RCW 46.44.080.

3683 B. It is unlawful for any person to operate a vehicle on any county road or bridge
3684 when the vehicle has a gross weight that is greater than the posted maximum weight for
3685 that county road or bridge or the type or class of vehicle has been limited or prohibited
3686 from operating on the county road or bridge, unless the driver is in possession of a
3687 limited special permit issued by the county road engineer for the safe use of the county
3688 road or bridge.

3689 C. Notice of limiting weights of vehicles or prohibiting or limiting classes or
3690 types of vehicles on a county road or bridge shall be:

3691 1. Published on King County department of (~~transportation~~) local services
3692 website; and

3693 2. Posted on signs at each end of the county road or bridge. All signs shall be
3694 erected and maintained in accordance with RCW 36.86.040, 46.61.450 and 47.36.030.

3695 D. The road services division shall report to the council its Annual Bridge Report
3696 required by WAC 136-20-060 that establishes the maximum gross weights for vehicles
3697 operating on a county bridge and any prohibition or limitation of certain classes or types
3698 of vehicles operating on a county bridge.

3699 E. Annually the road services division shall report to the council all county roads

3700 that limit or prohibit classes or types of vehicles or limit the weight of vehicles that may
3701 operate on them.

3702 F. The reports required by this section shall be in the form of a paper original and
3703 an electronic copy with the clerk of the council, who shall retain the original and provide
3704 an electronic copy to all councilmembers, the policy staff director and the lead staff for
3705 the transportation, environment and economy committee, or its successor.

3706 G. The county road engineer may, in cases of emergency or a limitation or
3707 prohibition lasting less than twelve hours, temporarily limit weights of vehicles and
3708 prohibit or limit classes or types of vehicles operating on county roads or bridges by
3709 posting notices at each end of the closed portion and at all intersecting state highways and
3710 county roads and county roads and city streets.

3711 SECTION 96. Ordinance 5701, Section 18, as amended, and K.C.C. 14.16.170
3712 are each hereby amended to read as follows:

3713 A. The director of the department of (~~transportation~~) local services and the
3714 county sheriff are authorized to enforce the provisions of this chapter and any rules and
3715 regulations promulgated thereunder.

3716 B. Any violation of this chapter is a traffic infraction and subject to a penalty of
3717 two hundred fifty dollars.

3718 SECTION 97. Ordinance 336 (part), as amended, and K.C.C. 14.20.020 are each
3719 hereby amended to read as follows:

3720 The department of (~~transportation~~) local services shall comply with the Soil
3721 Conservation Service Standards, Specifications and Contracting Procedures when
3722 working in conjunction with the federal government on a project requiring compliance.

3723 SECTION 98. Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010 are
3724 each hereby amended to read as follows:

3725 The following definitions apply throughout this chapter unless the context clearly
3726 requires otherwise:

3727 A. ~~((APPLICANT:))~~ "Applicant" means a property owner or a public agency or
3728 public or private utility which owns a right-of-way or other easement or has been
3729 adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or
3730 entity designated or named in writing by the property or easement owner to be the
3731 applicant, in an application for a development proposal, permit or approval.

3732 B. ~~((DEPARTMENT:))~~ "Department" means the department of ~~((permitting and~~
3733 ~~environmental review))~~ local services or its successor.

3734 C. ~~((DEVELOPMENT APPROVAL:))~~ "Development approval" means the
3735 granting of a building permit, mobile home on-site permit, short subdivision or other
3736 county land use approval or approvals.

3737 D. ~~((DEVELOPMENT ENGINEER:))~~ "Development engineer" means the
3738 department employee authorized to oversee the review, conditioning, inspection and
3739 acceptance of right-of-way use permits, road and drainage projects constructed pursuant
3740 to permits administered by the division. The development engineer or designee shall be a
3741 professional civil engineer registered and licensed under the laws of the ~~((§))~~state of
3742 Washington.

3743 E. "Division" means the permitting division of the department of local services.

3744 F. ~~((RIGHT-OF-WAY USE PERMIT:))~~ 1. "Right-of-way use permit: limited"
3745 means a permit authorizing the use of the county right-of-way for a designated purpose

3746 and for a period of time limited to one year or less.

3747 2. "Right-of-way use permit: extended" means a permit authorizing the use of
3748 the county right-of-way for a designated purpose and for a period of time exceeding one
3749 year in duration.

3750 SECTION 99. Ordinance 4895, Section 6, as amended, and K.C.C. 14.28.060 are
3751 each hereby amended to read as follows:

3752 A. Upon filing of a complete application and payment of fee, the division may
3753 issue a permit authorizing the use of the county right-of-way for a designated use and for
3754 a period exceeding one year in duration.

3755 B. The applicant may be required to construct a road to specific standards which
3756 may include full compliance with adopted King County road standards, and may be
3757 required to post financial guarantees consistent with the provisions of Ordinance 12020
3758 for construction, restoration and maintenance. Construction work and all restoration
3759 work required by the permit shall be completed within one year of the permit's issuance.
3760 In addition, the division may set conditions to assure compliance of the permit with other
3761 adopted plans, county policies((;)) and regulations.

3762 C. The department of ((transportation)) local services shall place and maintain a
3763 permanent sign(((s))) or signs denoting the end of the county-maintained road.

3764 D. The applicant shall have sole responsibility for the safe construction, operation
3765 and maintenance of any improvements to the county right-of-way pursuant to the permit,
3766 until such time as the improvements are officially accepted for maintenance by King
3767 County.

3768 E. The permit applicant may be required to record a covenant running with the

3769 land and for the benefit of King County, which contains:

3770 1. A legal description of the lot or parcel to be served by the right-of-way use
3771 permits, limited or extended;

3772 2. A statement indicating that access to such parcel is across an unmaintained
3773 county right-of-way, that the county is not responsible for maintenance of the right-of-
3774 way and that responsibility for maintenance of the road rests jointly and equitably upon
3775 all permit holders;

3776 3. A statement that the owner or owners of the parcel will not oppose
3777 participation in a county road improvement district, if formation of such a district is
3778 deemed necessary by King County;

3779 4. A prohibition against subdividing such parcel without obtaining either plat or
3780 short plat approval therefor, or if exempt from platting, a right-of-way use permit for the
3781 additional lots being created;

3782 5. A statement that the right-of-way use permit covenant is binding on the
3783 successors and assigns of the owner or owners; and

3784 6. The acknowledged signature or signatures of the owner or owners of such
3785 parcel.

3786 SECTION 100. Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090
3787 are each hereby amended to read as follows:

3788 The director of the department of ~~((transportation and the director of the~~
3789 ~~department of permitting and environmental review are))~~ local services or designees is
3790 authorized to enforce the provisions of this chapter, and any rules and regulations
3791 promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C.

3792 Title 23.

3793 SECTION 101. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020
3794 are each hereby amended to read as follows:

3795 A. Special use permits shall be required for any use of county property except
3796 uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C.
3797 chapter 14.28 relating to county road system rights-of-way use permits.

3798 B. Upon receipt of an application for a special use permit upon county property,
3799 the real estate services section of the facilities management division shall determine
3800 whether the proposed use is upon county-owned property.

3801 C. The real estate services section shall forward the application to all county
3802 custodial departments for review.

3803 D. The custodial departments shall review the application and forward its
3804 recommendation whether the permit shall be issued by the real estate services section. If
3805 a custodial department recommends denial, the real estate services section shall deny the
3806 permit.

3807 E. If there is no custodial department with jurisdiction over the county property,
3808 the real estate services section shall evaluate the feasibility of the proposed use, its impact
3809 on other uses of the county property and its impact on public health and safety. Based on
3810 this evaluation, the real estate services section shall determine whether the permit should
3811 be issued.

3812 F. In all cases, the real estate services section shall forward the application to the
3813 ~~((department of))~~ permitting ~~((and environmental review))~~ division of the department of
3814 local services for recommendations on critical area issues and the real estate services

3815 section shall be responsible for assuring that any application meets the requirements of
3816 K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the
3817 permit is issued.

3818 G. If the special use permit is for an event that the manager of the real estate
3819 services section believes may generate substantial noise, then the real estate services
3820 section shall also forward the application to the sheriff for informational purposes.

3821 SECTION 102. Ordinance 7025, Section 5, as amended, and K.C.C. 14.30.025
3822 are each hereby amended to read as follows:

3823 The permit applicant is required to pay an inspection fee at the rate of forty
3824 dollars per hour to the department of (~~transportation,~~) local services for inspections
3825 necessary to establish compliance with the terms and conditions of each special use
3826 permit. The fees are in addition to any other county fees and are nonrefundable. The
3827 fees shall be collected in accordance with administrative procedures developed by the
3828 department of (~~transportation~~) local services.

3829 SECTION 103. Ordinance 11187, Section 1, as amended, and K.C.C. 14.42.010
3830 are each hereby amended to read as follows:

3831 A. King County Road Standards, 2016, incorporated as Attachment A to
3832 Ordinance 18420, are hereby approved and adopted as the King County standards for
3833 road design and construction.

3834 B. Consistent with the council's direction and intent in adopting the road
3835 standards, the department of (~~transportation~~) local services is hereby authorized to
3836 develop public rules and make minor changes to the text and drawings in order to better
3837 implement the road standards and as needed to stay current with changing design and

3838 construction technology and methods.

3839 SECTION 104. Ordinance 8047, Section 4, as amended, and K.C.C. 14.42.030

3840 are each hereby amended to read as follows:

3841 A. The road standards approved and adopted under K.C.C.14.42.010 apply
3842 prospectively to all newly constructed or modified road and right-of-way facilities, both
3843 public and private, within King County. The road standards apply to modifications of
3844 roadway features or existing facilities that are within the scope of reconstructions,
3845 required off-site road improvements for land developments or capital improvement
3846 projects when so required by King County or to the extent they are expressly referred to
3847 in project plans and specifications. The road standards are not intended to apply to
3848 resurfacing, restoration and rehabilitation projects as those terms are defined in the
3849 Washington state Department of Transportation Local Agency Guidelines Manual, as
3850 amended. The county road engineer may consider the road standards as optional goals
3851 for the design and construction of resurfacing, restoration and rehabilitation projects.

3852 B. The road standards shall apply to every utility pole and other utility structure
3853 within the King County right of way.

3854 C. Construction shall be performed in accordance with the road standards and
3855 with due regard to public safety.

3856 D. Where feasible, flow control best maintenance practices shall be applied as
3857 required in the Surface Water Design Manual.

3858 E. The director of the department of (~~transportation~~) local services is authorized
3859 to enforce the provision of this chapter and any rules and regulations under this chapter in
3860 accordance with the enforcement and penalty provisions of K.C.C. Title 23.

3861 SECTION 105. Ordinance 1711, Section 2, as amended, and K.C.C. 14.44.020

3862 are each hereby amended to read as follows:

3863 A. All construction work performed by franchised utilities, telephone and
3864 telegraph companies and within King County right-of-way shall require a right-of-way
3865 construction permit to be issued by the real estate services section of the facilities
3866 management division, except that construction work undertaken by King County or under
3867 contract to King County or requested by King County due to new construction shall be
3868 exempted from this requirement. Construction work shall include but not be limited to
3869 the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum
3870 pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and
3871 any other such public and private utilities.

3872 B. ~~((The department of transportation and all other e))~~County departments during
3873 the construction of capital improvement projects shall install vacant conduit reserved for
3874 the future installation of fiber optic cable in accordance with the county's I-Net and Wide
3875 Area Network Plans; all capital improvement projects not requiring trenching or
3876 modification to the subgrade, such as overlays and shoulder widening, shall be exempted
3877 from this requirement.

3878 SECTION 106. Ordinance 1711, Section 5, as amended, and K.C.C. 14.44.050

3879 are each hereby amended to read as follows:

3880 A. The department of executive services shall coordinate the review by all
3881 departments of right-of-way construction permit applications and shall determine whether
3882 the proposed construction is consistent with the applicant's right-of-way franchise from
3883 the county.

3884 B. The department of (~~transportation~~) local services shall review and evaluate
3885 applications in respect to the hazard and risk of the proposed construction, location of the
3886 proposed construction in relation to other utilities in the right-of-way and the adequacy of
3887 the engineering and design of the proposed construction.

3888 C. The department of natural resources and parks shall review and evaluate all
3889 applications for right-of-way construction permits for sewer and water main extensions to
3890 determine whether the proposed construction is consistent with the sewer or water
3891 comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If
3892 the facility is not consistent with an approved comprehensive plan, then the construction
3893 permit shall not be issued. Applications for those water utilities with Group A
3894 nonexpanding public water systems that are not required to prepare comprehensive plans
3895 for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all
3896 other conditions of this chapter are met.

3897 SECTION 107. Ordinance 11790, Section 1, as amended, and K.C.C. 14.44.055
3898 are each hereby amended to read as follows:

3899 A. Before January 1, 2018, the facilities management division may issue right-of-
3900 way construction permits to unfranchised utilities. Thereafter, the facilities management
3901 division may issue right-of-way construction permits to unfranchised utilities only under
3902 the following circumstances:

3903 1. When the Seattle-King County department of public health has certified in
3904 writing to the facilities management division that the proposed work is necessary to
3905 address a specifically identified public health hazard;

3906 2. When the road services division of the department of (~~transportation~~) local

3907 services has certified in writing to the facilities management division that the proposed
3908 work is necessary to address specifically identified actual or imminent damage to county
3909 right-of-way or to address specifically identified hazards to users of county right-of-way;
3910 or

3911 3. If the unfranchised utility is involved in good-faith negotiation with the
3912 county that is likely to result in a franchise that will be submitted to the council for
3913 approval and the executive has certified that status in writing. The certification shall be
3914 in a letter that shall be filed with the clerk of the council in the form of a paper original
3915 and an electronic copy with the clerk of the council, who shall retain the original and
3916 provide an electronic copy to all councilmembers.

3917 B. No right-of-way construction permit for sewer or water facility construction
3918 shall be issued unless the facilities management division receives a determination from
3919 the chair of the utilities technical review committee that the proposed work is consistent
3920 with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C.
3921 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

3922 C. The permit applicant shall be required to meet all conditions of this chapter,
3923 except K.C.C. 14.44.050.A. and C.

3924 SECTION 108. Ordinance 1711, Section 7, as amended, and K.C.C. 14.44.070
3925 are each hereby amended to read as follows:

3926 A. The applicant, at the time of submitting an application for a right-of-way
3927 construction permit, shall notify all other public and private utility entities known to be
3928 using or proposing to use the same right-of-way of the applicant's proposed construction
3929 and the proposed timing of such construction. Any such an entity notified may, within

3930 seven days of such notification, request a delay in the commencement of such proposed
3931 construction for the purpose of coordinating other right-of-way construction with that
3932 proposed by the applicant.

3933 B. The real estate services section shall also coordinate the approval of right-of-
3934 way construction permits with county street improvements and maintenance and may
3935 delay the commencement date for the applicant's right-of-way construction for ninety
3936 days or less, except in the case of emergencies, if it finds that such delay will reduce the
3937 inconvenience to county road users from construction activities, if it finds that such delay
3938 will not create undue economic hardship on the applicant, or if it finds that such delay
3939 will allow the county to install conduit for future installation of fiber optic cable.

3940 C. The real estate services section shall inform the department of
3941 ~~((transportation))~~ local services of all right-of-way construction permits issued.

3942 D. The real estate services section shall forward copies of all right-of-way
3943 construction permit applications for projects one thousand feet or longer to the
3944 department of information and administrative services. The division of information
3945 technology services will determine within fifteen working days whether the installation
3946 of conduit may be needed for the future installation of fiber optic cable to connect county
3947 or other public facilities.

3948 SECTION 109. Ordinance 1711, Section 8, as amended, and K.C.C. 14.44.080
3949 are each hereby amended to read as follows:

3950 Prior to final approval of all right-of-way construction permits, the department of
3951 ~~((transportation))~~ local services shall determine the amount of the performance guarantee
3952 necessary to assure compliance with the approved construction plans, applicable state and

3953 local health and sanitation regulations, county standards for water mains and fire hydrants
3954 and to assure proper restoration of the road and the health and safety of the users of the
3955 road. The applicant shall submit the financial guarantee consistent with the provisions of
3956 K.C.C. Title 27A.

3957 SECTION 110. Ordinance 1711, Section 9, as amended, and K.C.C. 14.44.090
3958 are each hereby amended to read as follows:

3959 The right-of-way construction permit granted shall be in a form approved by and
3960 be made subject to all reasonable and necessary terms and conditions imposed by the
3961 department of (~~transportation~~) local services.

3962 SECTION 111. Ordinance 1711, Section 10, as amended, and K.C.C. 14.44.100
3963 are each hereby amended to read as follows:

3964 The permittee is required to give oral or written notice of the date construction
3965 will begin to the following agencies: department of (~~transportation~~) local services for
3966 all right-of-way construction; Seattle-King County department of public health for
3967 construction of waterworks (except for domestic service connections); and King County
3968 fire marshal for waterworks. Failure to give such notice is grounds for the revocation or
3969 suspension of the construction permit.

3970 SECTION 112. Ordinance 1711 (part), as amended, and K.C.C. 14.44.110 are
3971 each hereby amended to read as follows:

3972 The director of the department of (~~transportation~~) local services and the director
3973 of the Seattle-King County department of public health are authorized to enforce the
3974 provisions of this chapter, the ordinances codified in it, and any rules and regulations
3975 adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

3976 SECTION 113. Ordinance 13734, Section 9, as amended, and K.C.C. 14.45.070

3977 are each hereby amended to read as follows:

3978 The real estate services section(~~(,)~~) and the road((s)) services and permitting
3979 divisions of the department of (~~(transportation and the department of permitting and~~
3980 ~~environmental review))~~ local services shall coordinate review and inspection of the
3981 application for a right-of-way use agreement and, to the extent required, any zoning
3982 approvals, building permits and environmental review under the state Environmental
3983 Policy Act, as follows:

3984 A. The real estate services section shall coordinate the review by all departments
3985 of right-of-way use agreement applications.

3986 B. The road((s)) services division shall review and evaluate applications with
3987 respect to the hazard and risk of the proposed construction and location of the proposed
3988 construction in relation to other utilities in the right-of-way.

3989 C. The (~~(department of))~~ permitting ((and environmental review)) division shall
3990 review and evaluate all applications to determine consistency with respect to the
3991 standards and requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The
3992 (~~(department))~~ division shall also be the lead agency for purposes of any environmental
3993 review required under K.C.C. chapter 20.44.

3994 SECTION 114. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090

3995 are each hereby amended to read as follows:

3996 A. The real estate services section shall coordinate the review by all departments
3997 of permit applications.

3998 B. The department responsible for the management of the property to be affected

3999 shall review and evaluate applications with respect to the hazard and risk of the proposed
4000 construction or use; location of the proposed construction or use in relation to other
4001 facilities using the property; the adequacy of the engineering and design of the proposed
4002 construction or use; and applicable federal, state, county and local laws and regulations.

4003 C. The Seattle-King County department of public health shall review and
4004 evaluate applications for the construction of waterworks, except for domestic service
4005 connections, to determine consistency with state and local health and sanitation
4006 regulations.

4007 D. The King County fire marshal shall review and evaluate applications for the
4008 construction of waterworks to determine consistency with county standards for water
4009 mains and fire hydrants.

4010 E. All applications for the construction of sewer or water facilities must be
4011 certified by the department of (~~permitting and environmental review~~) local services,
4012 permitting division, as consistent with a sewer or water comprehensive plan approved by
4013 the county council pursuant to K.C.C. chapter 13.24.

4014 F. In any case, the real estate services section shall forward the application to the
4015 department for recommendations on critical area issues and the real estate services
4016 section shall be responsible for assuring that any application meets the requirements of
4017 K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the
4018 permit is issued.

4019 SECTION 115. Ordinance 3027, Section 4, as amended, and K.C.C. 14.52.040
4020 are each hereby amended to read as follows:

4021 A. A person shall not place trees, shrubbery, structures or other objects in

4022 planting strips located within the right of way of any county road, unless authorized by a
4023 variance issued by the county road engineer.

4024 B. A person owning property abutting county road right of way shall not allow
4025 trees, shrubbery, structures or other objects on the owner's property to retard the ability of
4026 the driving public to have adequate visibility of pedestrians, other vehicles using, entering
4027 or exiting the county road or block the visibility of county road signs and signals.

4028 C. If the county road engineer finds that the property abutting a county road is
4029 not being properly maintained as required in subsection B. of this section, a notice shall
4030 be sent to the property owner as provided in K.C.C. 14.52.020, specifying a reasonable
4031 time within which the maintenance shall be accomplished.

4032 D. If the owner fails to carry out the maintenance within the period in the notice,
4033 the department of ~~((transportation))~~ local services, road services division, shall seek all
4034 remedies, including, but not limited to, legal relief in equity or law.

4035 SECTION 116. Ordinance 3027, Section 7, as amended, and K.C.C. 14.52.070
4036 are each hereby amended to read as follows:

4037 A resident whose property is substantially higher or lower in elevation than the
4038 road and who does not have road access from one or more sides of the resident's property
4039 may apply for an exemption from K.C.C. 14.52.040. Exemptions may be granted by the
4040 county road engineer based upon standards that shall be established by the department of
4041 ~~((transportation))~~ local services.

4042 SECTION 117. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030
4043 are each hereby amended to read as follows:

4044 The department of ~~((transportation))~~ local services shall:

4045 A. Implement the nonmotorized transportation program;

4046 B. Provide support to any ad hoc nonmotorized transportation advisory

4047 committee; and

4048 C. Work with other jurisdictions and nongovernmental organizations to identify,

4049 develop and promote programs that encourage the use of nonmotorized modes of

4050 transportation.

4051 SECTION 118. Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230

4052 are each hereby amended to read as follows:

4053 A. The department of local services shall perform a concurrency analysis and test

4054 for each travel shed to determine whether areas within the travel sheds are concurrent.

4055 The test for each area shall be based on the level of service analysis results for the entire

4056 travel shed. Areas shall be deemed concurrent if eighty-five percent of the arterials

4057 within their travel shed meet level of service standards.

4058 B. The department shall determine a travel shed map that reflects the urban and

4059 rural nature of the county and transmit the travel shed map to the county council along

4060 with the concurrency test results map that shows the passing and failing sheds, for

4061 adoption by ordinance. The department shall make a determination of concurrency

4062 according to the status indicated on the adopted concurrency test results map for the area

4063 in which the proposed development is located.

4064 SECTION 119. Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240

4065 are each hereby amended to read as follows:

4066 A. The department of (~~permitting and environmental review~~) local services,

4067 permitting division, shall accept applications for a development approval only for

4068 development in areas that pass the concurrency test as shown on the concurrency test
4069 results map in effect at the time of application, except as provided in K.C.C. 14.70.285.

4070 B. The concurrency test results map is valid for the development permit
4071 application period and subsequently for the same time as the development approval.

4072 SECTION 120. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260
4073 are each hereby amended to read as follows:

4074 A. Any issues relating to the adequacy of the concurrency analysis and test or to
4075 the accuracy of the concurrency test results map shall be raised to the council during
4076 council consideration of the concurrency test results map as provided in K.C.C.
4077 14.70.270.

4078 B. There is no administrative appeal of the department of ~~((permitting and
4079 environmental review's))~~ local services, permitting division's final decision of
4080 concurrency denial or approval based on the concurrency test results map.

4081 SECTION 121. Ordinance 15030, Section 9, as amended, and K.C.C. 14.70.285
4082 are each hereby amended to read as follows:

4083 The following minor developments and public and educational facilities are
4084 subject to the concurrency test using level of service standard F:

4085 A. Short subdivisions within the Urban Growth Area;

4086 B. Any multifamily residential structure or structures totaling eight dwelling units
4087 or less within the Urban Growth Area;

4088 C. Any new public senior high school within the Urban Growth Area and any
4089 modification to an existing public senior high school regardless of location, including any
4090 renovation, expansion, modernization or reconstruction of existing facilities and the

4091 addition of relocatable facilities, only if the school prepares and implements a
4092 transportation demand management plan. New public high schools outside the Urban
4093 Growth Area must meet the Rural Area standard level of service B in the provisions of
4094 this chapter. This high school transportation demand management plan shall be
4095 submitted to and approved by the director of the department of ~~((transportation))~~ local
4096 services or ~~((the director's))~~ designee before the issuance of the building permit. The
4097 high school demand management plan shall pertain to the entire school and shall specify
4098 measures to be implemented to reduce single-occupant vehicle travel by students, faculty
4099 and staff. The plan shall further specify how the school district and department of
4100 ~~((transportation))~~ local services will cooperate in monitoring the implementation of such
4101 measures and make adjustments as needed to achieve reduction goals. A high school
4102 may voluntarily choose to prepare and implement a transportation demand management
4103 plan for any expansion of an existing public high school facility that would not generate
4104 new trips during the peak period;

4105 D. Parks, as defined in K.C.C. 21A.06.835;

4106 E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban
4107 Growth Area;

4108 F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban
4109 Growth Area;

4110 G. Building permits for single-family structures;

4111 H. The construction of a structure for a nonresidential use generating no more
4112 than twelve peak-period trips;

4113 I. Any development that will not increase the traffic volumes in the peak period;

4114 J. Any public elementary, middle or junior high school facilities, including new
4115 facilities and any renovation, expansion, modernization or reconstruction of existing
4116 facilities and the addition of relocatable facilities;

4117 K. Private elementary, middle or junior high schools. To qualify for the travel
4118 time level of service F standard, a school must prepare and implement a transportation
4119 demand management plan submitted to and approved by the director of the department of
4120 local services or ~~((the director's))~~ designee before the issuance of the building permit.
4121 The school demand management plan shall pertain to the entire school and shall specify
4122 measures to be implemented to reduce single occupant vehicle travel by students, faculty
4123 and staff. The plan shall further specify how the school and department of
4124 ~~((transportation))~~ local services will cooperate in monitoring the implementation of such
4125 measures and make adjustments as needed to achieve reduction goals; and

4126 L. Within Rural Area travel sheds that fall below the adopted level of service
4127 standards, short subdivisions, if for each lot that is created, up to four lots, one rural
4128 transferable development right under K.C.C. chapter 21A.37 is purchased from the same
4129 travel shed. However, where the short subdivision is creating only two lots, the property
4130 has been owned by the applicant for five or more years and the property has not been
4131 subdivided in the last five years, then no purchase of a transfer of development right shall
4132 be required to satisfy the transportation concurrency requirement.

4133 SECTION 122. Ordinance 11617, Section 61, as amended, and K.C.C. 14.80.040
4134 are each hereby amended to read as follows:

4135 A. Based on the identification of intersection standards being exceeded using
4136 analytical techniques and information acceptable to the director of the department of

4137 ((transportation)) local services, the owner of a proposed development shall be required
4138 to provide improvements that bring the intersection into compliance with intersection
4139 standards, or that return the intersection to its preproject condition, as may be required by
4140 the director. Approval to construct the proposed development shall not be granted until
4141 the owner has agreed to build or pay fair and equitable costs to build the improvements
4142 required by the director within the time schedule set by the director.

4143 B. At the discretion of the director, and based on technical information regarding
4144 traffic conditions and expected traffic impacts, the county may require that the owner of a
4145 proposed development pay the full costs of required intersection standards improvements
4146 required under this title.

4147 C. Administrative fees shall not be charged for intersection standards review, but
4148 the owner of a proposed development is responsible for the costs of any traffic study
4149 needed to determine traffic impacts and mitigation measures at intersections, as
4150 determined by the road services division.

4151 SECTION 123. Ordinance 11617, Section 63, as amended, and K.C.C. 14.80.060
4152 are each hereby amended to read as follows:

4153 The procedures in this chapter do not limit the authority of King County to deny
4154 or to approve with conditions the following:

4155 A. Any zone reclassification request, based on its expected traffic impacts;

4156 B. Any proposed development or zone reclassification if the department of
4157 ((transportation)) local services determines that a hazard to safety would result from its
4158 direct traffic impacts without roadway or intersection improvements, regardless of level
4159 of service standards; or

4160 C. Any proposed development reviewed under the authority of the Washington
4161 state Environmental Policy Act.

4162 SECTION 124. Ordinance 13019, Section 1 (part), as amended, and K.C.C.
4163 14.85.010 are each hereby amended to read as follows:

4164 A. There is hereby established a fee relating to the regional vector waste disposal
4165 plan. Effective January 1, 1998, all non-road services division entities using county-
4166 operated liquid and solid vector waste disposal facilities shall pay the fee in this section
4167 and K.C.C. 4A.700.880.

4168 B. The fee shall be collected by the department of (~~transportation~~) local
4169 services, road services division, which shall establish a procedure for collecting and
4170 depositing the fee in the road services division operating fund in accordance with RCW
4171 43.09.220.

4172 SECTION 125. Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170
4173 are each hereby amended to read as follows:

4174 Section 102 of the International Building Code is supplemented with the
4175 following:

4176 **Moved buildings and temporary buildings (IBC 102.7.2).**

4177 1. Buildings or structures moved into or within the jurisdiction shall comply with
4178 the provisions for new buildings or structures of the International Building Code, chapter
4179 51-50 WAC, the International Residential Code for One- and Two-Family Dwellings,
4180 chapter 51-51 WAC, the International Mechanical Code, chapter 51-52 WAC, the
4181 International Fire Code, chapter 51-54A WAC, the Uniform Plumbing Code and
4182 Standards, chapter 51-56 WAC, the International Energy Conservation Code,

4183 Commercial, chapter 51-11C WAC and the International Energy Conservation Code,
4184 Residential, chapter 51-11R WAC.

4185 **EXCEPTION:** Group R3 buildings or structures are not required to comply if:

- 4186 1. The original occupancy classification is not changed, and
4187 2. The original building is not substantially remodeled or rehabilitated. For the
4188 purposes of this section a building shall be considered to be substantially remodeled
4189 when the costs of remodeling exceed 60 percent of the value of the building exclusive of
4190 the costs relating to preparation, construction, demolition or renovation of foundations.

4191 No person shall move within or into the unincorporated areas of King County, or
4192 cause to be moved, any building or structure without first obtaining, in addition to the
4193 building permit, a relocation investigation permit from the building official. The purpose
4194 of this relocation investigation permit is to determine prior to relocation the deficiencies
4195 in the building. Before a structure is relocated to a proposed site, a building permit shall
4196 be obtained.

4197 2. The building official shall not approve for moving nor issue a building permit
4198 for a building or structure which constitutes a public nuisance or endangers the public
4199 health, safety, or general welfare, and in the building official's opinion it is physically
4200 impractical to restore such building or structure to make it comply with this code.

4201 3. A fee shall be charged for relocation investigations and site inspection
4202 services. A building permit fee shall also be charged for all structures which are
4203 approved for relocation. Fees for permits and services provided under this section shall
4204 be paid to the department of ~~((development and environmental services))~~ local services,
4205 permitting division, as set forth in K.C.C. Title 27, Building and Constructions Fees. As

4206 a condition of securing the building permit, the owner of the building or structure shall
4207 deposit cash or its equivalent with the building official, or in an approved irrevocable
4208 escrow, in an amount up to \$5000.00.

4209 4. Relocation investigation fees do not apply to structures having acceptable
4210 current inspections, such as factory built units.

4211 4.1 If the building official denies a building permit for the relocation of a
4212 structure, the applicant may request, within 10 days of the date of mailing or other
4213 issuance of the denial notice, that building official refer the building permit application to
4214 the building code advisory board. The advisory board shall review the application and
4215 make a recommendation to the building official, who may reconsider the denial in light
4216 of the advisory board's recommendation.

4217 SECTION 126. Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040
4218 are each hereby amended to read as follows:

4219 Whenever the following words appear in the code, they are to be changed as
4220 follows:

4221 A. Building official or code official to the ~~((director,))~~ department of ~~((permitting~~
4222 ~~and environmental review))~~ local services permitting division manager or designee;

4223 B. Name of jurisdiction to unincorporated King County;

4224 C. The department of building and safety to King County department of
4225 ~~((permitting and environmental review))~~ local services, permitting division;

4226 D. Design flood elevation to base flood elevation;

4227 E. Mobile home to manufactured home.

4228 SECTION 127. Ordinance 14914, Section 104, as amended, and K.C.C.

4229 16.03.120 are each hereby amended to read as follows:

4230 Department: the King County department of (~~permitting and environmental~~
4231 ~~review~~) local services or its successor (~~agency~~).

4232 SECTION 128. Ordinance 14914, Section 105, as amended, and K.C.C.

4233 16.03.130 are each hereby amended to read as follows:

4234 Director: the (~~director of the~~) department of (~~permitting and environmental~~
4235 ~~review~~) local services, permitting division manager, or the manager of the division's
4236 successor (~~agency~~), or the person designated by the director to act. "Director" includes
4237 "building official" and "code official."

4238 SECTION 129. Ordinance 12560, Section 119, as amended, and K.C.C.

4239 16.14.180 are each hereby amended to read as follows:

4240 Section 108.1.3 of the International Property Maintenance Code is supplemented
4241 with the following:

4242 **Placarding (IPMC 108.1.3.1).** In addition to being served as provided in K.C.C.
4243 Title 23, a notice to vacate or abate as nuisance may be posted at or upon each exit of the
4244 building or upon the premises where the exits exist in substantially the following form:

4245 KING COUNTY DEPARTMENT OF (~~PERMITTING AND ENVIRONMENTAL~~
4246 ~~REVIEW~~) LOCAL SERVICES, PERMITTING DIVISION

4247 [DEPARTMENT ADDRESS]

4248 **NOTICE IS HEREBY GIVEN THAT THIS BUILDING**

4249 **MUST NOT BE OCCUPIED**

4250 **UNTIL INSPECTION AND APPROVAL**

4251 For Further Information: By: _____

4252 Inspector/Officer

4253 Telephone: _____ Date: _____

4254 **WARNING!** The removal, mutilation, destruction or concealment of this notice is
4255 a misdemeanor.

4256 SECTION 130. Ordinance 12560, Section 136, as amended, and K.C.C.

4257 16.14.230 are each hereby amended to read as follows:

4258 Section 108.4.1 of the International Property Maintenance Code is not adopted
4259 and the following substituted:

4260 **Placarding of unsafe structures, premises and equipment (IPMC 108.4.1).** In
4261 addition to being served as provided in K.C.C. Title 23, a notice to vacate or abate as
4262 nuisance may be posted at or upon each exit of the building or upon the premises where
4263 the exits exist in substantially the following form:

4264 KING COUNTY DEPARTMENT OF (~~PERMITTING AND ENVIRONMENTAL~~
4265 ~~REVIEW~~) LOCAL SERVICES, PERMITTING DIVISION

4266 [DEPARTMENT ADDRESS]

4267 **NOTICE**

4268 **DO NOT ENTER**

4269 These premises have been found to be unsafe.

4270 This notice is to remain on the premises until

4271 the violations have been corrected.

4272 For further information: By: _____

4273 Inspector/Officer

4274 Telephone: 296-_____ Date: _____

4275 **WARNING!** The removal, mutilation, destruction or concealment of this notice
4276 is a misdemeanor.

4277 SECTION 131. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020
4278 are each hereby amended to read as follows:

4279 Certain words and phrases used in this chapter, unless otherwise clearly indicated
4280 by their context, mean as follows:

4281 A. "Applicant" means a property owner or a public agency or public or private
4282 utility that owns a right-of-way or other easement or has been adjudicated the right to such
4283 an easement in accordance with RCW 8.12.090, or any person or entity designated or
4284 named in writing by the property or easement owner to be the applicant, in an application
4285 for a development proposal, permit or approval.

4286 B. "Bench" means a relatively level step excavated or constructed on the face of a
4287 graded slope surface for drainage and maintenance purposes.

4288 C. "Civil engineer" means an engineer who is licensed as a professional engineer
4289 in the branch of civil engineering by the state of Washington.

4290 D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or
4291 other organic material by physical, mechanical, chemical or any other similar means.

4292 E. "Compaction" means the densification of a fill by mechanical means.

4293 F. "Cutting" means the severing of the main trunk or stem of woody vegetation at
4294 any point.

4295 G. "Department" means the department of ~~((permitting and environmental review))~~
4296 local services or its successor.

4297 H. "Director" means the ~~((director of the))~~ department of ~~((permitting and~~

4298 ~~environmental review))~~ local services permitting division manager or ~~((the director's))~~
4299 designee.

4300 I. "Earth material" means any rock, natural soil or any combination thereof.

4301 J. "Erosion" means the wearing away of the ground surface as the result of the
4302 movement of wind, water or ice.

4303 K. "Excavation" means the removal of earth material.

4304 L. "Fill" means a deposit of earth material or recycled or reprocessed waste
4305 material consisting primarily of organic or earthen materials, or any combination thereof,
4306 placed by mechanical means.

4307 M. "Geotechnical engineer" means an engineer who is licensed as a professional
4308 engineer by the state of Washington and who has at least four years of relevant professional
4309 employment.

4310 N. "Grade" means the elevation of the ground surface.

4311 1. "Existing grade" means the grade before grading.

4312 2. "Finish grade" means the final grade of the site that conforms to the approved
4313 plan as required in K.C.C. 16.82.060.

4314 3. "Rough grade" means the stage at which the grade approximately conforms to
4315 the approved plan as required in K.C.C. 16.82.060.

4316 O. "Grading" means any excavating, filling or land-disturbing activity, or
4317 combination thereof.

4318 P. "Grading and clearing permit" means the permit required by this chapter for
4319 grading and clearing activities, including temporary permits.

4320 Q. "Land disturbing activity: means an activity that results in a change in the

4321 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

4322 R. "Reclamation" means the final grading and restoration of a site to establish the
4323 vegetative cover, soil surface water and groundwater conditions appropriate to
4324 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

4325 S. "Shorelines" means those lands defined as shorelines in the state Shorelines
4326 Management Act of 1971.

4327 T. "Site" means a single lot or parcel of land two or more contiguous lots that are
4328 under common ownership or documented legal control, used as a single parcel for a
4329 development proposal in order to calculate compliance with the standards and regulations
4330 of this chapter. For purposes of this definition:

4331 1. "Documented legal control" includes fee simple or leasehold rights, or an
4332 easement, or any combination thereof, that allows uses associated with the overall
4333 development proposal; and

4334 2. Lots that are separated only by a public road right-of-way shall be considered
4335 to be contiguous.

4336 U. "Slope" means inclined ground surface, the inclination of which is expressed as
4337 a ratio of horizontal distance to vertical distance.

4338 V. "Structural engineer" means an engineer who is licensed as a professional
4339 engineer in the branch of structural engineering by the state of Washington.

4340 W. "Structure" means that which is built or constructed, an edifice or building of
4341 any kind or any piece of work artificially built up or composed of parts jointed together in
4342 some definite manner.

4343 X. "Tree" means a large woody perennial plant usually with a single main stem or

4344 trunk and generally over twelve feet tall at maturity.

4345 Y. "Understory" means the vegetation layer of a forest that includes shrubs, herbs,
4346 grasses and grass-like plants, but excludes native trees.

4347 Z. "Vegetation" means any organic plant life growing at, below or above the soil
4348 surface.

4349 SECTION 132. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051
4350 are each hereby amended to read as follows:

4351 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06
4352 apply to the activities described in this section.

4353 B. The following activities are excepted from the requirement of obtaining a
4354 clearing or grading permit before undertaking forest practices or clearing or grading
4355 activities, as long as those activities conducted in critical areas are in compliance with the
4356 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may
4357 be included in more than one activity category, the most-specific description of the
4358 activity shall govern whether a permit is required. For activities involving more than one
4359 critical area, compliance with the conditions applicable to each critical area is required.
4360 Clearing and grading permits are required when a cell in this table is empty and for
4361 activities not listed on the table. Activities not requiring a clearing and grading permit
4362 may require other permits, including, but not limited to, a floodplain development permit.

((KEY "NP" in a cell means no clearing	O	A	C	E	F	C	L	S	V	S	C	W	A	W
			O	R	L	H	A	O	O	H	R	E	A	A
	U	R	M	O	H	N	A	N	C	A	R	E	Q	N
		N	H	Z	L		A	Z	C		D		I	N
														L

	T E O A F A C N R D I B T U I C F A F L E R	H A Z A R D	Z A R D	R D	I G R A T I O N	N D D B S U L F I F D E R H A Z A R D	A R D	A Z A R D	E Z I C A N E A H P R C A S D A R L A L G O N A E P D Q A E B U R U I E F A E R E R	A N D - B U F F E R	U D D A B L E T U E I F F T C F E W A E A O R R R E K A)	D N L E T F T W O R R R E K A)
or grading 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													
"NP" in a cell means no clearing or grading 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	Out of Critical Area Land Buffer	Coal Mine Hazard d	Erosion Hazard d	Flood Hazard d	Channel Migration	Land slide Hazard and Buffer	Seismic Hazard d	Volcanic Hazard d	Steep Slope Hazard and Buffer	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	Wildlife Area and Buffer
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, 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4, 23	NP 4, 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	NP 25		NP 25			
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
Forest management activity	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	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

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	10	10	10	10	10	10	10	10	10	10	10	10	10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12		NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or 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	NP 13, 14, 15
Construction of farm field access drive	NP 16	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 drive	NP 17	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 utility corridors or facility within the right-of-way	NP 18	NP 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 utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	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 water flow control and surface water quality treatment 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	NP 11
Maintenance or repair of flood protection 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	NP 20

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Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
												11	11
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	13	13	13	13	13	13	13	13	13	13	13	13	13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		21	21	21	21	21	21	21	21		21	21	21
Drilling and testing for critical areas report	NP 1,	NP 1,	NP 1,	NP	NP	NP	NP 1,	NP 1,	NP	NP 1,	NP	NP	NP
	2	2	2	22	22	22	2	2	22	2	22	22	22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP	NP	NP	NP	NP		NP	NP		NP	NP	NP	
	16	16	16	16	16		16	16		16	16	16	
Maintenance or replacement of agricultural drainage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	15	15	15	15	15	15	15	15	15	15	15	15	15
Maintenance of agricultural waterway	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	26	26	26	26	26	26	26	26	26	26	26	26	26
Maintenance of farm pond, fish pond, livestock watering	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	15	15	15	15	15	15	15	15	15	15	15	15	15

pond													
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	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	NP 13

4363 C. The following conditions apply:

4364 1. Excavation less than five feet in vertical depth, or fill less than three feet in
 4365 vertical depth that, cumulatively over time, does not involve more than one hundred
 4366 cubic yards on a single site.

4367 2. Grading that produces less than two thousand square feet of new impervious
 4368 surface on a single site added after January 1, 2005, or that produces less than two
 4369 thousand square feet of replaced impervious surface or less than two thousand square feet
 4370 of new plus replaced impervious surface after October 30, 2008. For purposes of this
 4371 subsection C.2., "new impervious surface" and "replaced impervious surface" are defined
 4372 in K.C.C. 9.04.020.

4373 3. Cumulative clearing of less than seven thousand square feet including, but
 4374 not limited to, collection of firewood and removal of vegetation for fire safety. This
 4375 exception shall not apply to development proposals:

- 4376 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 4377 b. in a critical drainage areas established by administrative rules;

- 4378 c. subject to clearing limits included in property-specific development
4379 standards and special district overlays under K.C.C. chapter 21A.38; or
- 4380 d. subject to urban growth area significant tree retention standards under
4381 K.C.C. 16.82.156 and 21A.38.230.
- 4382 4. Cutting firewood for personal use in accordance with a forest management
4383 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
4384 condition, personal use shall not include the sale or other commercial use of the firewood.
- 4385 5. Limited to material at any solid waste facility operated by King County.
- 4386 6. Allowed to prevent imminent danger to persons or structures.
- 4387 7. Cumulative clearing of less than seven thousand square feet annually or
4388 conducted in accordance with an approved farm management plan, forest management
4389 plan or rural stewardship plan.
- 4390 8. Cumulative clearing of less than seven thousand square feet and either:
- 4391 a. conducted in accordance with a farm management plan, forest management
4392 plan or a rural stewardship plan; or
- 4393 b. limited to removal with hand labor.
- 4394 9. When conducted as a Class I, II, III or IV-S forest practice as defined in
4395 chapter 76.09 RCW and Title 222 WAC.
- 4396 10. If done in compliance with K.C.C. 16.82.065.
- 4397 11. Only when conducted by or at the direction of a government agency in
4398 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
4399 less than two thousand square feet of new impervious surface on a single site added after
4400 January 1, 2005, and is not within or does not directly discharge to an aquatic area or

4401 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
4402 K.C.C. 9.04.020.

4403 12. Limited to clearing conducted by or at the direction of a government agency
4404 or by a private utility that does not involve:

4405 a. slope stabilization or vegetation removal on slopes; or

4406 b. ditches that are used by salmonids.

4407 13. In conjunction with normal and routine maintenance activities, if:

4408 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

4409 b. the structure, condition or site maintained was constructed or created in
4410 accordance with law; and

4411 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
4412 culvert or other improved area being maintained.

4413 14. If a culvert is used by salmonids or conveys water used by salmonids and
4414 there is no adopted farm management plan, the maintenance is limited to removal of
4415 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization
4416 of the area within three feet of the culvert where the maintenance disturbed or damaged
4417 the bank or bed and does not involve the excavation of a new sediment trap adjacent to
4418 the inlet.

4419 15. If used by salmonids, only in compliance with an adopted farm plan in
4420 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

4421 a. The King Conservation District;

4422 b. King County department of natural resources and parks;

4423 c. King County department of (~~permitting and environmental review~~) local

4424 services, permitting division; or

4425 d. Washington state Department of Fish and Wildlife.

4426 16. Only if consistent with an adopted farm plan in accordance with K.C.C.

4427 Title 21A.

4428 17. Only if consistent with a farm plan.

4429 18. In accordance with a franchise permit.

4430 19. Only within the roadway in accordance with a franchise permit.

4431 20. When:

4432 a. conducted by a public agency;

4433 b. the height of the facility is not increased;

4434 c. the linear length of the facility is not increased;

4435 d. the footprint of the facility is not expanded waterward;

4436 e. done in accordance with the Regional Road Maintenance Guidelines;

4437 f. done in accordance with the adopted King County Flood Hazard

4438 Management Plan and the Integrated Streambank Protection Guidelines (Washington

4439 State Aquatic Habitat Guidelines Program, 2002); and

4440 f. monitoring is conducted for three years following maintenance or repair and
4441 an annual report is submitted to the department.

4442 21. Only if:

4443 a. the activity is not part of a mitigation plan associated with another
4444 development proposal or is not corrective action associated with a violation; and

4445 b. the activity is sponsored or co-sponsored by a public agency that has natural
4446 resource management as its primary function or a federally-recognized tribe, and the

4447 activity is limited to:

4448 (1) revegetation of the critical area and its buffer with native vegetation or the
4449 removal of noxious weeds or invasive vegetation;

4450 (2) placement of weirs, log controls, spawning gravel, woody debris and
4451 other specific salmonid habitat improvements;

4452 (3) hand labor except:

4453 (a) the use of riding mower or light mechanical cultivating equipment and
4454 herbicides or biological control methods when prescribed by the King County noxious
4455 weed control board for the removal of noxious weeds or invasive vegetation; or

4456 (b) the use of helicopters or cranes if they have no contact with or otherwise
4457 disturb the critical area or its buffer.

4458 22. If done with hand equipment and does not involve any clearing.

4459 23. Limited to removal of vegetation for forest fire prevention purposes in
4460 accordance with best management practices approved by the King County fire marshal.

4461 24. Limited to the removal of downed trees.

4462 25. Except on properties that are:

4463 a. subject to clearing limits included in property-specific development
4464 standards and special district overlays under K.C.C. chapter 21A.38; or

4465 b. subject to urban growth area significant tree retention standards under
4466 K.C.C. 16.82.156.

4467 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance
4468 activity is inspected by the:

4469 a. King Conservation District;

- 4470 b. department of natural resources and parks;
- 4471 c. department of ~~((permitting and environmental review))~~ local services,
- 4472 permitting division; or
- 4473 d. Washington state Department of Fish and Wildlife.

4474 SECTION 133. Ordinance 1488, Section 10, and K.C.C. 16.82.090 are each
4475 hereby amended to read as follows:

4476 The permittee shall maintain a liability policy in the amount of one hundred
4477 thousand dollars per individual, three hundred thousand dollars per occurrence, and fifty
4478 thousand dollars property damage, and shall name King County as an additional insured.

4479 EXCEPTION: Liability insurance requirements may be waived for projects involving
4480 less than ten thousand cubic yards. Liability insurance shall not be required of ~~((other))~~
4481 King County departments.

4482 SECTION 134. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100
4483 are each hereby amended to read as follows:

4484 A person conducting a grading activity shall comply with the following standards:

4485 A. Cuts and fills shall conform to the following provisions unless otherwise
4486 approved by the department:

4487 1. A slope of cut and fill surfaces shall not be steeper than is safe for both the
4488 intended use and soil type and shall not exceed two horizontal to one vertical;

4489 2. All disturbed areas including faces of cuts and fill slopes shall be prepared
4490 and maintained to control erosion in compliance with K.C.C. 16.82.095;

4491 3. The ground surface shall be prepared to receive fill by removing unsuitable
4492 material such as concrete slabs, tree stumps, brush, car bodies and other materials as

4493 determined by the department;

4494 4. Except in an approved sanitary landfill or as part of engineered fill, fill

4495 material shall meet the following standards:

4496 a. Fill material shall consist of earthen material, organic material or recycled or
4497 reprocessed materials that are not categorized as dangerous waste under Title 173 WAC
4498 and that were produced originally from an earthen or organic material;

4499 b. Fill material shall have a maximum dimension of less than twelve inches;

4500 c. Recycled concrete shall be free of rebar and other materials that may pose a
4501 safety or health hazard;

4502 d. Recycled asphalt shall not be used in areas subject to exposure to seasonal
4503 or continual perched ground water, in a critical aquifer recharge area or over a sole-
4504 source aquifer; and

4505 e. Recycled materials that have not been reprocessed to meet the definition of
4506 common borrow shall be intermixed with well-graded, natural, earthen materials in
4507 sufficient quantities and of a suitable size to assure filling of all voids and to assure that
4508 the fill can be compacted to ninety percent of the maximum density;

4509 5. Provisions shall be made to:

4510 a. prevent any surface water or seepage from damaging the cut face of any
4511 excavation or the sloping face of a fill; and

4512 b. address any surface water that is or might be concentrated as a result of a fill
4513 or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the
4514 Surface Water Design Manual;

4515 6. Benches and any swales or ditches on benches shall be designed in

4516 accordance with the King County Surface Water Design Manual;

4517 7. The tops and the toes of cut and fill slopes shall be set back from property
4518 boundaries and structures as far as necessary:

4519 a. for the safety of the adjacent properties;

4520 b. for adequacy of foundation support;

4521 c. to prevent damage resulting from water runoff or erosion of the slopes; and

4522 d. to preserve the permitted uses on the adjacent properties; and

4523 8. All fill shall meet the following:

4524 a. Fill greater than three feet in depth shall be engineered and compacted to
4525 accommodate the proposed use unless a notice on title documenting the location of the
4526 fill is recorded and the fill is sufficiently stable to not pose a hazard; and

4527 b. Any fill in the floodplain shall, from the face of the fill to a horizontal
4528 distance of six feet back from the face, meet the compaction requirements for pond
4529 embankments in the Surface Water Design Manual, unless determined by the department
4530 that inundation is not a threat to fill integrity or that other requirements necessary for
4531 compliance with the King County Guidelines for Bank Stabilization (Surface Water
4532 Management 1993) are met.

4533 B. Access roads to grading sites shall be:

4534 1. Maintained and located to the satisfaction of the King County department of
4535 ~~((transportation))~~ local services, road services division, to minimize problems of dust,
4536 mud and traffic circulation;

4537 2. Located where the permanent access to the site is proposed in the permit
4538 application to minimize site disturbance; and

4539 3. Controlled by a gate when required by the department.

4540 C. Signs warning of hazardous conditions, if determined by the department to
4541 exist on a particular site, shall be affixed at locations as required by the department.

4542 D. Where required by the department, to protect life, limb and property, fencing
4543 shall be installed with lockable gates that must be closed and locked when not working
4544 on the site. The fence shall be no less than six feet in height and the fence material shall
4545 have no opening larger than two inches.

4546 E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site
4547 in the course of permitted activities shall not be spilled onto or otherwise left on public
4548 roadways or any off-site property not specifically authorized as a receiving site under a
4549 valid permit.

4550 F. The duff layer and native topsoil shall be retained in an undisturbed state to the
4551 maximum extent practicable. Any duff layer or topsoil removed during grading shall be
4552 stockpiled on-site in a designated, controlled area not adjacent to public resources and
4553 critical areas. The material shall be reapplied to other portions of the site where feasible.

4554 G.1. Except as otherwise provided in subsection G.2. of this section, areas that
4555 have been cleared and graded shall have the soil moisture holding capacity restored to
4556 that of the original undisturbed soil native to the site to the maximum extent practicable.
4557 The soil in any area that has been compacted or that has had some or all of the duff layer
4558 or underlying topsoil removed shall be amended to mitigate for lost moisture-holding
4559 capacity. The amendment shall take place between May 1 and October 1. The topsoil
4560 layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a
4561 different thickness will provide conditions equivalent to the soil moisture-holding

4562 capacity native to the site. The topsoil layer shall have an organic matter content of
4563 between five to ten percent dry weight and a pH suitable for the proposed landscape
4564 plants. When feasible, subsoils below the topsoil layer should be scarified at least four
4565 inches with some incorporation of the upper material to avoid stratified layers. Compost
4566 used to achieve the required soil organic matter content must meet the definition of
4567 "composted materials" in WAC 173-350-220.

- 4568 2. This subsection does not apply to areas that:
- 4569 a. Are subject to a state surface mine reclamation permit; or
- 4570 b. At project completion are covered by an impervious surface, incorporated
4571 into a drainage facility or engineered as structural fill or slope.

4572 SECTION 135. Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020
4573 are each hereby amended to read as follows:

4574 Whenever the following words appear in (~~this~~) the code, they are to be changed
4575 as follows:

4576 A. "Department" to "department of (~~permitting and environmental review~~) local
4577 services, permitting division."

4578 B. "Fire chief", "chief of the fire department," "fire prevention engineer" and
4579 "fire code official" to "King County fire marshal".

4580 C. "Fire department" to "department of (~~permitting and environmental review~~)
4581 local services, permitting division."

4582 SECTION 136. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420
4583 are each hereby amended to read as follows:

4584 Section 503.3 of the International Fire Code is not adopted and the following is

4585 substituted:

4586 **Marking of and establishment of fire lanes (IFC 503.3).**

4587 A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall
4588 be established by the King County fire marshal or designee, and shall be referred to as
4589 designated fire lanes in this section.

4590 B. Definition of Fire Lanes. The area within any public right-of-way, easement,
4591 or on private property designated for the purpose of permitting fire trucks and other fire
4592 fighting or emergency equipment to use, travel upon, and park.

4593 C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the
4594 following manner:

4595 1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending
4596 the length of the designated fire lane. The pavement adjacent to the painted curbs shall
4597 be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush
4598 stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at
4599 50 foot or portion thereof intervals, or

4600 2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe
4601 painted extending the length of the designated fire lane. The surface adjacent to the stripe
4602 shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch
4603 brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and
4604 spaced at 50 ft. or portion thereof intervals, or

4605 3. Fire lane signs shall be installed per the illustration:





3" Height 3" Height

2" Height 2" Height

- 4606 a. Reflective in nature.
- 4607 b. Red letters on white background.
- 4608 c. Signs to be spaced 50 feet or portion thereof apart and posted on or
- 4609 immediately next to the curb.
- 4610 d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.
- 4611 e. Signs may be placed on a building when approved by the fire marshal as the
- 4612 designee of the ~~((manager))~~ department of local services permitting division ~~((in the~~
- 4613 ~~department of permitting and environmental review))~~ manager.

4614 When posts are required they shall be a minimum of 2 inch galvanized steel or 4

4615 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the

4616 vehicular travel.

4617 D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire

4618 lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard

4619 as defined in state law and an immediate hazard to life and property.

4620 E. Alternate Materials and Methods. The fire marshal as designee of the

4621 ~~((manager of permitting division in the))~~ department of ~~((permitting and environmental~~

4622 ~~review))~~ local services permitting division manager may modify any of the provisions

4623 herein where practical difficulties exist. The particulars of a modification shall be

4624 granted by the fire marshal and shall be entered into the records of the office.

4625 F. Existing fire lane signs and markings.

4626 1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a

4627 need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

4628 2. Markings may be allowed to remain until there is a need for repainting and at
4629 that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

4630 G. Maintenance. Fire lane markings shall be maintained at the expense of the
4631 property owner(s) as often as needed to clearly identify the designated area as being a fire
4632 lane.

4633 H. Towing notification. At each entrance to property where fire lanes have been
4634 designated, signs shall be posted in a clearly conspicuous location and shall clearly state
4635 that vehicles parked in fire lanes may be impounded, and the name, telephone number,
4636 and address of the towing firm where the vehicle may be redeemed.

4637 I. Property owner responsible. The owner, manager, or person in charge of any
4638 property upon which designated fire lanes have been established shall prevent the parking
4639 of vehicles or placement of other obstructions in such fire lanes.

4640 J. Violation - Civil infraction. Any person who fails to mark or maintain the
4641 marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in,
4642 allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire
4643 lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The
4644 penalty for failing to mark or maintain the marking of a designated fire lane shall be one
4645 hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a
4646 vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty
4647 dollars.

4648 K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions
4649 of subsection E, any person who fails to meet the provisions of the fire lane requirements

4650 codified in this title shall be subject to civil penalties in conformance with K.C.C.
4651 Chapter 23.

4652 L. Impoundment. Any vehicle or object obstructing a designated fire lane is
4653 hereby declared a traffic hazard and may be abated without prior notification to its owner
4654 by impoundment pursuant to the applicable state law.

4655 SECTION 137. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010
4656 are each hereby amended to read as follows:

4657 The definitions in this section apply throughout this chapter unless the context
4658 clearly requires otherwise.

4659 A. "Capital project" refers to a project with a scope that includes one or more of
4660 the following elements: acquisition of a site or acquisition of an existing structure, or
4661 both; program or site master planning; environmental analysis; design; construction;
4662 major equipment acquisition; reconstruction; demolition; or major alteration of a capital
4663 asset. A capital project shall include: a project program plan; scope; budget by task; and
4664 schedule.

4665 B. "County green building team" or "green building team" means a group that
4666 includes representatives from county agencies with capital project or building
4667 management staff including, but not limited to, (~~the department of transportation,~~) the
4668 Metro transit department, the department of natural resources and parks, the department
4669 of executive services, the department of (~~permitting and environmental review~~) local
4670 services, permitting and road services divisions, the department of public health, the
4671 historic preservation program and the department of community and human services.
4672 The members represent staff with expertise in project management, construction

4673 management, architecture, landscape architecture, environmental planning, design,
4674 engineering, historic preservation and resource conservation, public health, building
4675 energy systems, building management, budget analysis and other skills as needed. The
4676 green building team provides assistance and helps to disseminate information to project
4677 managers in all county agencies.

4678 C. "Facility" means all or any portion of buildings, structures, infrastructure,
4679 sites, complexes, equipment, utilities and conveyance lines.

4680 D. "GreenTools program" means the support team located within the solid waste
4681 division of the department of natural resources and parks that provides green building
4682 technical assistance to county divisions, cities and the general public within King County.

4683 E. "Integrative design process" means an approach to project design that seeks to
4684 achieve high performance on a wide variety of well-defined environmental and social
4685 goals while staying within budgetary and scheduling constraints. It relies on a
4686 multidisciplinary and collaborative team whose members make decisions together based
4687 on a shared vision and a holistic understanding of the project. It is an iterative process
4688 that follows the design through the entire project life, from predesign through operation.

4689 F. "Leadership in Energy and Environmental Design" or "LEED" means a
4690 voluntary, consensus-based national standard for developing high-performance,
4691 sustainable buildings, created by the United States Green Building Council.

4692 G. "LEED-eligible building" means a project larger than five thousand gross
4693 square feet of occupied or conditioned space that meets the minimum program
4694 requirements for LEED certifications.

4695 H. "Major remodel or renovation" means work that demolishes space down to the

4696 shell structure and rebuilds it with new interior walls, ceilings, floor coverings and
4697 systems, when the work affects more than twenty-five percent of a LEED-eligible
4698 building's square footage and the affected space is at least five thousand square feet or
4699 larger.

4700 I. "Minor remodel or renovation" means any type of remodel or renovation that
4701 does not qualify as a major remodel or renovation.

4702 J. "New construction" means a new building or structure.

4703 K. "Present value" means the value on a given date of a future payment or series
4704 of future payments, discounted to reflect the time value of money and other factors such
4705 as investment risk.

4706 L. "Retrocommissioning" is a detailed, systematic process for investigating an
4707 existing building's operations and identifying ways to improve performance. The
4708 primary focus is to identify operational improvements to obtain comfort and energy
4709 savings.

4710 M. "Sustainable development practices" means whole system approaches to the
4711 design, construction and operation of buildings and infrastructure that help to mitigate the
4712 negative environmental, economic, health and social impacts of construction, demolition,
4713 operation and renovation while maximizing the facilities' positive fiscal, environmental
4714 and functional contribution. Sustainable development practices recognize the
4715 relationship between natural and built environments and seek to minimize the use of
4716 energy, water and other natural resources while providing maximum benefits and
4717 contribution to service levels to the system and the connecting infrastructures.

4718 N. "Sustainable infrastructures" means those infrastructures and facilities that are

4719 designed, constructed and operated to optimize fiscal, environmental and functional
4720 performance for the lifecycle of the facility. Sustainable performance of infrastructure
4721 shall be determined through an integrated assessment, one that accounts for fiscal,
4722 environmental and functional costs and benefits, over the life of the facility.

4723 O. "Sustainable Infrastructure Scorecard" is an alternative green building and
4724 sustainable development rating system developed by the county green building team as
4725 required by K.C.C. 18.17.020.E. The Sustainable Infrastructure Scorecard was
4726 developed for capital projects that are not eligible for the LEED rating system.

4727 SECTION 138. Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020
4728 are each hereby amended to read as follows:

4729 A. The intent of this policy is to ensure that the planning, design, construction,
4730 remodeling, renovation, maintenance and operation of any King County-owned or
4731 financed capital project is consistent with the latest green building and sustainable
4732 development practices.

4733 B. This policy applies to all King County-owned or lease-to-own capital projects,
4734 excluding projects that have already completed thirty percent of the design phase by
4735 August 1, 2014. This policy also applies to housing projects partly or totally financed by
4736 King County that are required by law to follow statewide green building standards in that
4737 it requires such projects to report on the statewide green building standards.

4738 C. All capital projects to which this chapter applies shall utilize relevant green
4739 building and sustainable development criteria to implement sustainable development
4740 practices in planning, design, construction and operation as set forth in this chapter.

4741 D. All LEED-eligible new construction shall be registered through the United

4742 States Green Building Council and should plan for and achieve a LEED Platinum
4743 certification, as long as a Platinum certification can be achieved with no incremental cost
4744 impact to the general fund over the life of the asset and an incremental cost impact of no
4745 more than two percent to other funds over the life of the asset, as compared to a project
4746 that is not seeking a green building or sustainable development rating system
4747 certification. The incremental cost impact shall be determined as described in subsection
4748 G. of this section.

4749 E. All LEED-eligible major remodels and renovations shall be registered through
4750 the United States Green Building Council and should plan for and achieve a LEED Gold
4751 certification, as long as a Gold certification can be achieved with no incremental cost
4752 impact to the general fund over the life of the asset and an incremental cost impact of no
4753 more than two percent to other funds over the life of the asset, as compared to a project
4754 that is not seeking a green building or sustainable development rating system
4755 certification. The incremental cost impact shall be determined as described in subsection
4756 G. of this section.

4757 F. All capital projects, where the scope of the project or type of structure limits
4758 the ability to achieve LEED certification, shall incorporate cost-effective green building
4759 and sustainable development practices based on relevant LEED criteria and other
4760 applicable sustainable development goals and objectives. These projects shall use the
4761 King County or division-specific Sustainable Infrastructure Scorecard, along with
4762 guidelines for using the scorecard. Each Sustainable Infrastructure Scorecard project
4763 shall plan for and achieve a Platinum rating as long as a Platinum rating can be achieved
4764 with no incremental cost impact to the general fund over the life of the asset and an

4765 incremental cost impact of no more than two percent to other funds over the life of the
4766 asset as compared to a project not achieving a green building or sustainable development
4767 rating. The incremental cost impact shall be determined as described in subsection G. of
4768 this section. If a Platinum rating cannot be achieved with no incremental cost impact to
4769 the general fund and an incremental cost impact of no more than two percent to other
4770 funds over the life of the asset as compared to a project not achieving a green building or
4771 sustainable development rating, a Sustainable Infrastructure Scorecard project shall plan
4772 for and achieve a Gold rating. If a Gold rating cannot be achieved with no incremental
4773 cost impact to the general fund over the life of the asset and an incremental cost impact of
4774 no more than two percent to other funds over the life of the asset, Sustainable
4775 Infrastructure Scorecard projects shall plan for and achieve a silver rating where
4776 practicable. Silver is the lowest allowable rating for Sustainable Infrastructure Scorecard
4777 projects. For small, related capital projects that are implemented as part of a program, a
4778 project scorecard and reporting requirements may be done for the program rather than for
4779 each individual small project. For reporting purposes, county divisions may apply a
4780 single Sustainable Infrastructure Scorecard for a bundle of small capital projects in the
4781 most efficient manner as determined by the county division (~~director~~) manager to reflect
4782 the division's line of business.

4783 G.1. For each project subject to subsections E. and F. of this section, at or before
4784 the time the project has reached thirty percent of the design phase, the project team shall
4785 conduct an analysis that determines the incremental costs for achieving the rating
4786 required in subsection D. or E. of this section as compared to a project that is not seeking
4787 a green building or sustainable development rating system certification. The analysis

4788 shall include the up-front incremental construction costs, the up-front costs of registration
4789 and certification and the present value of operations and maintenance cost savings over
4790 the life of the asset. For the purposes of this analysis, operations and maintenance cost
4791 savings shall be comprised of projected costs the county will incur over the life of the
4792 asset. The costs included in this analysis shall be quantifiable, documented and verifiable
4793 by third-party review upon project completion and thereafter.

4794 2. At thirty percent of the design phase and project completion, the project team
4795 shall submit to the green building team a completed LEED checklist or Sustainable
4796 Infrastructure Scorecard that documents which LEED or scorecard points that the project
4797 expects to achieve.

4798 3. For projects achieving a LEED rating, the project team shall ensure that
4799 energy efficiency is given the highest priority. Project teams shall submit a completed
4800 LEED checklist, which documents which LEED points the project team expects to
4801 achieve, to the green building team, initially at the schematic or thirty percent design
4802 phase of the project and then at the completion of the project.

4803 4. If it is determined that costs are too high to achieve a LEED rating required in
4804 subsection D. or E. of this section, or that the project is unable to achieve that rating for
4805 technical reasons, projects shall achieve the highest rating possible with no incremental
4806 cost impact to the general fund over the life of the asset and an incremental cost impact of
4807 no more than two percent to other funds over the life of the asset as compared to a project
4808 that is not seeking a green building or sustainable development rating system
4809 certification. There may be extenuating circumstances for some LEED-eligible projects
4810 that make it cost prohibitive to achieve any level of LEED certification. These projects

4811 must submit a written summary to the director of the department managing the project for
4812 approval, documenting the reasons why the project is not getting a LEED certification.

4813 H. All housing projects financed by King County and owned and managed by
4814 either a housing authority or nongovernmental agency under contract with King County
4815 that are required by RCW 39.35D.080 or other applicable authority to use a statewide
4816 green building standard for affordable housing, shall submit a copy of the green building
4817 standard checklist to the green building team. The department of community and human
4818 services shall submit the statewide green building standard checklist to the green building
4819 team at project completion.

4820 I. Transit oriented development initiated by the Metro transit department shall
4821 follow the same green building standards and requirements as other King County capital
4822 projects. If required by RCW 39.35D.080 and other applicable authority, transit-oriented
4823 affordable housing projects in which the affordable housing is financed in whole or in
4824 part by King County shall follow the statewide green building standards.

4825 J. A project may request use of an alternative green building or sustainability
4826 rating system in lieu of LEED or the Sustainable Infrastructure Scorecard. Alternative
4827 green building and sustainable rating systems include: the Evergreen Sustainable
4828 Development Standard, administered by the Washington state Department of Commerce;
4829 the Built Green Four-Star administered by the Master Builders Association of King and
4830 Snohomish Counties; Sustainable Sites Initiative Program, developed by the American
4831 Society of Landscape Architects and Lady Bird Johnson Wildflower Center and United
4832 States Botanical Garden; Salmon Safe founded by the Stewardship Partners; or the Living
4833 Building Challenge administered by the International Living Future Institute. A project

4834 manager shall make a request to use an alternative green building rating system to the
4835 department director responsible for that project and to the green building team if a project
4836 elects not to use the LEED Rating System. The project's department director in
4837 consultation with the Green Building Team, shall make the final determination. All
4838 projects using an alternative green building or sustainable development rating system
4839 shall plan for and achieve the highest certification level that can be achieved with no
4840 incremental cost impact to the general fund over the life of the asset and an incremental
4841 cost impact of no more than two percent to other funds over the life of the asset, as
4842 compared to a project that is not seeking certification.

4843 K. For those projects that only involve making either renewable energy
4844 improvements or energy efficiency improvements, or both, at or before the project has
4845 reached thirty percent of the design phase, the project team shall conduct an analysis that
4846 determines the incremental costs of making such improvements. The costs to be included
4847 in this analysis shall include the up-front incremental construction costs and the present
4848 value of the operations and maintenance cost savings over the life of the asset. For the
4849 purposes of this analysis, operations and maintenance cost savings shall be comprised of
4850 projected costs the county will incur over the life of the asset. The costs included in this
4851 analysis shall be quantifiable, documented and verifiable by third-party review upon
4852 project completion and thereafter.

4853 L. To help achieve a standard level of green building operations in existing
4854 buildings, the green building team, in coordination with divisions that have capital project
4855 or building management staff and the GreenTools technical support team, shall develop a
4856 set of both mandatory and recommended green building operational guidelines for

4857 divisions to incorporate into their facility operations procedures. The guidelines shall
4858 provide direction on the use of green practices in minor remodels and renovations, water
4859 and energy conservation, waste reduction and recycling expectations, green cleaning
4860 standards and retrocommissioning to improve a facility's operating performance.

4861 M.1. The executive shall report on the progress of implementing this section in
4862 accordance with K.C.C. 18.50.010. Reporting requirements and criteria for green
4863 building metrics shall be consistent with the annual environmental sustainability report
4864 on King County's climate, energy, green building and environmentally preferred
4865 purchasing programs and the Strategic Climate Action Plan. Required green building
4866 reporting criteria shall be included in the county's project information center database,
4867 managed by the office of performance, strategy and budget. The project information
4868 center database shall be compatible and function with all county division capital project
4869 management systems to streamline and avoid duplicative reporting efforts. The green
4870 building team's program manager shall have access to data in the project information
4871 center database. All divisions responsible for capital improvement projects or facility
4872 management shall provide information detailing the green building and sustainable
4873 development accomplishments for the previous year. The information shall be provided
4874 to the green building team, either in hard copy or electronically. Information to be
4875 submitted shall include, but not be limited to:

- 4876 a. the total number of capital projects a division is responsible for;
- 4877 b. the total number of LEED projects;
- 4878 c. the total number of Sustainable Infrastructure Scorecard projects;
- 4879 d. the total number of alternative green building or sustainable development

4880 rating system projects, and other sustainable development projects, such as historic
4881 restoration and adaptive reuse,;

4882 e. the additional costs associated with achieving LEED certification;
4883 f. the total number of projects using an integrative design process;
4884 g. the green building and sustainable development strategies employed;
4885 h. the operations and maintenance costs for all completed projects
4886 incorporating green building principles and practices and projects incorporating
4887 renewable energy or energy efficiency components, as well as the operations and
4888 maintenance costs that were projected before construction;

4889 i. the fiscal performance of all projects incorporating green building principles
4890 and practices including an accounting of all project costs and benefits that can be
4891 quantified, documented and verified;

4892 j. projected and actual energy savings measured;
4893 k. projected and actual water savings;
4894 l. a construction and demolition plan and a construction and demolition report,
4895 both of which include the diversion percentage rate and tonnage;

4896 m. actual environmentally preferable products used;
4897 n. projected and actual greenhouse gas emissions and saving based on the
4898 reporting that is required in the project information center database; at minimum,
4899 greenhouse gas calculations shall include the greenhouse gas emissions associated with
4900 energy and water usage, transportation impacts and construction and demolition
4901 diversion. When possible the calculation shall include the greenhouse gas savings
4902 associated with use of green strategies and environmentally preferable products;

4903 o. projected and actual transportation impacts, including the transportation-
4904 related greenhouse gas emissions associated with the project; and

4905 p. other reporting criteria that may be identified in the future.

4906 2. Housing projects financed by King County and owned by either a housing
4907 authority or nongovernmental agency under contract with King County are exempted
4908 from the annual reporting requirements under subsection M.1. of this section.

4909 3. The green building team, along with other relevant sustainability programs,
4910 and the office of performance, strategy and budget shall develop and determine consistent
4911 understandable and relevant baselines and measurement units that are applicable to
4912 diverse lines of business. Reporting criteria and performance measures shall be
4913 consistent with other related environmental requirements.

4914 4. The process for reporting for projects grouped by program shall be
4915 determined by each division with the course of action that best captures green building
4916 performance for small projects grouped by program. Divisions may consider joint review
4917 of its small projects with the green building team program manager for assistance with
4918 scorecard and annual reporting compliance.

4919 N. Green building requirements should be included by the procurement services
4920 section of the department of executive services, where possible and appropriate, in capital
4921 design and construction contracts, bid documents and technical specifications. The
4922 project manager responsible for the capital project shall collaborate with procurement
4923 services section staff to determine where green building requirements are appropriate. As
4924 applicable, requests for proposals and qualifications should include a list or description of
4925 LEED experience. Procurement documents that relate to construction or capital projects

4926 shall cite this chapter. The green building team shall develop minimum standards for
4927 building projects that address the monitoring of energy and water using systems that help
4928 meet energy and climate goals, and provide real time interfaces to ensure ongoing
4929 efficient operations.

4930 O. The green building team shall coordinate and share information about the use
4931 of sustainable development practices countywide and, with assistance from the
4932 GreenTools program, develop tools and training for project managers to implement this
4933 legislation. Its role includes:

4934 1. Helping to assess regionally appropriate green building and sustainable
4935 development practices;

4936 2. Developing regionally appropriate building and infrastructure design
4937 standards and guidelines;

4938 3. Developing tools and procedures for assessing life-cycle fiscal,
4939 environmental and functional costs and benefits;

4940 4. Convening and facilitating sustainable development planning and charrette
4941 workshops;

4942 5. Evaluating performance of projects and facilities, including conducting post
4943 occupancy surveys, energy and water use audits and evaluating benefits realized; and

4944 6. Tracking and reporting progress on implementation of green building and
4945 sustainable development practices.

4946 P. Each division with capital project, operations and maintenance, building
4947 management, permitting or housing staff shall designate one or more green building team
4948 member or members. The team member is expected to regularly attend meetings and

4949 actively participate in disseminating sustainable development practices information back
4950 to the respective division. Green building team members should also receive either
4951 specialized training or additional training, or both, in green building design and should be
4952 encouraged to achieve the LEED Accredited Professional designation, as appropriate.

4953 Q. County capital improvement project managers that are currently managing or
4954 will manage projects that fit the criteria in subsections D. and E. of this section are
4955 responsible for attending appropriate LEED and sustainable development training and
4956 annual refresher courses. Trainings shall be coordinated by the green building team.

4957 R. The GreenTools program shall provide technical support for the county green
4958 building team and to cities and the general public in the county as appropriate, including,
4959 but not limited to, training on LEED and other green building and sustainable
4960 development technologies, research, project review, assisting with budget analysis and
4961 convening groups to develop strategies and policies relating to green buildings and
4962 sustainable infrastructures.

4963 S. The green building team shall work with the historic preservation program to
4964 develop a pilot format of the Sustainable Infrastructure Scorecard applicable to
4965 renovations of facilities listed under the county's historic preservation program and
4966 funded through King County. The preservation, restoration and adaptive reuse of
4967 existing buildings is an important green building strategy because historic preservation is,
4968 in itself, sustainable development. As part of the county green building strategy, the
4969 county shall preserve and restore the historic landmarks and properties eligible for
4970 landmark designation that are owned by the county, except in cases where a certificate of
4971 appropriateness is granted by the King County landmarks commission. Projects

4972 involving designated landmarks or properties that are eligible for landmark designation
4973 shall seek to maximize green building strategies such as natural daylighting and passive
4974 ventilation. However, the King County landmarks commission or other applicable
4975 regulatory body may waive requirements of this section upon issuing findings that strict
4976 compliance with this chapter would adversely affect the historic character of the resource
4977 in question, or that there are no feasible alternatives for preservation.

4978 T. The green building and sustainable development practices in this policy are
4979 intended to ensure high performance in energy, water and waste reduction. In addition to
4980 the requirements of this chapter, the following minimum requirements shall be applied to
4981 all projects when applicable:

4982 1. Meet energy and climate goals and performance requirements as directed in
4983 the King County Strategic Climate Action Plan, developed under K.C.C. chapter 18.25.
4984 The project team shall ensure that energy efficiency is given the highest priority;

4985 2. Meet King County Surface Water Design Manual Standards and
4986 requirements, regardless of jurisdiction location. If a project is located in a jurisdiction
4987 where the surface water design manual standards and requirements are different than
4988 King County's, the project shall implement the more stringent requirement; and

4989 3. By 2025, achieve an eighty-five percent diversion rate for construction and
4990 demolition materials with an eighty percent diversion rate achieved by 2016.

4991 U. The King County Strategic Climate Action Plan includes goals and measures
4992 related to green building. To encourage green building practices on a community wide
4993 level, King County shall implement practices that will increase the awareness,
4994 certification, and innovation in green building and sustainable development. Efforts shall

4995 include, but not be limited to, the following:

4996 1. The department of (~~permitting and environmental review~~) local services,
4997 permitting division, shall develop a handbook that includes, but is not limited to: a
4998 comprehensive inventory of green building techniques and materials for relevant county
4999 customer base; a description of permitting application materials related to various green
5000 building techniques; and instructional details that inform county staff on how to review
5001 permitting applications that involve new or rarely-used green building techniques and
5002 materials;

5003 2. The department of public health, water and land resources division of the
5004 department of natural resources and parks, and department of (~~permitting and~~
5005 ~~environmental review~~) local services, permitting division, staff who review and approve
5006 permits related to development will receive training in green building and high
5007 performance rating systems, such as Built Green Emerald Star and the Living Building
5008 Challenge. An interagency review committee will be formed with members from
5009 permitting agencies, including the department of public health, water and land resources
5010 division of the department of natural resources and parks, department of (~~permitting and~~
5011 ~~environmental review~~) local services, permitting division, and the Green Building Team,
5012 to facilitate review of projects that involve multiple green building systems and to
5013 facilitate approval of buildings using high performance rating systems or features;

5014 3. The department of (~~permitting and environmental review~~) local services,
5015 permitting division, shall participate in the existing regional code collaboration to unify
5016 building department codes throughout King County that promote green building. The
5017 development of unified green codes encourages economic growth and environmental

5018 sustainability, and is an integral tenet of the King County Strategic Plan. Applicable code
5019 revisions will be adopted, with initial emphasis on minimum recycling requirements for
5020 construction and demolition projects; and

5021 4. The department of public health, water and land resources division of the
5022 department of natural resources and parks and department of ~~((permitting and
5023 environmental review))~~ local services, permitting division, shall implement a Living
5024 Building Challenge demonstration ordinance in partnership with members of the regional
5025 code collaboration to promote and encourage carbon neutral buildings and development.
5026 These departments will utilize the International Living Future Institute's guidelines to
5027 develop best management practices associated with this certification.

5028 SECTION 139. Ordinance 13694, Section 13, as amended, and K.C.C.
5029 19A.04.100 are each hereby amended to read as follows:

5030 Department: the King County department of ~~((permitting and environmental
5031 review))~~ local services or its successor.

5032 SECTION 140. Ordinance 13694, Section 14, as amended, and K.C.C.
5033 19A.04.110 are each hereby amended to read as follows:

5034 Development engineer: the ~~((director of the))~~ department of ~~((permitting and
5035 environmental review))~~ local services permitting division manager or designee~~((s))~~
5036 authorized to oversee the review, conditioning, inspection and acceptance of right-of-way
5037 use permits, road and drainage projects constructed pursuant to permits administered by the
5038 department and required pursuant to this title. The designee shall be a professional civil
5039 engineer registered and licensed pursuant to chapter 18.43 RCW.

5040 SECTION 141. Ordinance 13694, Section 15, as amended, and K.C.C.

5041 19A.04.120 are each hereby amended to read as follows:

5042 Director: the ~~((director of the King County))~~ department of ~~((permitting and~~
5043 ~~environmental review))~~ local services permitting division manager or designee.

5044 SECTION 142. Ordinance 13694, Section 51, as amended, and K.C.C.

5045 19A.08.160 are each hereby amended to read as follows:

5046 A. Except as otherwise provided in subsection B. of this section, before final
5047 recording of a plat or short plat, the following minimum improvements shall be
5048 constructed consistent with the approved plans;

5049 1. Drainage facilities and erosion control measures consistent with K.C.C.
5050 9.04.090;

5051 2. Water mains and hydrant installed and fire flow available, sewer mains,
5052 laterals and sewer maintenance holes installed, if required;

5053 3. Roadways meeting the approved engineering plan's layout drainage,
5054 geometric and road width requirements and finished with an asphalt treated base. The
5055 final surfacing on the roadways may be bonded;

5056 4. Pedestrian facilities complying with the Americans with Disabilities Act;
5057 including but not limited to, curb ramps, sidewalks and shoulders, where required;

5058 5. Specific site improvements required by the preliminary plat approval
5059 ordinance or preliminary short plat approval decision, if the decision requires completion
5060 before plat recording;

5061 6. Delineation of sensitive areas that are to remain undeveloped;

5062 7. Temporary control monuments set by a land surveyor, located in

5063 conformance with this title, and in place at final inspection. Permanent monuments and

5064 control points shall be set and verified by a land surveyor within ninety days of the final
5065 lift of asphalt;

5066 8. Improvements without which the director determines a safety hazard would
5067 exist; and

5068 9. All private improvements outside of the right-of-way or road easement and
5069 access tracts.

5070 B. The director, in consultation with the department of natural resources and
5071 parks, (~~department of transportation,~~) the department of local services, road services
5072 division, the prosecuting attorney(~~(s)~~) and other affected agencies, may allow the
5073 applicant to post a financial guarantee for any identified noncritical required
5074 improvements, as determined on a project by project basis, if:

5075 1 The expiration of the plat or short plat is imminent or other extraordinary
5076 circumstances prevent the construction of the improvements before the final recording;

5077 2. The inability to construct the improvements is due to unavoidable
5078 circumstances that in no way resulted from the actions or inaction of the applicant;

5079 3. The applicant submits a detailed construction completion timeline and the
5080 department determines the applicant will be able to complete the work or improvements
5081 to be covered by the financial guarantee within a reasonable amount of time; and

5082 4. Approval of the final plat or short plat before completion of the work or
5083 improvement will not be materially detrimental to existing county infrastructure or
5084 private properties in the vicinity of the subject property.

5085 C. The director shall have right of entry onto any lot, tract, easement or parcel
5086 that is part of the final plat or short plat to ensure compliance with the minimum

5087 subdivision improvements required in subsection A. of this section.

5088 SECTION 143. Ordinance 13694, Section 78, as amended, and K.C.C.

5089 19A.24.030 are each hereby amended to read as follows:

5090 An approval block for the department or its successor in substantially the

5091 following form shall be added to the recording document:

5092 "Approval of the Department of (~~Permitting and Environmental Review~~) Local

5093 Services, Permitting Division:

5094 Examined and Approved this ____ day of _____, 2____.

5095 (~~Division Director, Land Use Services~~) Manager, Permitting Division"

5096 SECTION 144. Ordinance 13694, Section 81, as amended, and K.C.C.

5097 19A.28.030 are each hereby amended to read as follows:

5098 A. A title insurance certificate updated-not more than thirty days prior to
5099 recording of the adjustment, which includes all parcels within the adjustment, must be
5100 submitted to the department with boundary line adjustment final review documents. All
5101 persons having an ownership interest within the boundary line adjustment shall sign the
5102 final recording document in the presence of a notary public.

5103 B. Prior to final approval, documentation authorizing the transfer of property
5104 ownership shall be placed on the original boundary line map along with the legal
5105 descriptions of those portions of land being transferred when lots are under separate
5106 ownership. Lot lines within lots under the same ownership will be adjusted upon the
5107 recording of the boundary line adjustment.

5108 C. Final record-of-survey document must be prepared by a land surveyor in
5109 accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must

5110 contain a land surveyor's certificate and a recording certificate.

5111 D. The final map page shall contain the following approval blocks:

5112 1. The King County department of assessments to be signed by the King County
5113 assessor and deputy King County assessor; and

5114 2. The department of (~~permitting and environmental review~~) local services,
5115 permitting division, to be signed by the (~~director~~) permitting division manager.

5116 SECTION 145. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050
5117 are each hereby amended to read as follows:

5118 Zoning adopted pursuant to this section shall constitute official zoning for all of
5119 unincorporated King County.

5120 A. Official zoning, including but not limited to p-suffix, so-suffix and potential
5121 zoning, is contained in geographic information system data layers maintained by King
5122 County and is depicted on the official zoning maps, as maintained by the department of
5123 (~~permitting and environmental review~~) local services, permitting division. In case of a
5124 discrepancy between a data layer and the original map or document adopted by
5125 ordinance, the original map or document shall control.

5126 B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby
5127 adopted to constitute and contain all property-specific development standards (p-suffix
5128 conditions) applicable in unincorporated King County. The property specific
5129 development standards (p-suffix conditions) in effect or hereinafter amended shall be
5130 maintained by the department of (~~permitting and environmental review~~) local services,
5131 permitting division, in the Property Specific Development Conditions notebook. Any
5132 adoption, amendment or repeal of property-specific development standards shall amend,

5133 pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or
5134 hereafter amended.

5135 C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 and as
5136 amended by Ordinance 15028, is hereby adopted to constitute and contain special district
5137 overlays applied through Ordinance 12824. The special district overlays in effect or
5138 hereinafter amended shall be maintained by the department of ~~((permitting and
5139 environmental review))~~ local services, permitting division, in the Special District Overlay
5140 Application Maps notebook. Any adoption, amendment or repeal of special district
5141 overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as
5142 currently in effect or hereafter amended.

5143 " SECTION 146. Ordinance 10293, Section 1, as amended, and K.C.C. 20.14.025
5144 are each hereby amended to read as follows:

5145 A. ~~((Adopted.))~~ The Covington Master Drainage Plan dated January 1992,
5146 Attachment A to Ordinance 10293, as amended by Appendix B of Ordinance 13190, is
5147 hereby adopted, augmenting and amplifying county policy established in the Soos Creek
5148 Basin Plan with regard to surface water management within the boundaries of the
5149 Covington Master Drainage Plan area as designated by Ordinance 9772.

5150 B. ~~((Special drainage conditions authorized.))~~ The water and land resources
5151 division is hereby authorized to revise the King County Surface Water Design Manual to
5152 include a new Appendix with the following special drainage provisions for development
5153 to be applied in the Covington Master Drainage Plan area:

5154 1. Development proposals in the Covington Master Drainage Plan area are
5155 encouraged to submit plans for shared surface water management facilities, as defined in

5156 the Covington Master Drainage Plan under regional or subregional surface water
5157 management facilities, that treat and dispose of the runoff from more than one
5158 development. These shared surface water management facilities shall provide the same
5159 level of control and treatment of surface water as required by the King County Surface
5160 Water Design Manual and relevant sections of this section.

5161 2. Development in the Covington Master Drainage Plan area that proposes to
5162 infiltrate stormwater generated by the project must submit a plan which includes an
5163 amendment to the off-site analysis pursuant to K.C.C. 9.04.050 identifying the location of
5164 domestic water supply wells within a one mile radius of the proposed infiltration
5165 facilities, and, if any wells are present, provides:

- 5166 a. an assessment of human health risks from infiltration, and
- 5167 b. recommendations for appropriate measures to mitigate identified health
5168 risks.

5169 The plan shall be reviewed and approved by King County.

5170 3. Development proposed in the areas with glacial till (Alderwood) soils
5171 identified on Attachment 2 to Ordinance 10293 shall be required to meet level two flow
5172 control when required to provide flow control under the Surface Water Design Manual.

5173 4. All new commercial and industrial development in the Covington Master
5174 Drainage Plan Area shall be required to submit a plan identifying the appropriate source
5175 controls and best management practices in accordance with K.C.C. chapter 9.12. The
5176 plan shall be reviewed and approved by King County.

5177 5. All commercial and industrial development proposals shall submit plans for
5178 secondary spill containment for all electrical and mechanical equipment mounted on

5179 rooftops and plans showing the use of relatively inert materials (i.e., vinyl) for roofing
 5180 and gutter materials. The plan shall be reviewed and approved by King County.

5181 6. Developments proposed in the Covington Master Drainage Plan area within
 5182 one hundred feet of the edge of Jenkins Creek 25 or Soos Creek 77 wetlands shall have
 5183 wetland buffers established using a sliding scale of buffer width defined as follows:

Buffer Composition	Buffer Width
% Forest	Feet
100	50
80	60
60	70
40	80
20	90
0	100

5184 Forests are defined as the area covered by trees greater than four inches diameter at breast
 5185 height and twenty feet in height.

5186 7. Developments in the Covington Master Drainage Plan Area within one
 5187 hundred feet of the ordinary high watermark of Jenkins and Little Soos Creeks shall be
 5188 required to re-establish native vegetation in stream buffers where native vegetation has
 5189 been destroyed or disturbed. A plan for revegetation shall be reviewed and approved by
 5190 King County. Planting shall be complete before issuance of an occupancy permit for the
 5191 development. If the department of ~~((development and environmental))~~ local services,
 5192 permitting division, determines that the season is inappropriate for planting, the
 5193 occupancy permit can be granted, provided a bond is established for the costs of
 5194 revegetation.

5195 8. New stream or wetland crossings by roads or utilities within the Master
5196 Drainage Plan area shall not be permitted unless no practical alternative exists. Plans will
5197 be submitted to King County for review and approval. The adverse environmental effects
5198 of new crossings shall be mitigated in accordance with SEPA requirements.

5199 9. New developments within one hundred feet of the ordinary high water mark
5200 of Jenkins and Little Soos Creek shall be required to submit plans to restrict access to the
5201 streams and their buffers using fences, barriers and other means consistent with the
5202 recommendations of the Sensitive Areas Ordinance fencing committee. The plan will be
5203 reviewed and approved by King County.

5204 C. (~~Conditions authorized.~~) The water and land resources division is hereby
5205 authorized to attach such conditions of approval to any development as may be necessary
5206 to achieve the state standards for fecal coliform and copper loading, as set out in the
5207 Covington Master Drainage Plan.

5208 SECTION 147. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050
5209 are each hereby amended to read as follows:

5210 A. Site-specific land use map and shoreline master program map amendments are
5211 legislative actions that may be initiated by property owner application, by council motion
5212 or by executive proposal. All site-specific land use map and shoreline master program
5213 map amendments must be evaluated by the hearing examiner before adoption by the
5214 council in accordance with this chapter.

5215 1. If initiated by council motion, the motion shall refer the proposed site-
5216 specific land use map or shoreline master program map amendment to the department of
5217 (~~permitting and environmental review~~) local services, permitting division, for

5218 preparation of a recommendation to the hearing examiner. The motion shall also identify
5219 the resources and the work program required to provide the same level of review
5220 accorded to applicant-initiated amendments. An analysis of the motion's fiscal impact
5221 shall be provided to the council before adoption. If the executive determines that
5222 additional funds are necessary to complete the work program, the executive may transmit
5223 an ordinance requesting the appropriation of supplemental funds.

5224 2. If initiated by executive proposal, the proposal shall refer the proposed site-
5225 specific land use map or shoreline master program map amendment to the department of
5226 ~~((permitting and environmental review))~~ local services, permitting division, for
5227 preparation of a recommendation to the hearing examiner.

5228 3. If initiated by property owner application, the property owner shall submit a
5229 docket request for a site-specific land use map or shoreline master program map
5230 amendment to the department of ~~((permitting and environmental review))~~ local services,
5231 permitting division, for preparation of a recommendation to the hearing examiner.

5232 B. A shoreline redesignation initiated by an applicant must include the following
5233 information in addition to the requirements in this section:

5234 1. Applicant information, including signature, telephone number and address;

5235 2. The applicant's interest in the property, such as owner, buyer or consultant;

5236 and

5237 3. Property owner concurrence, including signature, telephone number and

5238 address.

5239 C. All proposed site-specific land use map or shoreline master program map

5240 amendments, whether initiated by property owner application, by council motion or by

5241 executive proposal shall include the following:

- 5242 1. Name and address of the owner or owners of record;
- 5243 2. Description of the proposed amendment;
- 5244 3. Property description, including parcel number, property street address and
5245 nearest cross street;
- 5246 4. County assessor's map outlining the subject property; and
- 5247 5. Related or previous permit activity.

5248 D. Upon initiation of a site-specific land use map or shoreline master program
5249 map amendment, an initial review conference shall be scheduled by the department of
5250 ~~((permitting and environmental review))~~ local services, permitting division. The owner
5251 or owners of record of the property shall be notified of and invited to attend the initial
5252 review conference. At the initial review conference, the department of ~~((permitting and
5253 environmental review))~~ local services, permitting division, shall review the proposed
5254 amendment's consistency with applicable county policies or regulatory enactments
5255 including specific reference to Comprehensive Plan policies, countywide planning
5256 policies and state Growth Management Act requirements. The proposed amendment will
5257 be classified in accordance with K.C.C. 20.18.040 and the classification shall be provided
5258 at the initial review conference or in writing to the owner or owners of record within
5259 thirty days after the initial review conference.

5260 E. If a proposed site-specific land use map or shoreline master program map
5261 amendment is initiated by property owner application, the property owner shall,
5262 following the initial review conference, submit the completed application including an
5263 application fee and an environmental checklist to the department of ~~((permitting and~~

5264 ~~environmental review~~) local services, permitting division, to proceed with review of the
5265 proposed amendment.

5266 F. If a proposed site-specific land use map or shoreline master program map
5267 amendment is initiated by council motion, following the initial review conference, the
5268 council shall submit an environmental checklist to the department of ~~((permitting and
5269 ~~environmental review~~) local services, permitting division, to proceed with review of the
5270 proposed amendment.~~

5271 G. If a proposed site-specific land use map or shoreline master program map
5272 amendment is initiated by executive proposal, following the initial review conference, the
5273 executive shall submit an environmental checklist to the department of ~~((permitting and
5274 ~~environmental review~~) local services, permitting division, to proceed with review of the
5275 proposed amendment.~~

5276 H. Following the submittal of the information required by subsection E., F. or G.
5277 of this section, the department of ~~((permitting and environmental review)) local services,
5278 permitting division, shall submit a report including an executive recommendation on the
5279 proposed amendment to the hearing examiner within one hundred twenty days. The
5280 department ~~((permitting and environmental review)) of local services, permitting
5281 division, shall provide notice of a public hearing and notice of threshold determination in
5282 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the
5283 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing,
5284 the hearing examiner shall prepare a report and recommendation on the proposed
5285 amendment in accordance with K.C.C. 20.22.170. A compilation of all completed
5286 reports will be considered by the council in accordance with K.C.C. 20.18.070.~~~~

5287 I. A property-owner-initiated docket request for a site-specific land use map or
5288 shoreline master program map amendment may be accompanied by an application for a
5289 zone reclassification to implement the proposed amendment, in which case administrative
5290 review of the two applications shall be consolidated to the extent practical consistent with
5291 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land
5292 use map or shoreline master program map amendment is a legislative decision that should
5293 be determined before and separate from its consideration of a zone reclassification, which
5294 is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with
5295 an application for a site-specific land use map or shoreline master program map
5296 amendment and the amendment is adopted, the property shall be given potential zoning.
5297 A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to
5298 implement the potential zoning.

5299 J. Site-specific land use map or shoreline master program map amendments for
5300 which a completed recommendation by the hearing examiner has been submitted to the
5301 council by January 15 will be considered concurrently with the annual amendment to the
5302 Comprehensive Plan. Site-specific land use map or shoreline master program map
5303 amendments for which a recommendation has not been issued by the hearing examiner
5304 by January 15 shall be included in the next appropriate review cycle following issuance
5305 of the examiner's recommendation.

5306 K.1. An amendment to a land use designation or shoreline environment
5307 designation for a property may not be initiated unless at least three years have elapsed
5308 since council adoption or review of the current designation for the property. This time
5309 limit may be waived by the executive or the council if the proponent establishes that there

5310 exists either an obvious technical error or a change in circumstances justifying the need
5311 for the amendment.

5312 2. A waiver by the executive shall be considered after the proponent has
5313 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
5314 render a waiver decision within forty-five days of receiving a docket request and shall
5315 mail a copy of this decision to the proponent.

5316 3. A waiver by the council shall be considered by motion.

5317 L. A shoreline master program map amendment and redesignation must meet the
5318 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state
5319 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master
5320 program map amendment and redesignation must be approved by the Washington state
5321 Department of Ecology.

5322 SECTION 148. Ordinance 13147, Section 25, as amended, and K.C.C. 20.18.090
5323 are each hereby amended to read as follows:

5324 The department of (~~(permitting and environmental review))~~ local services,
5325 permitting division, shall prepare implementing development regulations to accompany
5326 any proposed comprehensive plan amendments. In addition, from time to time, the
5327 department of (~~(permitting and environmental review))~~ local services, permitting
5328 division, may propose development regulations to further implement the comprehensive
5329 plan, consistent with the requirements of the Washington State Growth Management Act.
5330 Notice of proposed amendments to development regulations shall be provided to the state
5331 and to the public pursuant to K.C.C. 20.18.150.

5332 SECTION 149. Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120

5333 are each hereby amended to read as follows:

5334 A. Notice of the time, place and purpose of a public hearing before the council to
5335 consider changes to area zoning shall, at a minimum, include publication in the official
5336 county newspaper and another newspaper of general circulation in the area for which the
5337 area zoning is proposed at least thirty days before the hearing. The county shall endeavor
5338 to provide such notice in nontechnical language. The notice shall indicate how the
5339 detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a
5340 member of the public.

5341 B. Notice of the hearing shall also be given by mail to affected property owners,
5342 appropriate to the scope of the proposal, whose names appear on the rolls of the King
5343 County assessor and shall at a minimum include owners of properties within five hundred
5344 feet of affected property, at least twenty property owners in the vicinity of the property,
5345 and to any individuals or organizations that have formally requested to the department
5346 ~~((or department)) of ((development environmental))~~ local services, permitting division, to
5347 be kept informed of applications in an identified area. Notice shall also be posted on the
5348 county's web site. The county shall endeavor to provide such notice in nontechnical
5349 language. The mailed notice required in this section shall be postmarked at least thirty
5350 days before the hearing. If the county sends the mailed notice by bulk mail, the
5351 certificate of mailing shall qualify as a postmark. Failure to notify any specific property
5352 owner shall not invalidate an area zoning proceeding or any resulting reclassification of
5353 land.

5354 SECTION 150. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
5355 are each hereby amended to read as follows:

5356 A. Land use permit decisions are classified into four types, based on who makes
5357 the decision, whether public notice is required, whether a public hearing is required
5358 before a decision is made and whether administrative appeals are provided. The types of
5359 land use decisions are listed in subsection E. of this section.

5360 1. Type 1 decisions are made by the ~~((director,))~~ permitting division manager or
5361 designee(~~(;))~~ ("director") of the department of ~~((permitting and environmental review))~~
5362 local services ("department"). Type 1 decisions are nonappealable administrative
5363 decisions.

5364 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
5365 decisions that are subject to administrative appeal.

5366 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
5367 following an open record hearing. Type 3 decisions may be appealed to the county
5368 council, based on the record established by the hearing examiner.

5369 4. Type 4 decisions are quasi-judicial decisions made by the council based on
5370 the record established by the hearing examiner.

5371 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless
5372 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in
5373 consolidated permit applications that would require more than one type of land use
5374 decision process may be processed and decided together, including any administrative
5375 appeals, using the highest-numbered land use decision type applicable to the project
5376 application.

5377 C. Certain development proposals are subject to additional^v procedural
5378 requirements beyond the standard procedures established in this chapter.

5379 D. Land use permits that are categorically exempt from review under SEPA do
 5380 not require a threshold determination (determination of nonsignificance ["DNS"] or
 5381 determination of significance ["DS"]). For all other projects, the SEPA review
 5382 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

5383 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; approvals for agricultural activities and agricultural support services authorized under K.C.C.
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		21A.42.300; final short plat; final plat.
TYPE 21,2	(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 31	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 41,4	(Recommendation by director, hearing and recommendation by	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat

	hearing examiner decision by county council on the record)	vacations; deletion of special district overlay.
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5384 1 See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 5385 appeals and appeals of Type 3 and 4 decisions to the council.

5386 2 When an application for a Type 2 decision is combined with other permits requiring
 5387 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
 5388 the decision.

5389 3 A shoreline permit, including a shoreline variance or conditional use, is appealable to
 5390 the state Shorelines Hearings Board and not to the hearing examiner.

5391 4 Approvals that are consistent with the Comprehensive Plan may be considered by the
 5392 council at any time. Zone reclassifications that are not consistent with the
 5393 Comprehensive Plan require a site-specific land use map amendment and the council's
 5394 hearing and consideration shall be scheduled with the amendment to the Comprehensive
 5395 Plan under K.C.C. 20.18.040 and 20.18.060.

5396 F. The definitions in K.C.C. 21A.45.020 apply to this section.

5397 SECTION 151. Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035
 5398 are each hereby amended to read as follows:

5399 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community
 5400 meeting, under this section, before filing of an application, notice of the meeting shall be
 5401 given and the meeting shall be conducted as follows:

5402 A. At least two weeks in advance, the applicant shall:

5403 1. Publish notice of the meeting in the local paper and mail and email to the

5404 department; and

5405 2. Mail notice of the meeting to all property owners within five hundred feet or
5406 at least twenty of the nearest property owners, whichever is greater, as provided in
5407 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
5408 development, to be discussed at the community meeting. The mailed notice shall, at a
5409 minimum, contain a brief description and purpose of the proposal, approximate location
5410 noted on an assessor map with address and parcel number, photograph or sketch of any
5411 existing or proposed structures, a statement that alternative sites proposed by citizens can
5412 be presented at the meeting that will be considered by the applicant, a contact name and
5413 telephone number to obtain additional information and other information deemed
5414 necessary by the department of (~~permitting and environmental review~~) local services,
5415 permitting division. Because the purpose of the community meeting is to promote early
5416 discussion, applicants shall to note any changes to the conceptual information presented
5417 in the mailed notice when they submit an application;

5418 B. At the community meeting at which at least one employee of the department
5419 of (~~permitting and environmental review~~) local services, permitting division, assigned
5420 by the (~~director of the department~~) permitting division manager or designee, shall be in
5421 attendance, the applicant shall provide information relative to the proposal and any
5422 modifications proposed to existing structures or any new structures and how the proposal
5423 is compatible with the character of the surrounding neighborhood. An applicant shall
5424 also provide with the applicant's application a list of meeting attendees, those receiving
5425 mailed notice of the meeting and a record of the published meeting notice; and

5426 C. The applicant shall, in the notice required under subsection A.2. of this

5427 section, and at the community meeting required under subsection B. of this section,
5428 advise that persons interested in the applicant's proposal may monitor the progress of the
5429 permitting of that proposal by contacting the department or by viewing the department's
5430 website, the address of which will be provided in the notice and at the community
5431 meeting.

5432 SECTION 152. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040
5433 are each hereby amended to read as follows:

5434 A. The department shall not commence review of any application as provided in
5435 this chapter until the applicant has submitted the materials and fees specified for
5436 complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4
5437 decisions shall be considered complete as of the date of submittal upon determination by
5438 the department that the materials submitted meet the requirements of this section. Except
5439 as provided in subsection B. of this section, all land use permit applications described in
5440 K.C.C. 20.20.020.E. shall include the following:

5441 1. An application form provided by the department and completed by the
5442 applicant that allows the applicant to file a single application form for all land use permits
5443 requested by the applicant for the development proposal at the time the application is
5444 filed;

5445 2. Designation of who the applicant is, except that this designation shall not be
5446 required as part of a complete application for purposes of this section when a public
5447 agency or public or private utility is applying for a permit for property on which the
5448 agency or utility does not own an easement or right-of-way and the following three
5449 requirements are met:

- 5450 a. the name of the agency or private or public utility is shown on the
5451 application as the applicant;
- 5452 b. the agency or private or public utility includes in the complete application
5453 an affidavit declaring that notice of the pending application has been given to all owners
5454 of property to which the application applies, on a form provided by the department; and
5455 c. the form designating who the applicant is submitted to the department before
5456 permit approval;
- 5457 3.a. A certificate of sewer availability or site design approval for an on-site
5458 sewage system by the Seattle-King County department of public health, as required by
5459 K.C.C. Title 13; or
- 5460 b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive
5461 Plan policies for a public school located on a RA zoned site, a certificate of sewer
5462 availability and a letter from the sewer utility indicating compliance with the tightline
5463 sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;
- 5464 4. If the development proposal requires a source of potable water, a current
5465 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of
5466 an approved well by the Seattle-King County department of public health;
- 5467 5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C.
5468 chapter 21A.40;
- 5469 6. A site plan, prepared in a form prescribed by the director;
- 5470 7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.
5471 Title 19A;
- 5472 8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

5473 9. A completed environmental checklist, if required by K.C.C. chapter 20.44;

5474 10. Payment of any development permit review fees, excluding impact fees

5475 collectible pursuant to K.C.C. Title 27;

5476 11. A list of any permits or decisions applicable to the development proposal

5477 that have been obtained before filing the application or that are pending before the county

5478 or any other governmental entity;

5479 12. Certificate of transportation concurrency from the department of

5480 ~~((transportation))~~ local services if required by K.C.C. chapter 14.70. The certificate of

5481 transportation concurrency may be for less than the total number of lots proposed by a

5482 preliminary plat application only if:

5483 a. at least seventy-five percent of the lots proposed have a certificate of

5484 transportation concurrency at the time of application for the preliminary plat;

5485 b. a certificate of transportation concurrency is provided for any remaining lots

5486 proposed for the preliminary plat application before the expiration of the preliminary plat

5487 and final recording of the additional lots; and

5488 c. the applicant signs a statement that the applicant assumes the risk that the

5489 remaining lots proposed might not be granted.

5490 13. Certificate of future connection from the appropriate purveyor for lots

5491 located within the urban growth area that are proposed to be served by on-site or

5492 community sewage system and group B water systems or private well, if required by

5493 K.C.C. 13.24.136 through 13.24.140;

5494 14. A determination if drainage review applies to the project pursuant to K.C.C.

5495 chapter 9.04 and, if applicable, all drainage plans and documentation required by the

5496 Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and to the extent
5497 known at the time of application and when determined necessary by the director, copies
5498 of any required storm water adjustments;

5499 15. Current assessor's maps and a list of tax parcels to which public notice must
5500 be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4
5501 decision;

5502 16. Legal description of the site;

5503 17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent
5504 known at the date of application or when deemed necessary by the director; and

5505 18. For site development permits only, a phasing plan and a time schedule, if the
5506 site is intended to be developed in phases or if all building permits will not be submitted
5507 within three years.

5508 B. A permit application is complete for purposes of this section when it meets the
5509 procedural submission requirements of the department and is sufficient for continued
5510 processing even though additional information may be required or project modifications
5511 may be undertaken subsequently. The determination of completeness shall not preclude
5512 the department from requesting additional information or studies either at the time of
5513 notice of completeness or subsequently if new or additional information is required or
5514 substantial changes in the proposed action occur, as determined by the department.

5515 C. Additional complete application requirements for the following land use
5516 permits are in the following sections of the King County Code:

5517 1. Clearing and grading permits, K.C.C. 16.82.060.

5518 2. Construction permits, K.C.C. 16.04.052.

5519 3. Mobile home permits, K.C.C. 16.04.093.

5520 4. Subdivision applications, short subdivision applications and binding site plan
5521 applications, K.C.C. 19A.08.150.

5522 D. The director may;

5523 1. Specify the requirements of the site plan required to be submitted for various
5524 permits;

5525 2. Require additional materials not listed in this section when determined to be
5526 necessary for review of the project; and

5527 3. Waive any of the specific submittal requirements listed herein that are
5528 determined to be unnecessary for review of an application.

5529 E. The applicant shall attest by written oath to the accuracy of all information
5530 submitted for an application.

5531 F. Applications shall be accompanied by the payment of the applicable filing
5532 fees, if any, as established by K.C.C. Title 27.

5533 SECTION 153. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040
5534 are each hereby amended to read as follows:

5535 The examiner shall issue final decisions in the following cases:

5536 A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.
5537 chapter 1.07;

5538 B. Appeals of sanctions of the finance and business operations division in the
5539 department of executive services imposed under K.C.C. chapter 2.97;

5540 C. Appeals of career service review committee conversion decisions for part-time
5541 and temporary employees under K.C.C. chapter 3.12A;

5542 D. Appeals of electric vehicle recharging station penalties of the Metro transit
5543 department under K.C.C. 4A.700.700;

5544 E. Appeals of notice and orders of the manager of records and licensing services
5545 or the ~~((director of permitting and environmental review))~~ the department of local
5546 services permitting division manager under K.C.C. chapter 6.01;

5547 F. Appeals of adult entertainment license denials, suspensions and revocations
5548 under K.C.C. chapter 6.09;

5549 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
5550 chapter 6.26;

5551 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
5552 and orders under K.C.C. 6.27A.240;

5553 I. Appeals of notices and orders of the department of natural resources and parks
5554 under K.C.C. chapter 7.09;

5555 J. Appeals of decisions of the director of the department of natural resources and
5556 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

5557 K. Appeals of decisions of the director of the department of natural resources and
5558 parks on requests for rate adjustments to surface and storm water management rates and
5559 charges under K.C.C. chapter 9.08;

5560 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

5561 M. Appeals of notices and orders of the manager of animal control under K.C.C.
5562 chapter 11.04;

5563 N. Certifications by the finance and business operations division of the
5564 department of executive services involving K.C.C. chapter 12.16;

5565 O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17,
5566 K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

5567 P. Appeals of noise-related orders and citations of the department of ~~((permitting~~
5568 ~~and environmental review))~~ local services, permitting division, under K.C.C. chapter
5569 12.86;

5570 Q. Appeals of utilities technical review committee determinations on water
5571 service availability under K.C.C. 13.24.090;

5572 R. Appeals of decisions regarding mitigation payment system, commute trip
5573 reduction and intersection standards under K.C.C. Title 14;

5574 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
5575 the board of plumbing appeals under K.C.C. chapter 16.32;

5576 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the
5577 exception of appeals of shoreline permits, including shoreline substantial development
5578 permits, shoreline variances and shoreline conditional uses, which are appealable to the
5579 state Shoreline Hearings Board;

5580 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
5581 adopted under K.C.C. 20.44.075;

5582 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

5583 W. Appeals of decisions of the interagency review committee created under
5584 K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C.
5585 chapter 21A.37;

5586 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
5587 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the

5588 King County board of health;

5589 Y. Appeals of notices and certifications of junk vehicles to be removed as a
5590 public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

5591 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
5592 23.36.010.A.2;

5593 AA. Appeals of permit fee estimates and billings by the department of
5594 ~~((permitting and environmental review))~~ local services, permitting division, as provided
5595 in K.C.C. chapter 27.50;

5596 BB. Appeals from decisions of the department of natural resources and parks
5597 related to permits, discharge authorizations, violations and penalties under K.C.C.
5598 28.84.050 and 28.84.060;

5599 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

5600 DD. Appeals of department of public safety seizures and intended forfeitures,
5601 when properly designated by the chief law enforcement officer of the department of
5602 public safety as provided in RCW 69.50.505; and

5603 EE. Other applications or appeals that are prescribed by ordinance.

5604 SECTION 154. Ordinance 4461, Section 1, as amended, and K.C.C. 20.22.060
5605 are each hereby amended to read as follows;

5606 The examiner shall issue recommendations in the following cases:

5607 A. Proposals for establishment or modification of cable system rates under
5608 K.C.C. 6.27A.140;

5609 B. Vacation of county roads under K.C.C. chapter 14.40;

5610 C. All Type 4 decisions under K.C.C. chapter 20.20;

5611 D. Applications for public benefit rating system assessed valuation on open space
5612 land and current use assessment on timber lands under K.C.C. chapter 20.36, except as
5613 provided in K.C.C. 20.36.090;

5614 E. Appeals of decisions to designate or reject a nomination for designation for a
5615 landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter
5616 20.62;

5617 F. Creation of a lake or beach management district and a special assessment roll
5618 under chapter 36.61 RCW;

5619 G. Appeals from decisions of the county road engineer in the road services
5620 division of the department of ~~((transportation))~~ local services related to changes in speed
5621 limits under K.C.C. 14.06.030; and

5622 H. Other applications or appeals that are prescribed by ordinance.

5623 SECTION 155. Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200
5624 are each hereby amended to read as follows:

5625 If the examiner determines that the public schools in the district where the
5626 development is proposed would not meet the standards in K.C.C. 21A.28.160 if the
5627 development were approved, the examiner either shall remand the matter to the
5628 department of ~~((permitting and environmental review))~~ local services, permitting
5629 division, or shall require or recommend phasing or provision of the needed facilities and
5630 sites as appropriate to address the deficiency or shall deny the proposal. The examiner
5631 shall prepare findings to document the facts that support the action taken. Payment of a
5632 school impact fee as required by K.C.C. chapter 27.44 is not a substitute for phasing.
5633 The examiner shall recommend a fee payment schedule to coordinate that payment with

5634 any phasing, if the provision or payment satisfies the district and any deferral
5635 requirements. The examiner must determine independently that the conditions of
5636 approval and assessable fees will provide for adequate schools.

5637 SECTION 156. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030
5638 are each hereby amended to read as follows:

5639 The procedures and standards regarding the timing and content of environmental
5640 review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the
5641 following:

5642 A. The optional provision of WAC 197-11-060(3)(c) is adopted.

5643 B. Under WAC 197-11-100, the applicant shall prepare the initial environmental
5644 checklist, unless the lead agency specifically elects to prepare the checklist. The lead
5645 agency shall make a reasonable effort to verify the information in the environmental
5646 checklist and shall have the authority to determine the final content of the environmental
5647 checklist.

5648 C. The department of ~~((permitting and environmental review))~~ local services,
5649 permitting division, may set reasonable deadlines for the submittal of information,
5650 studies, or documents necessary for, or subsequent to, threshold determinations. Failure
5651 to meet such deadlines shall cause the application to be deemed withdrawn, and plans or
5652 other data previously submitted for review may be returned to the applicant together with
5653 any unexpended portion of the application review fees.

5654 SECTION 157. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050
5655 are each hereby amended to read as follows:

5656 The procedures and standards for preparation of environmental impact statements

5657 and other environmental documents pursuant to WAC 197-11-400 through 197-11-460
5658 and 197-11-600 through 197-11-640 are adopted, subject to the following:

5659 A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of
5660 significance and scoping notices shall be in writing, except where a public meeting on
5661 EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

5662 B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county
5663 department acting as lead agency shall be responsible for preparation and content of EIS's
5664 and other environmental documents. The department shall contract with consultants as
5665 necessary for the preparation of environmental documents. The department may consider
5666 the opinion of the applicant regarding the qualifications of the consultant but the
5667 department shall retain sole authority for selecting persons or firms to author, co-author,
5668 provide special services or otherwise participate in the preparation of required
5669 environmental documents.

5670 C. Consultants or subconsultants selected by King County to prepare
5671 environmental documents for a private development proposal shall not: act as agents for
5672 the applicant in preparation or acquisition of associated underlying permits; have a
5673 financial interest in the proposal for which the environmental document is being
5674 prepared; perform any work or provide any services for the applicant in connection with
5675 or related to the proposal.

5676 D. The department shall establish and maintain one or more lists of qualified
5677 consultants who are eligible to receive contracts for preparation of environmental
5678 documents. Separate lists may be maintained to reflect specialized qualifications or
5679 expertise. When the department requires consultant services to prepare environmental

5680 documents, the department shall select a consultant from the lists and negotiate a contract
5681 for such services. The department director may waive these requirements as provided for
5682 in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to
5683 K.C.C. 2.98, the department of (~~(permitting and environmental review)~~) local services
5684 shall adopt public rules that establish processes to: create and maintain a qualified
5685 consultant list; select consultants from the list; remove consultants from the list; provide a
5686 method by which applicants may request a reconsideration of selected consultants based
5687 upon costs, qualifications, or timely production of the environmental document; and
5688 waive the consultant selection requirements of this chapter on any basis provided by
5689 K.C.C. chapter (~~(4.16)~~) 2.93.

5690 E. All costs of preparing the environment document shall be borne by the
5691 applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. chapter 2.98, the
5692 department of (~~(permitting and environmental review)~~) local services shall promulgate
5693 administrative rules which establish a trust fund for consultant payment purposes, define
5694 consultant payment schedules, prescribe procedures for treating interest from deposited
5695 funds, and develop other procedures necessary to implement this chapter.

5696 F. In the event an applicant decides to suspend or abandon the project, the
5697 applicant must provide formal written notice to the department and consultant. The
5698 applicant shall continue to be responsible for all monies expended by the division or
5699 consultants to the point of receipt of notification to suspend or abandon, or other
5700 obligations or penalties under the terms of any contract let for preparation of the
5701 environmental documents.

5702 G. The department shall only publish an environmental impact statement (EIS)

5703 when it believes that the EIS adequately disclose: the significant direct, indirect, and
5704 cumulative adverse impacts of the proposal and its alternatives; mitigation measures
5705 proposed and committed to by the applicant, and their effectiveness in significantly
5706 mitigating impacts; mitigation measures that could be implemented or required; and
5707 unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a
5708 final environmental impact statement shall be issued by the department within ((270))
5709 two hundred seventy days following the issuance of a DS for the proposal, except for
5710 public projects and nonproject actions, unless the department determines at the time of
5711 issuance of the DS that a longer time period will be required because of the extraordinary
5712 size of the proposal or the scope of the environmental impacts resulting therefrom;
5713 provided that the additional time shall not exceed ninety days unless agreed to by the
5714 applicant.

5715 H. The following periods shall be excluded from the two hundred seventy day
5716 time period for issuing a final environmental impact statement:

- 5717 1. Any time period during which the applicant has failed to pay required
5718 environmental review fees to the department;
- 5719 2. Any period of time during which the applicant has been requested to provide
5720 additional information required for preparation of the environmental impact statement,
5721 and
- 5722 3. Any period of time during which the applicant has not authorized the
5723 department to proceed with preparation of the environmental impact statement.

5724 SECTION 158. Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100
5725 are each hereby amended to read as follows:

5726 All requests from other agencies that King County consult on threshold
5727 investigations, the scope process, EIS's or other environmental documents shall be
5728 submitted to the department of (~~(permitting and environmental review)~~) local services,
5729 permitting division. The department shall be responsible for coordination with other
5730 affected county departments and for compiling and transmitting King County's response
5731 to such requests for consultation.

5732 SECTION 159. Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130
5733 are each hereby amended to read as follows:

5734 A. County departments which administer activities subject to SEPA may prepare
5735 rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA,
5736 WAC chapter 197-11 and this chapter.

5737 B. The rules and regulations prepared by the department of (~~(permitting and~~
5738 ~~environmental review)~~) local services, which exercises initial jurisdiction over a private
5739 proposal, shall not become effective until approved by the council by motion.

5740 SECTION 160. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020
5741 are each hereby amended to read as follows:

5742 The following words and terms shall, when used in this chapter, be defined as
5743 follows unless a different meaning clearly appears from the context:

5744 A. "Alteration" is any construction, demolition, removal, modification,
5745 excavation, restoration or remodeling of a landmark.

5746 B. "Building" is a structure created to shelter any form of human activity, such as
5747 a house, barn, church, hotel or similar structure. Building may refer to a(~~(n)~~) historically
5748 related complex, such as a courthouse and jail or a house and barn.

5749 C. "Certificate of appropriateness" is written authorization issued by the
5750 commission or its designee permitting an alteration to a significant feature of a
5751 designated landmark.

5752 D. "Commission" is the landmarks commission created by this chapter.

5753 E. "Community landmark" is an historic resource which has been designated
5754 pursuant to K.C.C. 20.62.040 but which may be altered or changed without application
5755 for or approval of a certificate of appropriateness.

5756 F. "Designation" is the act of the commission determining that an historic
5757 resource meets the criteria established by this chapter.

5758 G. "Designation report" is a report issued by the commission after a public
5759 hearing setting forth its determination to designate a landmark and specifying the
5760 significant feature or features thereof.

5761 H. "Director" is the ~~((director of the King County))~~ department of ~~((permitting
5762 and environmental review))~~ local services permitting division manager or designee.

5763 I. "District" is a geographically definable area, urban or rural, possessing a
5764 significant concentration, linkage, or continuity of sites, buildings, structures, or objects
5765 united by past events or aesthetically by plan or physical development. A district may
5766 also comprise individual elements separated geographically but linked by association or
5767 history.

5768 J. "Heritage" is a discipline relating to historic preservation and archaeology,
5769 history, ethnic history, traditional cultures and folklore.

5770 K. "Historic preservation officer" is the King County historic preservation officer
5771 or designee.

5772 L. "Historic resource" is a district, site, building, structure or object significant in
5773 national, state or local history, architecture, archaeology, and culture.

5774 M. "Historic resource inventory" is an organized compilation of information on
5775 historic resources considered to be significant according to the criteria listed in K.C.C.
5776 20.62.040.A. The historic resource inventory is kept on file by the historic preservation
5777 officer and is updated from time to time to include newly eligible resources and to reflect
5778 changes to resources.

5779 N. "Incentives" are such compensation, rights or privileges or combination
5780 thereof, which the council, or other local, state or federal public body or agency, by virtue
5781 of applicable present or future legislation, may be authorized to grant to or obtain for the
5782 owner or owners of designated landmarks. Examples of economic incentives include but
5783 are not limited to tax relief, conditional use permits, rezoning, street vacation, planned
5784 unit development, transfer of development rights, facade easements, gifts, preferential
5785 leasing policies, private or public grants-in-aid, beneficial placement of public
5786 improvements, or amenities, or the like.

5787 O. "Interested person of record" is any individual, corporation, partnership or
5788 association that notifies the commission or the council in writing of its interest in any
5789 matter before the commission.

5790 P. "Landmark" is an historic resource designated as a landmark pursuant to
5791 K.C.C. 20.62.070.

5792 Q. "Nomination" is a proposal that an historic resource be designated a landmark.

5793 R. "Object" is a material thing of functional, aesthetic, cultural, historical, or
5794 scientific value that may be, by nature or design, movable yet related to a specific setting

5795 or environment.

5796 S. "Owner" is a person having a fee simple interest, a substantial beneficial
5797 interest of record or a substantial beneficial interest known to the commission in an
5798 historic resource. Where the owner is a public agency or government, that agency shall
5799 specify the person or persons to receive notices under this chapter.

5800 T. "Person" is any individual, partnership, corporation, group or association.

5801 U. "Person in charge" is the person or persons in possession of a landmark
5802 including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a
5803 receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly
5804 in control of the landmark.

5805 V. "Preliminary determination" is a decision of the commission determining that
5806 an historic resource which has been nominated for designation is of significant value and
5807 is likely to satisfy the criteria for designation.

5808 W. "Significant feature" is any element of a landmark which the commission has
5809 designated pursuant to this chapter as of importance to the historic, architectural or
5810 archaeological value of the landmark.

5811 X. "Site" is the location of a significant event, a prehistoric or historic occupation
5812 or activity, or a building or structure, whether standing, ruined, or vanished, where the
5813 location itself maintains an historical or archaeological value regardless of the value of
5814 any existing structures.

5815 Y. "Structure" is any functional construction made usually for purposes other
5816 than creating human shelter.

5817 SECTION 161. Ordinance 11620, Section 12, and K.C.C. 20.62.150 are each

5818 hereby amended to read as follows:

5819 A. King County shall not approve any development proposal or otherwise issue
5820 any authorization to alter, demolish, or relocate any historic resource identified in the
5821 King County Historic Resource Inventory, pursuant to the requirements of this chapter.
5822 The standards contained in K.C.C. chapter 21A.12, Development Standards - Density and
5823 Dimensions and K.C.C. chapter 21A.16, Development Standards - Landscaping and
5824 Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and
5825 historic integrity of the historic resource from the impacts of development on adjacent
5826 properties.

5827 B. Upon receipt of an application for a development proposal located on or
5828 adjacent to a historic resource listed in the King County Historic Resource Inventory, the
5829 director shall follow the following procedure:

5830 1. The development proposal application shall be circulated to the King County
5831 historic preservation officer for comment on the impact of the project on historic
5832 resources and for recommendation on mitigation. This includes all permits for alterations
5833 to historic buildings, alteration to landscape elements, new construction on the same or
5834 abutting lots, or any other action requiring a permit which might affect the historic
5835 character of the resource. Information required for a complete permit application to be
5836 circulated to the historic preservation officer shall include:

- 5837 a. a vicinity map;
- 5838 b. a site plan showing the location of all buildings, structures, and landscape
5839 features;
- 5840 c. a brief description of the proposed project together with architectural

5841 drawings showing the existing condition of all buildings, structures, landscape features
5842 and any proposed alteration to them;

5843 d. photographs of all buildings, structures, or landscape features on the site;
5844 and

5845 e. an environmental checklist, except where categorically exempt under King
5846 County SEPA guidelines.

5847 2. Upon request, the historic preservation officer shall provide information
5848 about available grant assistance and tax incentives for historic preservation. The officer
5849 may also provide the owner, developer, or other interested party with examples of
5850 comparable projects where historic resources have been restored or rehabilitated.

5851 3. In the event of a conflict between the development proposal and preservation
5852 of an historic resource, the historic preservation officer shall:

5853 a. suggest appropriate alternatives to the owner/developer which achieve the
5854 goals of historic preservation;

5855 b. recommend approval, or approval with conditions to the director (~~of the~~
5856 ~~department of development and environmental services~~)); or

5857 c. propose that a resource be nominated for county landmark designation
5858 according to procedures established in the landmarks preservation ordinance (K.C.C.
5859 20.62).

5860 4. The director may continue to process the development proposal application,
5861 but shall not issue any development permits or issue a SEPA threshold determination
5862 until receiving a recommendation from the historic preservation officer. In no event shall
5863 review of the proposal by the historic preservation officer delay permit processing

5864 beyond any period required by law. Permit applications for changes to landmark
5865 properties shall not be considered complete unless accompanied by a certificate of
5866 appropriateness pursuant to K.C.C. 20.62.080.

5867 5. On known archaeological sites, before any disturbance of the site, including,
5868 but not limited to test boring, site clearing, construction, grading or revegetation, the
5869 State Office of Archaeology and Historic Preservation (OAHP), and the King County
5870 historic preservation officer, and appropriate Native American tribal organizations must
5871 be notified and state permits obtained, if required by law. The officer may require that a
5872 professional archaeological survey be conducted to identify site boundaries, resources
5873 and mitigation alternatives prior to any site disturbance and that a technical report be
5874 provided to the officer, OAHP and appropriate tribal organizations. The officer may
5875 approve, disapprove or require permits conditions, including professional archeological
5876 surveys, to mitigate adverse impacts to known archeological sites.

5877 C. Upon receipt of an application for a development proposal which affects a
5878 King County landmark or an historic resource that has received a preliminary
5879 determination of significance as defined by K.C.C. 20.62.020_V, the application
5880 circulated to the King County historic preservation officer shall be deemed an application
5881 for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the
5882 additional information required to apply for such certificate.

5883 SECTION 162. Ordinance 10870, Section 40, as amended, and K.C.C.
5884 21A.04.190 are each hereby amended to read as follows:

5885 A. The location and boundaries of the zones defined by this chapter shall be
5886 shown and delineated on zoning maps adopted by ordinance.

5887 B. Changes in the boundaries of the zones, including application or amendment
5888 of interim zoning, shall be made by ordinance adopting or amending a zoning map.

5889 C. Zoning maps are available for public review at the department of ~~((permitting
5890 and environmental review))~~ local services, permitting division, permit center during
5891 business hours.

5892 SECTION 163. Ordinance 10870, Section 96, as amended, and K.C.C.
5893 21A.06.280 are each hereby amended to read as follows:

5894 Department: the King County department of ~~((permitting and environmental
5895 review))~~ local services or its successor ~~((agency))~~.

5896 SECTION 164. Ordinance 10870, Section 105, as amended, and K.C.C.
5897 21A.06.325 are each hereby amended to read as follows:

5898 Director: the ~~((director of King County))~~ department of ~~((permitting and
5899 environmental review))~~ local services permitting division manager or designee.

5900 SECTION 165. Ordinance 10870, Section 177, as amended, and K.C.C.
5901 21A.06.685 are each hereby amended to read as follows:

5902 Level of service ("LOS") traffic: a quantitative measure of traffic congestion
5903 identified by a declining letter scale (A-F) as calculated by the methodology contained in
5904 the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method
5905 approved by the department of ~~((transportation))~~ local services. LOS "A" indicates free
5906 flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive
5907 delay.

5908 SECTION 166. Ordinance 10870, Section 333, as amended, and K.C.C.
5909 21A.08.060 are each hereby amended to read as follows:

5910

A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P29 C2 8	P29 C2 8	P29 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P

421	Trucking and Courier Service								P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade											P
*	Self-service Storage						P14	P37	P	P	P	P
4221	Farm Product											P
4222	Warehousing, Refrigeration and Storage (38)											P
*	Log Storage (38)		P		P26 and 33							P
47	Transportation Service											P
473	Freight and Cargo Service									P	P	P
472	Passenger Transportation Service								P	P	P	
48	Communication Offices									P	P	P
482	Telegraph and other Communications								P	P	P	P
*	General Business Service							P	P	P	P	P16
*	Professional Office							P	P	P	P	P16
7312	Outdoor Advertising Service									P	P17	P
735	Miscellaneous Equipment Rental								P17	P	P17	P
751	Automotive Rental and Leasing								P	P		P
752	Automotive Parking							P20a	P20b	P21	P20a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters									P	P	
873	Research, Development and Testing									P2	P2	P2

*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24

- 5911 B. Development conditions.
- 5912 1. Except self-service storage.
- 5913 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 5914 Educational Research, see general business service/office.
- 5915 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 5916 subject to K.C.C. chapter 21A.32; or
- 5917 b. only when accessory to a fire facility and the office is no greater than one
- 5918 thousand five hundred square feet of floor area.
- 5919 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 5920 21A.32.
- 5921 5. New utility office locations only if there is no commercial/industrial zoning
- 5922 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 5923 no feasible alternative location is possible, and provided further that this condition
- 5924 applies to the UR zone only if the property is located within a designated unincorporated
- 5925 Rural Town.
- 5926 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 5927 feet from property lines adjoining rural area and residential zones;
- 5928 b. Any buildings from which fire-fighting equipment emerges onto a street

5929 shall maintain a distance of thirty-five feet from such street;

5930 c. No outdoor storage; and

5931 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
5932 feasible alternative location is possible.

5933 7. Limited to storefront police offices. Such offices shall not have:

5934 a. holding cells;

5935 b. suspect interview rooms (except in the NB zone); or

5936 c. long-term storage of stolen properties.

5937 8. Private stormwater management facilities serving development proposals

5938 located on commercial/industrial zoned lands shall also be located on

5939 commercial/industrial lands, unless participating in an approved shared facility drainage

5940 plan. Such facilities serving development within an area designated urban in the King

5941 County Comprehensive Plan shall only be located in the urban area.

5942 9. No outdoor storage of materials.

5943 10. Limited to office uses.

5944 11. Limited to self-service household moving truck or trailer rental accessory to
5945 a gasoline service station.

5946 12. Limited to self-service household moving truck or trailer rental accessory to
5947 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

5948 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

5949 14. Accessory to an apartment development of at least twelve units provided:

5950 a. The gross floor area in self service storage shall not exceed the total gross

5951 floor area of the apartment dwellings on the site;

- 5952 b. All outdoor lights shall be deflected, shaded and focused away from all
5953 adjoining property;
- 5954 c. The use of the facility shall be limited to dead storage of household goods;
- 5955 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
5956 similar equipment;
- 5957 e. No outdoor storage or storage of flammable liquids, highly combustible or
5958 explosive materials or hazardous chemicals;
- 5959 f. No residential occupancy of the storage units;
- 5960 g. No business activity other than the rental of storage units; and
- 5961 h. A resident director shall be required on the site and shall be responsible for
5962 maintaining the operation of the facility in conformance with the conditions of approval.
- 5963 i. Before filing an application with the department, the applicant shall hold a
5964 community meeting in accordance with K.C.C. 20.20.035.
- 5965 15. Repealed.
- 5966 16. Only as an accessory use to another permitted use.
- 5967 17. No outdoor storage.
- 5968 18. Only as an accessory use to a public agency or utility yard, or to a transfer
5969 station.
- 5970 19. Limited to new commuter parking lots designed for thirty or fewer parking
5971 spaces or commuter parking lots located on existing parking lots for churches, schools, or
5972 other permitted nonresidential uses that have excess capacity available during
5973 commuting; provided that the new or existing lot is adjacent to a designated arterial that
5974 has been improved to a standard acceptable to the department of ~~((transportation))~~ local

5975 services;

5976 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,

5977 and

5978 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall

5979 be:

5980 (1) permitted only on parcels located within Vashon Town Center;

5981 (2) accessory to a gas or automotive service use; and

5982 (3) limited to no more than ten vehicles.

5983 21. No dismantling or salvage of damaged, abandoned or otherwise impounded

5984 vehicles.

5985 22. Storage limited to accessory storage of commodities sold at retail on the

5986 premises or materials used in the fabrication of commodities sold on the premises.

5987 23. Limited to emergency medical evacuation sites in conjunction with police,

5988 fire or health service facility. Helistops are prohibited from the UR zone only if the

5989 property is located within a designated unincorporated Rural Town.

5990 24. Allowed as accessory to an allowed use.

5991 25. Limited to private road ambulance services with no outside storage of

5992 vehicles.

5993 26. Limited to two acres or less.

5994 27a. Utility yards only on sites with utility district offices; or

5995 b. Public agency yards are limited to material storage for road maintenance

5996 facilities.

5997 28. Limited to bulk gas storage tanks that pipe to individual residences but

5998 excluding liquefied natural gas storage tanks.

5999 29. Excluding bulk gas storage tanks.

6000 30. For I-zoned sites located outside the urban growth area designated by the
6001 King County Comprehensive Plan, uses shall be subject to the provisions for rural
6002 industrial uses in K.C.C. chapter 21A.12.

6003 31. Vactor waste treatment, storage and disposal shall be limited to liquid
6004 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
6005 in tanks (or other covered structures), as well as enclosed buildings.

6006 32. Provided:

6007 a. Off-street required parking for a land use located in the urban area must be
6008 located in the urban area;

6009 b. Off-street required parking for a land use located in the rural area must be
6010 located in the rural area; and

6011 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
6012 required parking must be located on a lot that would permit, either outright or through a
6013 land use permit approval process, the land use the off-street parking will serve.

6014 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
6015 be located on a site in the NB zone, off-street required parking may be located on a site
6016 within three hundred feet of the social service agency, regardless of zoning classification
6017 of the site on which the parking is located.

6018 33. Subject to review and approval of conditions to comply with trail corridor
6019 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

6020 34. Limited to landscape and horticultural services (SIC 078) that are accessory

6021 to a retail nursery, garden center and farm supply store. Construction equipment for the
 6022 accessory use shall not be stored on the premises.

6023 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
 6024 use.

6025 36. Repealed.

6026 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 6027 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 6028 use shall not exceed ten thousand square feet.

6029 38. If the farm product warehousing, refrigeration and storage, or log storage, is
 6030 associated with agriculture activities it will be reviewed in accordance with K.C.C.
 6031 21A.08.090.

6032 SECTION 167. Ordinance 10870, Section 334, as amended, and K.C.C.
 6033 21A.08.070 are each hereby amended to read as follows:

6034 A. Retail land uses.

P-Permitted Use C- Conditional Use S- Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		

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*	Forest Products Sales	P3 and 4	P4		P3 and 4					P		
*	Department and Variety Stores						C14a	P14	P5	P	P	
54	Food Stores						C15a	P15	P	P	P	C P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25 P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24 P24
*	Motor Vehicle and Boat Dealers										P8	P
553	Auto Supply Stores									P9	P9	P
554	Gasoline Service Stations								P	P	P	P
56	Apparel and Accessory Stores									P	P	
*	Furniture and Home Furnishings Stores									P	P	
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P P
*	Drug Stores						C15	P15	P	P	P	C
*	Marijuana retailer									P26 C27	P26 C27	
592	Liquor Stores	P13			P13	P13			P13	P	P	
593	Used Goods: Antiques/									P	P	

	Secondhand Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

6035

B. Development conditions.

6036

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

6037

thousand square feet, unless located in a building designated as historic resource under

6038 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
6039 thousand five hundred square feet may be allowed. Greenhouses used for the display of
6040 merchandise other than plants shall be considered part of the covered sales area.

6041 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
6042 considered part of the covered sales area;

6043 b. The site area shall be at least four and one-half acres;

6044 c. Sales may include locally made arts and crafts; and

6045 d. Outside lighting is permitted if no off-site glare is allowed.

6046 2. Only hardware stores.

6047 3.a. Limited to products grown on site.

6048 b. Covered sales areas shall not exceed a total area of five hundred square feet.

6049 4. No permanent structures or signs.

6050 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
6051 maximum of two thousand square feet of gross floor area.

6052 6. Limited to a maximum of five thousand square feet of gross floor area.

6053 7. Repealed.

6054 8. Excluding retail sale of trucks exceeding one-ton capacity.

6055 9. Only the sale of new or reconditioned automobile supplies is permitted.

6056 10. Excluding SIC Industry No. 5813-Drinking Places.

6057 11. No outside storage of fuel trucks and equipment.

6058 12. Excluding vehicle and livestock auctions.

6059 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
6060 and limited to sales of products produced on site and incidental items where the majority

6061 of sales are generated from products produced on site.

6062 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
6063 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
6064 21A.12.230; and

6065 b. Before filing an application with the department, the applicant shall hold a
6066 community meeting in accordance with K.C.C. 20.20.035.

6067 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
6068 feet of gross floor area and subject to K.C.C. 21A.12.230; and

6069 b. Before filing an application with the department, the applicant shall hold a
6070 community meeting in accordance with K.C.C. 20.20.035.

6071 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
6072 Places, and limited to a maximum of five thousand square feet of gross floor area and
6073 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

6074 b. Before filing an application with the department, the applicant shall hold a
6075 community meeting in accordance with K.C.C. 20.20.035.

6076 17. Repealed.

6077 18. Repealed.

6078 19. Only as:

6079 a. an accessory use to a permitted manufacturing or retail land use, limited to
6080 espresso stands to include sales of beverages and incidental food items, and not to include
6081 drive-through sales; or

6082 b. an accessory use to a recreation or multiuse park, limited to a total floor area
6083 of three thousand five hundred square feet.

- 6084 20. Only as:
- 6085 a. an accessory use to a recreation or multiuse park; or
- 6086 b. an accessory use to a park and limited to a total floor area of one thousand
- 6087 five hundred square feet.
- 6088 21. Accessory to a park, limited to a total floor area of seven hundred fifty
- 6089 square feet.
- 6090 22. Only as an accessory use to:
- 6091 a. a large active recreation and multiuse park in the urban growth area; or
- 6092 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
- 6093 total floor area of seven hundred and fifty square feet.
- 6094 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
- 6095 Industry No. 2431-Millwork and;
- 6096 a. limited to lumber milled on site; and
- 6097 b. the covered sales area is limited to two thousand square feet. The covered
- 6098 sales area does not include covered areas used to display only milled lumber.
- 6099 24. Requires at least five farmers selling their own products at each market and
- 6100 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
- 6101 vendors.
- 6102 25. Limited to sites located within the urban growth area and:
- 6103 a. The sales area shall be limited to three hundred square feet and must be
- 6104 removed each evening;
- 6105 b. There must be legal parking that is easily available for customers; and
- 6106 c. The site must be in an area that is easily accessible to the public, will

6107 accommodate multiple shoppers at one time and does not infringe on neighboring
6108 properties.

6109 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
6110 of gross floor area devoted to, and in support of, the retail sale of marijuana.

6111 b. Notwithstanding subsection B.26.a. of this section, the maximum
6112 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
6113 may be increased to up to three thousand square feet if the retail outlet devotes at least
6114 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
6115 the operator maintains a current medical marijuana endorsement issued by the
6116 Washington state Liquor and Cannabis Board.

6117 c. Any lot line of a lot having any area devoted to retail marijuana activity
6118 must be one thousand feet or more from any lot line of any other lot having any area
6119 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
6120 retail marijuana activity may not be within one thousand feet of any lot line of any lot
6121 having any area devoted to existing retail marijuana activity.

6122 d. Whether a new retail marijuana activity complies with this locational
6123 requirement shall be determined based on the date a conditional use permit application
6124 submitted to the department of (~~permitting and environmental review~~) local services,
6125 permitting division, became or was deemed complete, and:

6126 (1) if a complete conditional use permit application for the proposed retail
6127 marijuana use was not submitted, or if more than one conditional use permit application
6128 became or was deemed complete on the same date, then the director shall determine
6129 compliance based on the date the Washington state Liquor and Cannabis Board issues a

6130 Notice of Marijuana Application to King County;

6131 (2) if the Washington state Liquor and Cannabis Board issues more than one
6132 Notice of Marijuana Application on the same date, then the director shall determine
6133 compliance based on the date either any complete building permit or change of use
6134 permit application, or both, were submitted to the department declaring retail marijuana
6135 activity as an intended use;

6136 (3) if more than one building permit or change of use permit application was
6137 submitted on the same date, or if no building permit or change of use permit application
6138 was submitted, then the director shall determine compliance based on the date a complete
6139 business license application was submitted; and

6140 (4) if a business license application was not submitted or more than one
6141 business license application was submitted, then the director shall determine compliance
6142 based on the totality of the circumstances, including, but not limited to, the date that a
6143 retail marijuana license application was submitted to the Washington state Liquor and
6144 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
6145 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
6146 illustrating the timing of substantial investment in establishing a licensed retail marijuana
6147 use at the proposed location.

6148 e. Retail marijuana businesses licensed by the Washington state Liquor and
6149 Cannabis Board and operating within one thousand feet of each other as of August 14,
6150 2016, and retail marijuana businesses that do not require a permit issued by King County,
6151 that received a Washington state Liquor and Cannabis Board license to operate in a
6152 location within one thousand feet of another licensed retail marijuana business prior to

6153 August 14, 2016, and that King County did not object to within the Washington state
6154 Liquor and Cannabis Board marijuana license application process, shall be considered
6155 nonconforming and may remain in their current location, subject to the provisions of
6156 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

6157 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;

6158 and

6159 (2) the gross floor area of a nonconforming retail outlet may be increased up
6160 to the limitations in subsection B.26.a. and B.26.b. of this section.

6161 27. Per lot, limited to a maximum aggregated total of five thousand square feet
6162 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

6163 a. Any lot line of a lot having any area devoted to retail marijuana activity
6164 must be one thousand feet or more from any lot line of any other lot having any area
6165 devoted to retail marijuana activity; and any lot line of a lot having any area devoted to
6166 new retail marijuana activity may not be within one thousand feet of any lot line of any
6167 lot having any area devoted to existing retail marijuana activity; and

6168 b. Whether a new retail marijuana activity complies with this locational
6169 requirement shall be determined based on the date a conditional use permit application
6170 submitted to the department of (~~permitting and environmental review~~) local services,
6171 permitting division, became or was deemed complete, and:

6172 (1) if a complete conditional use permit application for the proposed retail
6173 marijuana use was not submitted, or if more than one conditional use permit application
6174 became or was deemed complete on the same date, then the director shall determine
6175 compliance based on the date the Washington state Liquor and Cannabis Board issues a

6176 Notice of Marijuana Application to King County;

6177 (2) if the Washington state Liquor and Cannabis Board issues more than one
6178 Notice of Marijuana Application on the same date, then the director shall determine
6179 compliance based on the date either any complete building permit or change of use
6180 permit application, or both, were submitted to the department declaring retail marijuana
6181 activity as an intended use;

6182 (3) if more than one building permit or change of use permit application was
6183 submitted on the same date, or if no building permit or change of use permit application
6184 was submitted, then the director shall determine compliance based on the date a complete
6185 business license application was submitted; and

6186 (4) if a business license application was not submitted or more than one
6187 business license application was submitted, then the director shall determine compliance
6188 based on the totality of the circumstances, including, but not limited to, the date that a
6189 retail marijuana license application was submitted to the Washington state Liquor and
6190 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
6191 or purchased the lot at issue for the purpose of retail marijuana use, and any other facts
6192 illustrating the timing of substantial investment in establishing a licensed retail marijuana
6193 use at the proposed location; and

6194 c. Retail marijuana businesses licensed by the Washington state Liquor and
6195 Cannabis Board and operating within one thousand feet of each other as of August 14,
6196 2016, and retail marijuana businesses that do not require a permit issued by King County,
6197 that received a Washington state Liquor and Cannabis Board license to operate in a
6198 location within one thousand feet of another licensed retail marijuana business prior to

6199 August 14, 2016, and that King County did not object to within the Washington state
 6200 Liquor and Cannabis Board marijuana license application process, shall be considered
 6201 nonconforming and may remain in their current location, subject to the provisions of
 6202 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

6203 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
 6204 and

6205 (2) the gross floor area of a nonconforming retail outlet may be increased up
 6206 to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

6207 28. If the agricultural product sales or livestock sales is associated with
 6208 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

6209 SECTION 168. Ordinance 10870, Section 340, as amended, and K.C.C.
 6210 21A.12.030 are each hereby amended to read as follows:

6211 A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1 du/ ac	4 du/ ac (6)	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/a c	du/a c	du/ac	du/ac	du/ac (21)		du/a c	du/a c	du/a c	du/a c	du/a c	du/a c	du/a c
Maximum Density:	0.4						6 du/ ac (22)	9	12	18	27	36	72
Dwelling Unit/Acre (1) (20)	du/a c						8 du/ ac (27)	12	16	24	36	48	96
							c (27)	c (27)	c (27)	c (27)	c (27)	c (27)	c (27)
Minimum							85%	85%	85%	80%	75%	70%	65%

Density: (2)							(12) (18) (23)	(12) (18)	(12) (18)	(18)	(18)	(18)	(18)
Minimum Lot Area (13)	1.87 5 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	30 ft	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) (29)	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) (29)	5 ft	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10) (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

6212 B. Development conditions.

6213 1. This maximum density may be achieved only through the application of
 6214 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of
 6215 development rights in accordance with K.C.C. chapter 21A.37, or any combination of
 6216 density incentive or density transfer.

6217 2. Also see K.C.C. 21A.12.060.

6218 3. These standards may be modified under the provisions for zero-lot-line and
 6219 townhouse developments.

6220 4. Height limits may be increased if portions of the structure that exceed the
6221 base height limit provide one additional foot of street and interior setback for each foot
6222 above the base height limit, but the maximum height may not exceed seventy-five feet.
6223 Netting or fencing and support structures for the netting or fencing used to contain golf
6224 balls in the operation of golf courses or golf driving ranges are exempt from the
6225 additional interior setback requirements but the maximum height shall not exceed
6226 seventy-five feet, except for recreation or multiuse parks, where the maximum height
6227 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires
6228 a higher fence.

6229 5. Applies to each individual lot. Impervious surface area standards for:
6230 a. Regional uses shall be established at the time of permit review;
6231 b. Nonresidential uses in rural area and residential zones shall comply with
6232 K.C.C. 21A.12.120 and 21A.12.220;
6233 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
6234 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
6235 comparable R-6 or R-8 zone; and
6236 d. A lot may be increased beyond the total amount permitted in this chapter
6237 subject to approval of a conditional use permit.

6238 6. Mobile home parks shall be allowed a base density of six dwelling units per
6239 acre.

6240 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
6241 square feet in area.

6242 8. At least twenty linear feet of driveway shall be provided between any garage,

6243 carport or other fenced parking area and the street property line. The linear distance shall
6244 be measured along the center line of the driveway from the access point to such garage,
6245 carport or fenced area to the street property line.

6246 9.a. Residences shall have a setback of at least one hundred feet from any
6247 property line adjoining A, M or F zones or existing extractive operations. However,
6248 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
6249 existing extractive operations shall have a setback from the rear property line equal to
6250 fifty percent of the lot width and a setback from the side property equal to twenty-five
6251 percent of the lot width.

6252 b. Except for residences along a property line adjoining A, M or F zones or
6253 existing extractive operations, lots between one acre and two and one-half acres in size
6254 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
6255 to the requirements of the R-4 zone.

6256 10.a. For developments consisting of three or more single-detached dwellings
6257 located on a single parcel, the setback shall be ten feet along any property line abutting
6258 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
6259 K.C.C. 21A.14.190, which shall have a setback of five feet.

6260 b. For townhouse and apartment development, the setback shall be twenty feet
6261 along any property line abutting R-1 through R-8, RA and UR zones, except for
6262 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
6263 of five feet, unless the townhouse or apartment development is adjacent to property upon
6264 which an existing townhouse or apartment development is located.

6265 11. Lots smaller than one-half acre in area shall comply with standards of the

6266 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
6267 larger, the maximum impervious surface area allowed shall be at least ten thousand
6268 square feet. On any lot over one acre in area, an additional five percent of the lot area
6269 may be used for buildings related to agricultural or forestry practices. For lots smaller
6270 than two acres but larger than one-half acre, an additional ten percent of the lot area may
6271 be used for structures that are determined to be medically necessary, if the applicant
6272 submits with the permit application a notarized affidavit, conforming with K.C.C.
6273 21A.32.170A.2.

6274 12. For purposes of calculating minimum density, the applicant may request that
6275 the minimum density factor be modified based upon the weighted average slope of the
6276 net buildable area of the site in accordance with K.C.C. 21A.12.087.

6277 13. The minimum lot area does not apply to lot clustering proposals as provided
6278 in K.C.C. chapter 21A.14.

6279 14. The base height to be used only for projects as follows:

6280 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
6281 fifteen percent finished grade; and

6282 b. in R-18, R-24 and R-48 zones using residential density incentives and
6283 transfer of density credits in accordance with this title.

6284 15. Density applies only to dwelling units and not to sleeping units.

6285 16. Vehicle access points from garages, carports or fenced parking areas shall
6286 be set back from the property line on which a joint use driveway is located to provide a
6287 straight line length of at least twenty-six feet as measured from the center line of the
6288 garage, carport or fenced parking area, from the access point to the opposite side of the

6289 joint use driveway.

6290 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
6291 be clustered if the property is located within or contains:

6292 (1) a floodplain;

6293 (2) a critical aquifer recharge area;

6294 (3) a regionally or locally significant resource area;

6295 (4) existing or planned public parks or trails, or connections to such facilities;

6296 (5) a category type S or F aquatic area or category I or II wetland;

6297 (6) a steep slope; or

6298 (7) an urban separator or wildlife habitat network designated by the

6299 Comprehensive Plan or a community plan.

6300 b. The development shall be clustered away from critical areas or the axis of
6301 designated corridors such as urban separators or the wildlife habitat network to the extent
6302 possible and the open space shall be placed in a separate tract that includes at least fifty
6303 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
6304 homeowner's association or other suitable organization, as determined by the director,
6305 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
6306 designated urban separators shall be placed within the open space tract to the extent
6307 possible. Passive recreation, with no development of recreational facilities, and natural-
6308 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

6309 18. See K.C.C. 21A.12.085.

6310 19. All subdivisions and short subdivisions in R-1 and RA zones within the
6311 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North

6312 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
6313 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
6314 Sammamish Community Planning Area that drains to Patterson Creek shall have a
6315 maximum impervious surface area of eight percent of the gross acreage of the plat.
6316 Distribution of the allowable impervious area among the platted lots shall be recorded on
6317 the face of the plat. Impervious surface of roads need not be counted towards the
6318 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
6319 more restrictive shall be required.

6320 20. This density may only be achieved on RA 2.5 zoned parcels receiving
6321 density from rural forest focus areas through a transfer of density credit pursuant to
6322 K.C.C. chapter 21A.37.

6323 21. Base density may be exceeded, if the property is located in a designated
6324 rural city urban growth area and each proposed lot contains an occupied legal residence
6325 that predates 1959.

6326 22. The maximum density is four dwelling units per acre for properties zoned
6327 R-4 when located in the Rural Town of Fall City.

6328 23. The minimum density requirement does not apply to properties located
6329 within the Rural Town of Fall City.

6330 24. The impervious surface standards for the county fairground facility are
6331 established in the King County Fairgrounds Site Development Plan, Attachment A to
6332 Ordinance 14808 on file at the department of natural resources and parks and the
6333 department of ~~((permitting and environmental review))~~ local services, permitting
6334 division. Modifications to that standard may be allowed provided the square footage

6335 does not exceed the approved impervious surface square footage established in the King
6336 County Fairgrounds Site Development Plan Environmental Checklist, dated September
6337 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

6338 25. For cottage housing developments only:

6339 a. The base height is eighteen feet.

6340 b. Buildings have pitched roofs with a minimum slope of six and twelve may
6341 extend up to twenty-five feet at the ridge of the roof.

6342 26. Impervious surface does not include access easements serving neighboring
6343 property and driveways to the extent that they extend beyond the street setback due to
6344 location within an access panhandle or due to the application of King County Code
6345 requirements to locate features over which the applicant does not have control.

6346 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

6347 28. On a site zoned RA with a building listed on the national register of historic
6348 places, additional dwelling units in excess of the maximum density may be allowed under
6349 K.C.C. 21A.12.042.

6350 29. Height and setback requirements shall not apply to regional transit authority
6351 facilities.

6352 SECTION 169. Ordinance 14045, Section 38, as amended, and K.C.C.

6353 21A.14.370 are each hereby amended to read as follows:

6354 The department of natural resources and parks may accept a grant of easement for
6355 the preservation or relocation of a rural equestrian community trail as follows:

6356 A. The department of natural resources and parks makes a determination in
6357 writing that:

6358 1. The rural equestrian community trail is listed or mapped on an inventory of
6359 equestrian community trails maintained by the department of natural resources and parks.
6360 The department of natural resources and parks shall field verify the presence of a trail
6361 where an inventory indicates the general location of a trail that has not yet been field
6362 verified;

6363 2. The rural equestrian community trail connects to a state, county or other trail
6364 open to the public;

6365 3. The rural equestrian community trail, following a site inspection by the
6366 department of natural resources and parks, is reasonably fit for use as a rural equestrian
6367 community trail;

6368 4. A rural equestrian community trail that traverses or impacts an
6369 environmentally sensitive area can be modified to meet code requirements for trails in
6370 critical areas; and

6371 5. Permanent protection or relocation of a rural equestrian community trail can
6372 be accomplished without interference with allowed uses and development of the subject
6373 property, and the site can be developed without interference with the trail and allows for
6374 future owners of the property to access historically existing or public trails in the vicinity
6375 of the site; or

6376 B. If the rural equestrian community trail is proposed to be granted as part of a
6377 mitigation package for a development proposal, the department of ~~((permitting and
6378 environmental review))~~ local services, permitting division:

6379 1. Determines that permanent protection or relocation of the rural equestrian
6380 community trail can be accomplished without interference with the proposed use and

6381 development of the subject property;

6382 2. Determines that the site can be developed without interference with the trail
6383 and in a manner that allows future owners of the property to access historically existing
6384 or public trails in the vicinity that are linked to the subject site; and

6385 3. Reports its findings in writing to the department of natural resources and
6386 parks.

6387 SECTION 170. Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380
6388 are each hereby amended to read as follows:

6389 The following design standards apply to rural equestrian community trails:

6390 A. An on-site rural equestrian community trail should be retained at its existing
6391 location unless that location impairs the use of the property as intended by the applicant.
6392 A rural equestrian community trail retained in the existing location shall not require any
6393 upgrades or improvements, except for maintenance required by this section. The trail
6394 may be relocated to a location within the street right-of-way or to another corridor
6395 separate from a street right-of-way, provided that whatever alternative is used preserves
6396 the same connections as the original trail to an existing public park or trail in the vicinity
6397 of the subject property. The preferred place for a relocated trail is out of the right-of-way
6398 or separated from the paved surface and road shoulder by a berm, ditch or other
6399 separation. Trails may only be relocated to a street right-of-way when meeting the
6400 standards in subsection E. of this section. A tax credit under the Public Benefit Rating
6401 System may only be given for trails relocated off the road right-of-way. The trail location
6402 shall be preserved by appropriate easements or dedications.

6403 B. Corridors for trails located outside a street right-of-way shall be ten feet wide,

6404 or six feet wide if the trail will be located along a property line and additional corridor
6405 space can reasonably be expected to be preserved on the abutting property and the
6406 corridor is not encumbered by any structures adjacent to the corridor.

6407 C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural
6408 equestrian community trail may be located in a designated critical area buffer.

6409 D. Rural equestrian community trails that are not located within street rights-of-
6410 way, should be natural, visually and functionally unobtrusive, and as low-impact as
6411 possible.

6412 E. Relocated or new rural equestrian community trails within public or private
6413 road rights-of-way shall be designed consistent with adopted King County Road
6414 Standards, KCRS Section 3.11, as supplemented by the following standards:

6415 1. The trail shall be located to provide access to a local equestrian travel
6416 corridor through the project site and adjacent properties, as determined by the King
6417 County department of ~~((transportation))~~ local services in cooperation with the local
6418 equestrian community;

6419 2. The preferred design is a trail separated from the paved roadway by a berm,
6420 ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least
6421 eight feet of horizontal distance from the paved roadway edge;

6422 3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-
6423 wide roadway shoulder path shall be installed on all roads other than local access streets,
6424 where a forty-eight inches shoulder path shall be sufficient;

6425 4. All trails shall have an all-weather tread of thirty-six to forty-eight inches;

6426 5. The roadway shall include appropriate surface treatment to reduce slippage at

6427 roadway and trail crossings; and

6428 6. Appropriate signs shall be provided to indicate the location of street crossings
6429 for trails, with emphasis on arterials and subcollector streets.

6430 F. Relocated or new rural equestrian community trails not located in a right-of-
6431 way shall be designed to the King County Road Standards, KCRS Section 3.11.A.2.

6432 SECTION 171. Ordinance 14045, Section 40, as amended, and K.C.C.
6433 21A.14.390 are each hereby amended as follows:

6434 A. Once a trail easement has been granted to the county as provided by this
6435 chapter, it shall remain free from structural obstructions or other permanent or temporary
6436 obstacles. A rural equestrian community trail((s)) shall be open to the public for
6437 recreational use by equestrians and pedestrians. Equestrian and pedestrian use does not
6438 include use by motor vehicles, bicycles, roller skates, skateboards or other mechanized
6439 modes of transportation. However, the department of natural resources and parks may
6440 authorize use by motor vehicles in limited circumstances, such as for maintenance,
6441 emergencies or trail crossings.

6442 B. The trail easement shall set forth the responsibility for trail maintenance.
6443 Trails within dedicated street rights-of-way shall be maintained by the department of
6444 ~~((transportation))~~ local services or its successor ~~((agency))~~. Trails within easements
6445 granted to King County shall be maintained by the department of natural resources and
6446 parks. The county may contract with a local user group or parks district for maintenance
6447 of the trail.

6448 C. Trails established under this section are subject to the rules and enforcement
6449 measures for use of facilities for King County parks in K.C.C. chapter 7.12.

6450 D. An easement governing the use and operation of a rural equestrian community
6451 trail being granted under Ordinance 14259 shall be granted by the property owner to the
6452 county. In preparing the easement, the department of natural resources and parks is
6453 authorized to negotiate the terms of the easement on matters such as the allowed use of
6454 the easement, whether the easement includes indemnification requirements, the
6455 maintenance of the easement, the relocation of the easement, and whether the easement is
6456 permanent or for a term of years, depending on the value of the property as a rural
6457 equestrian community trail. The easement shall be consistent with Ordinance 14259.

6458 SECTION 172. Ordinance 15051, Section 137, as amended, and K.C.C.
6459 21A.24.045 are each hereby amended to read as follows:

6460 A. Within the following seven critical areas and their buffers all alterations are
6461 allowed if the alteration complies with the development standards, impact avoidance and
6462 mitigation requirements and other applicable requirements established in this chapter:

- 6463 1. Critical aquifer recharge area;
- 6464 2. Coal mine hazard area;
- 6465 3. Erosion hazard area;
- 6466 4. Flood hazard area except in the severe channel migration hazard area;
- 6467 5. Landslide hazard area under forty percent slope;
- 6468 6. Seismic hazard area; and
- 6469 7. Volcanic hazard areas.

6470 B. Within the following seven critical areas and their buffers, unless allowed as
6471 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
6472 subsection C. of this section are allowed if the alteration complies with conditions in

6473 subsection D. of this section and the development standards, impact avoidance and
 6474 mitigation requirements and other applicable requirements established in this chapter:

- 6475 1. Severe channel migration hazard area;
- 6476 2. Landslide hazard area over forty percent slope;
- 6477 3. Steep slope hazard area;
- 6478 4. Wetland;
- 6479 5. Aquatic area;
- 6480 6. Wildlife habitat conservation area; and
- 6481 7. Wildlife habitat network.

6482 C. In the following table where an activity is included in more than one activity
 6483 category, the numbered conditions applicable to the most specific description of the
 6484 activity governs. Where more than one numbered condition appears for a listed activity,
 6485 each of the relevant conditions specified for that activity within the given critical area
 6486 applies. For alterations involving more than one critical area, compliance with the
 6487 conditions applicable to each critical area is required.

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservation Area and Wildlife Habitat Network
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7

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Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					

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Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61

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Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water oriented use				A 65	

Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

6488 D. The following alteration conditions apply:

6489 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
 6490 limitations of subsection D.3. of this section.

6491 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
 6492 was created before January 1, 2005, if:

6493 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
 6494 seventy-five percent of the lake frontage, whichever constitutes the most developable
 6495 lake frontage, has existing density of four dwelling units per acre or more;

6496 b. the development proposal, including mitigation required by this chapter, will
 6497 have the least adverse impact on the critical area;

6498 c. existing native vegetation within the critical area buffer will remain
 6499 undisturbed except as necessary to accommodate the development proposal and required
 6500 building setbacks;

6501 d. access is located to have the least adverse impact on the critical area and
 6502 critical area buffer;

6503 e. the site alteration is the minimum necessary to accommodate the
 6504 development proposal and in no case in excess of five thousand square feet;

6505 f. the alteration is no closer than:

6506 (1) on site with a shoreline environment designation of high intensity or

6507 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
6508 on either side of the subject property, as measured from the ordinary high water mark of
6509 the lake shoreline;

6510 (2) on a site with a shoreline environment designation of rural, conservancy,
6511 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent
6512 lots on either side of the subject property, as measured from the ordinary high water mark
6513 the lake shoreline; and

6514 (3) on a site with a shoreline environment designation of natural, the greater
6515 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
6516 subject property, as measured from the ordinary high water mark; and

6517 g. to the maximum extent practical, alterations are mitigated on the
6518 development proposal site by enhancing or restoring remaining critical area buffers.

6519 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
6520 buffers of wetlands or aquatic areas where:

6521 a. the site is predominantly used for the practice of agriculture;

6522 b. the structure is in compliance with an approved farm management plan in
6523 accordance with K.C.C. 21A.24.051;

6524 c. the structure is either:

6525 (1) on or adjacent to existing nonresidential impervious surface areas,
6526 additional impervious surface area is not created waterward of any existing impervious
6527 surface areas and the area was not used for crop production;

6528 (2) higher in elevation and no closer to the critical area than its existing
6529 position; or

6530 (3) at a location away from existing impervious surface areas that is
6531 determined to be the optimum site in the farm management plan;

6532 d. all best management practices associated with the structure specified in the
6533 farm management plan are installed and maintained;

6534 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
6535 require the development of a farm management plan if required best management
6536 practices are followed and the installation does not require clearing of critical areas or
6537 their buffers; and

6538 f. in a severe channel migration hazard area portion of an aquatic buffer only
6539 if:

6540 (1) there is no feasible alternative location on-site;

6541 (2) the structure is located where it is least subject to risk from channel
6542 migration;

6543 (3) the structure is not used to house animals or store hazardous substances;
6544 and

6545 (4) the total footprint of all accessory structures within the severe channel
6546 migration hazard area will not exceed the greater of one thousand square feet or two
6547 percent of the severe channel migration hazard area on the site.

6548 4. No clearing, external construction or other disturbance in a wildlife habitat
6549 conservation area is allowed during breeding seasons established under K.C.C.
6550 21A.24.382.

6551 5. Allowed for structures when:

6552 a. the landslide hazard poses little or no risk of injury;

6553 b. the risk of landsliding is low; and

6554 c. there is not an expansion of the structure.

6555 6. Within a severe channel migration hazard area allowed for:

6556 a. existing legally established primary structures if:

6557 (1) there is not an increase of the footprint of any existing structure; and

6558 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

6559 and

6560 b. existing legally established accessory structures if:

6561 (1) additions to the footprint will not make the total footprint of all existing

6562 structures more than one-thousand square feet; and

6563 (2) there is not an expansion of the footprint towards any source of channel

6564 migration hazard, unless the applicant demonstrates that the location is less subject to risk

6565 and has less impact on the critical area.

6566 7. Allowed only in grazed wet meadows or the buffer or building setback

6567 outside a severe channel migration hazard area if:

6568 a. the expansion or replacement does not increase the footprint of a

6569 nonresidential structure;

6570 b.(1) for a legally established dwelling unit, the expansion or replacement,

6571 including any expansion of a legally established accessory structure allowed under this

6572 subsection B.7.b., does not increase the footprint of the dwelling unit and all other

6573 structures by more than one thousand square feet, not including any expansion of a

6574 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent

6575 practical, the replacement or expansion of a drainfield in the buffer should be located

6576 within areas of existing lawn or landscaping, unless another location will have a lesser
6577 impact on the critical area and its buffer;

6578 (2) for a structure accessory to a dwelling unit, the expansion or replacement
6579 is located on or adjacent to existing impervious surface areas and does not result in a
6580 cumulative increase in the footprint of the accessory structure and the dwelling unit by
6581 more than one thousand square feet;

6582 (3) the location of the expansion has the least adverse impact on the critical
6583 area; and

6584 (4) a comparable area of degraded buffer area shall be enhanced through
6585 removal of nonnative plants and replacement with native vegetation in accordance with
6586 an approved landscaping plan;

6587 c. the structure was not established as the result of an alteration exception,
6588 variance, buffer averaging or reasonable use exception;

6589 d. to the maximum extent practical, the expansion or replacement is not
6590 located closer to the critical area or within the relic of a channel that can be connected to
6591 an aquatic area; and

6592 e. The expansion of a residential structure in the buffer of a Type S aquatic
6593 area that extends towards the ordinary high water mark requires a shoreline variance if:

6594 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

6595 (2) the expansion is between thirty-five and fifty feet of the ordinary high

6596 water mark and the area of the expansion extending towards the ordinary high water mark
6597 is greater than three hundred square feet.

6598 8. Allowed upon another portion of an existing impervious surface outside a

6599 severe channel migration hazard area if:

6600 a. except as otherwise allowed under subsection D.7. of this section, the
6601 structure is not located closer to the critical area;

6602 b. except as otherwise allowed under subsection D.7. of this section, the
6603 existing impervious surface within the critical area or buffer is not expanded; and

6604 c. the degraded buffer area is enhanced through removal of nonnative plants
6605 and replacement with native vegetation in accordance with an approved landscaping plan.

6606 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
6607 or its buffer or along a lake shoreline or its buffer where:

6608 a. the vegetation where the alteration is proposed does not consist of dominant
6609 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
6610 of this vegetation is not the result of any violation of law;

6611 b. the wetland or lake shoreline is not a salmonid spawning area;

6612 c. hazardous substances or toxic materials are not used; and

6613 d. if located in a freshwater lake, the pier or dock conforms to the standards for
6614 docks under K.C.C. 21A.25.180.

6615 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
6616 materials are not used.

6617 11. Allowed on type S or F aquatic areas outside of the severe channel
6618 migration hazard area if in compliance with K.C.C. 21A.25.180.

6619 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

6620 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
6621 grading activity.

6622 14. The following are allowed in the severe channel migration hazard area if
6623 conducted more than one hundred sixty-five feet from the ordinary high water mark in
6624 the rural area and natural resource lands and one-hundred fifteen feet from the ordinary
6625 high water mark in the urban area:

- 6626 a. grading of up to fifty cubic yards on lot less than five acres; and
- 6627 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
6628 percent of the severe channel migration hazard area.

6629 15. Only where erosion or landsliding threatens a structure, utility facility,
6630 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
6631 practical, stabilization work does not disturb the slope and its vegetative cover and any
6632 associated critical areas.

6633 16. Allowed when performed by, at the direction of or authorized by a
6634 government agency in accordance with regional road maintenance guidelines.

6635 17. Allowed when not performed under the direction of a government agency
6636 only if:

- 6637 a. the maintenance or expansion does not involve the use of herbicides,
6638 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
6639 or their buffers; and

6640 b. when maintenance, expansion or replacement of bridges or culverts involves
6641 water used by salmonids:

- 6642 (1) the work is in compliance with ditch standards in public rule; and
- 6643 (2) the maintenance of culverts is limited to removal of sediment and debris
6644 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or

6645 damaged bank or channel immediately adjacent to the culvert and shall not involve the
6646 excavation of a new sediment trap adjacent to the inlet.

6647 18. Allowed for the removal of hazard trees and vegetation as necessary for
6648 surveying or testing purposes.

6649 19. The limited trimming, pruning or removal of vegetation under a vegetation
6650 management plan approved by the department:

6651 a. in steep slope and landslide hazard areas, for the making and maintenance of
6652 view corridors; and

6653 b. in all critical areas for habitat enhancement, invasive species control or
6654 forest management activities.

6655 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
6656 fruits, for restoration and enhancement projects is allowed.

6657 21. Cutting of firewood is subject to the following:

6658 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

6659 b. within a wildlife network, cutting shall be in accordance with a management
6660 plan approved under K.C.C. 21A.24.386; and

6661 c. within a critical area buffer, cutting shall be for personal use and in
6662 accordance with an approved forest management plan or rural stewardship plan.

6663 22. Allowed only in buffers if in accordance with best management practices
6664 approved by the King County fire marshal.

6665 23. Allowed as follows:

6666 a. if conducted in accordance with an approved forest management plan, farm
6667 management plan or rural stewardship plan; or

6668 b. without an approved forest management plan, farm management plan or
6669 rural stewardship plan, only if:

6670 (1) removal is undertaken with hand labor, including hand-held mechanical
6671 tools, unless the King County noxious weed control board otherwise prescribes the use of
6672 riding mowers, light mechanical cultivating equipment or herbicides or biological control
6673 methods;

6674 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

6675 (3) the cleared area is revegetated with native vegetation and stabilized
6676 against erosion; and

6677 (4) herbicide use is in accordance with federal and state law;

6678 24. Allowed to repair or replace existing on site wastewater disposal systems in
6679 accordance with the applicable public health standards within Marine Recovery Areas
6680 adopted by the Seattle King County board of health and:

6681 a. there is no alternative location available with less impact on the critical area;

6682 b. impacts to the critical area are minimized to the maximum extent
6683 practicable;

6684 c. the alterations will not subject the critical area to increased risk of landslide
6685 or erosion;

6686 d. vegetation removal is the minimum necessary to accommodate the septic
6687 system; and

6688 e. significant risk of personal injury is eliminated or minimized in the landslide
6689 hazard area.

6690 25. Only if in compliance with published Washington state Department of Fish

6691 and Wildlife and Washington state Department of Natural Resources Management
6692 standards for the species. If there are no published Washington state standards, only if in
6693 compliance with management standards determined by the county to be consistent with
6694 best available science.

6695 26. Allowed only if:

6696 a. there is not another feasible location with less adverse impact on the critical
6697 area and its buffer;

6698 b. the corridor is not located over habitat used for salmonid rearing or
6699 spawning or by a species listed as endangered or threatened by the state or federal
6700 government unless the department determines that there is no other feasible crossing site.

6701 c. the corridor width is minimized to the maximum extent practical;

6702 d. the construction occurs during approved periods for instream work;

6703 e. the corridor will not change or diminish the overall aquatic area flow peaks,
6704 duration or volume or the flood storage capacity; and

6705 f. no new public right-of-way is established within a severe channel migration
6706 hazard area.

6707 27. To the maximum extent practical, during breeding season established under
6708 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
6709 equipment are not operated within a wildlife habitat conservation area.

6710 28. Allowed only if:

6711 a. an alternative access is not available;

6712 b. impact to the critical area is minimized to the maximum extent practical
6713 including the use of walls to limit the amount of cut and fill necessary;

- 6714 c. the risk associated with landslide and erosion is minimized;
- 6715 d. access is located where it is least subject to risk from channel migration; and
- 6716 e. construction occurs during approved periods for instream work.

6717 29. Only if in compliance with a farm management plan in accordance with
6718 K.C.C. 21A.24.051.

6719 30. Allowed only if:

- 6720 a. the new construction or replacement is made fish passable in accordance
6721 with the most recent Washington state Department of Fish and Wildlife manuals or with
6722 the National Marine and Fisheries Services guidelines for federally listed salmonid
6723 species; and

- 6724 b. the site is restored with appropriate native vegetation.

6725 31. Allowed if necessary to bring the bridge or culvert up to current standards
6726 and if:

- 6727 a. there is not another feasible alternative available with less impact on the
6728 aquatic area and its buffer; and

- 6729 b. to the maximum extent practical, the bridge or culvert is located to minimize
6730 impacts to the aquatic area and its buffer(s).

6731 32. Allowed in an existing roadway if conducted consistent with the regional
6732 road maintenance guidelines.

6733 33. Allowed outside the roadway if:

- 6734 a. the alterations will not subject the critical area to an increased risk of
6735 landslide or erosion;

- 6736 b. vegetation removal is the minimum necessary to locate the utility or

6737 construct the corridor; and

6738 c. significant risk of personal injury is eliminated or minimized in the landslide
6739 hazard area.

6740 34. Limited to the pipelines, cables, wires and support structures of utility
6741 facilities within utility corridors if:

6742 a. there is no alternative location with less adverse impact on the critical area
6743 and critical area buffer;

6744 b. new utility corridors meet the all of the following to the maximum extent
6745 practical:

6746 (1) are not located over habitat used for salmonid rearing or spawning or by a
6747 species listed as endangered or threatened by the state or federal government unless the
6748 department determines that there is no other feasible crossing site;

6749 (2) the mean annual flow rate is less than twenty cubic feet per second; and

6750 (3) paralleling the channel or following a down-valley route near the channel
6751 is avoided;

6752 c. to the maximum extent practical utility corridors are located so that:

6753 (1) the width is the minimized;

6754 (2) the removal of trees greater than twelve inches diameter at breast height is
6755 minimized;

6756 (3) an additional, contiguous and undisturbed critical area buffer, equal in
6757 area to the disturbed critical area buffer area including any allowed maintenance roads, is
6758 provided to protect the critical area;

6759 d. to the maximum extent practical, access for maintenance is at limited access

6760 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
6761 maintenance road is necessary the following standards are met:

6762 (1) to the maximum extent practical the width of the maintenance road is
6763 minimized and in no event greater than fifteen feet; and

6764 (2) the location of the maintenance road is contiguous to the utility corridor
6765 on the side of the utility corridor farthest from the critical area;

6766 e. the utility corridor or facility will not adversely impact the overall critical
6767 area hydrology or diminish flood storage capacity;

6768 f. the construction occurs during approved periods for instream work;

6769 g. the utility corridor serves multiple purposes and properties to the maximum
6770 extent practical;

6771 h. bridges or other construction techniques that do not disturb the critical areas
6772 are used to the maximum extent practical;

6773 i. bored, drilled or other trenchless crossing is laterally constructed at least four
6774 feet below the maximum depth of scour for the base flood;

6775 j. bridge piers or abutments for bridge crossing are not placed within the
6776 FEMA floodway or the ordinary high water mark;

6777 k. open trenching is only used during low flow periods or only within aquatic
6778 areas when they are dry. The department may approve open trenching of type S or F
6779 aquatic areas only if there is not a feasible alternative and equivalent or greater
6780 environmental protection can be achieved; and

6781 l. minor communication facilities may collocate on existing utility facilities if:

6782 (1) no new transmission support structure is required; and

6783 (2) equipment cabinets are located on the transmission support structure.

6784 35. Allowed only for new utility facilities in existing utility corridors.

6785 36. Allowed for onsite private individual utility service connections or private
6786 or public utilities if the disturbed area is not expanded and no hazardous substances,
6787 pesticides or fertilizers are applied.

6788 37. Allowed if the disturbed area is not expanded, clearing is limited to the
6789 maximum extent practical and no hazardous substances, pesticides or fertilizers are
6790 applied.

6791 38. Allowed if:

6792 a. conveying the surface water into the wetland or aquatic area buffer and
6793 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
6794 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
6795 than if the surface water were discharged at the buffer's edge and allowed to naturally
6796 drain through the buffer;

6797 b. the volume of discharge is minimized through application of low impact
6798 development and water quality measures identified in the King County Surface Water
6799 Design Manual;

6800 c. the conveyance and outfall are installed with hand equipment where
6801 feasible;

6802 d. the outfall shall include bioengineering techniques where feasible; and

6803 e. the outfall is designed to minimize adverse impacts to critical areas.

6804 39. Allowed only if:

6805 a. there is no feasible alternative with less impact on the critical area and its

6806 buffer;

6807 b. to the maximum extent practical, the bridge or culvert is located to minimize
6808 impacts to the critical area and its buffer;

6809 c. the bridge or culvert is not located over habitat used for salmonid rearing or
6810 spawning unless there is no other feasible crossing site;

6811 d. construction occurs during approved periods for in-stream work; and

6812 e. bridge piers or abutments for bridge crossings are not placed within the
6813 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
6814 water mark.

6815 40. Allowed for an open, vegetated stormwater management conveyance system
6816 and outfall structure that simulates natural conditions if:

6817 a. fish habitat features necessary for feeding, cover and reproduction are
6818 included when appropriate;

6819 b. vegetation is maintained and added adjacent to all open channels and ponds,
6820 if necessary to prevent erosion, filter out sediments or shade the water; and

6821 c. bioengineering techniques are used to the maximum extent practical.

6822 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

6823 a. necessary to avoid erosion of slopes; and

6824 b. bioengineering techniques are used to the maximum extent practical.

6825 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
6826 to prevent bank erosion only:

6827 a. if consistent with the Integrated Streambank Protection Guidelines

6828 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

6829 techniques are used to the maximum extent practical, unless the applicant demonstrates
6830 that other methods provide equivalent structural stabilization and environmental function;

6831 b. based on a critical areas report, the department determines that the new
6832 flood protection facility will not cause significant impacts to upstream or downstream
6833 properties; and

6834 c. to prevent bank erosion for the protection of:

6835 (1) public roadways;

6836 (2) sole access routes in existence before February 16, 1995;

6837 (3) new primary dwelling units, accessory dwelling units or accessory living
6838 quarters and residential accessory structures located outside the severe channel migration
6839 hazard area if:

6840 (a) the site is adjacent to or abutted by properties on both sides containing
6841 buildings or sole access routes protected by legal bank stabilization in existence before
6842 February 16, 1995. The buildings, sole access routes or bank stabilization must be
6843 located no more than six hundred feet apart as measured parallel to the migrating
6844 channel; and

6845 (b) the new primary dwelling units, accessory dwelling units, accessory
6846 living quarters or residential accessory structures are located no closer to the aquatic area
6847 than existing primary dwelling units, accessory dwelling units, accessory living quarters
6848 or residential accessory structures on abutting or adjacent properties; or

6849 (4) existing primary dwelling units, accessory dwelling units, accessory living
6850 quarters or residential accessory structures if:

6851 (a) the structure was in existence before the adoption date of a King County

6852 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

6853 (b) the structure is in imminent danger, as determined by a geologist,

6854 engineering geologist or geotechnical engineer;

6855 (c) the applicant has demonstrated that the existing structure is at risk, and

6856 the structure and supporting infrastructure cannot be relocated on the lot further from the

6857 source of channel migration; and

6858 (d) nonstructural measures are not feasible.

6859 43. Applies to lawfully established existing structures if:

6860 a. the height of the facility is not increased, unless the facility is being replaced

6861 in a new alignment that is landward of the previous alignment and enhances aquatic area

6862 habitat and process;

6863 b. the linear length of the facility is not increased, unless the facility is being

6864 replaced in a new alignment that is landward of the previous alignment and enhances

6865 aquatic area habitat and process;

6866 c. the footprint of the facility is not expanded waterward;

6867 d. consistent with the Integrated Streambank Protection Guidelines

6868 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering

6869 techniques are used to the maximum extent practical;

6870 e. the site is restored with appropriate native vegetation and erosion protection

6871 materials; and

6872 f. based on a critical areas report, the department determines that the

6873 maintenance, repair, replacement or construction will not cause significant impacts to

6874 upstream or downstream properties.

6875 44. Allowed in type N and O aquatic areas if done in least impacting way at
6876 least impacting time of year, in conformance with applicable best management practices,
6877 and all affected instream and buffer features are restored.

6878 45. Allowed in a type S or F water when such work is:

6879 a. included as part of a project to evaluate, restore or improve habitat, and

6880 b. sponsored or cosponsored by a public agency that has natural resource
6881 management as a function or by a federally recognized tribe.

6882 46. Allowed as long as the trail is not constructed of impervious surfaces that
6883 will contribute to surface water run-off, unless the construction is necessary for soil
6884 stabilization or soil erosion prevention or unless the trail system is specifically designed
6885 and intended to be accessible to handicapped persons.

6886 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
6887 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
6888 if:

6889 a. the trail surface is made of pervious materials, except that public
6890 multipurpose trails may be made of impervious materials if they meet all the
6891 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
6892 be constructed as a raised boardwalk or bridge;

6893 b. to the maximum extent practical, buffers are expanded equal to the width of
6894 the trail corridor including disturbed areas;

6895 c. there is not another feasible location with less adverse impact on the critical
6896 area and its buffer;

6897 d. the trail is not located over habitat used for salmonid rearing or spawning or

6898 by a species listed as endangered or threatened by the state or federal government unless
6899 the department determines that there is no other feasible crossing site;

6900 e. the trail width is minimized to the maximum extent practical;

6901 f. the construction occurs during approved periods for instream work; and

6902 g. the trail corridor will not change or diminish the overall aquatic area flow
6903 peaks, duration or volume or the flood storage capacity.

6904 h. the trail may be located across a critical area buffer for access to a viewing
6905 platform or to a permitted dock or pier;

6906 i. A private viewing platform may be allowed if it is:

6907 (1) located upland from the wetland edge or the ordinary high water mark of
6908 an aquatic area;

6909 (2) located where it will not be detrimental to the functions of the wetland or
6910 aquatic area and will have the least adverse environmental impact on the critical area or
6911 its buffer;

6912 (3) limited to fifty square feet in size;

6913 (4) constructed of materials that are nontoxic; and

6914 (5) on footings located outside of the wetland or aquatic area.

6915 48. Only if the maintenance:

6916 a. does not involve the use of herbicides or other hazardous substances except
6917 for the removal of noxious weeds or invasive vegetation;

6918 b. when salmonids are present, the maintenance is in compliance with ditch
6919 standards in public rule; and

6920 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,

6921 culvert, engineered slope or other improved area being maintained.

6922 49. Limited to alterations to restore habitat forming processes or directly restore
6923 habitat function and value, including access for construction, as follows:

6924 a. projects sponsored or cosponsored by a public agency that has natural
6925 resource management as a primary function or by a federally recognized tribe;

6926 b. restoration and enhancement plans prepared by a qualified biologist; or

6927 c. conducted in accordance with an approved forest management plan, farm
6928 management plan or rural stewardship plan.

6929 50. Allowed in accordance with a scientific sampling permit issued by
6930 Washington state Department of Fish and Wildlife or an incidental take permit issued
6931 under Section 10 of the Endangered Species Act.

6932 51. Allowed for the minimal clearing and grading, including site access,
6933 necessary to prepare critical area reports.

6934 52. The following are allowed if associated spoils are contained:

6935 a. data collection and research if carried out to the maximum extent practical
6936 by nonmechanical or hand-held equipment;

6937 b. survey monument placement;

6938 c. site exploration and gage installation if performed in accordance with state-
6939 approved sampling protocols and accomplished to the maximum extent practical by

6940 hand-held equipment and; or similar work associated with an incidental take permit

6941 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
6942 the Endangered Species Act.

6943 53. Limited to activities in continuous existence since January 1, 2005, with no

6944 expansion within the critical area or critical area buffer. "Continuous existence" includes
6945 cyclical operations and managed periods of soil restoration, enhancement or other fallow
6946 states associated with these horticultural and agricultural activities.

6947 54. Allowed for expansion of existing or new agricultural activities where:

6948 a. the site is predominantly involved in the practice of agriculture;

6949 b. there is no expansion into an area that:

6950 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
6951 practice permit; or

6952 (2) is more than ten thousand square feet with tree cover at a uniform density
6953 more than ninety trees per acre and with the predominant mainstream diameter of the
6954 trees at least four inches diameter at breast height, not including areas that are actively
6955 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
6956 stock;

6957 c. the activities are in compliance with an approved farm management plan in
6958 accordance with K.C.C. 21A.24.051; and

6959 d. all best management practices associated with the activities specified in the
6960 farm management plan are installed and maintained.

6961 55. Only allowed in grazed or tilled wet meadows or their buffers if:

6962 a. the facilities are designed to the standards of an approved farm management
6963 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
6964 accordance with K.C.C. chapter 21A.30;

6965 b. there is not a feasible alternative location available on the site; and

6966 c. the facilities are located close to the outside edge of the buffer to the

6967 maximum extent practical.

6968 56. Only allowed in: 1) a severe channel migration hazard area located outside
6969 of the shorelines jurisdiction area, 2) grazed or tilled wet meadow or wet meadow buffer
6970 or 3) aquatic area buffer and only if:

6971 a. the applicant demonstrates that adverse impacts to the critical area and
6972 critical area buffers have been minimized;

6973 b. there is not another feasible location available on the site that is located
6974 outside of the critical area or critical area buffer;

6975 c. the farm pad is designed to the standards in an approved farm management
6976 plan in accordance with K.C.C. 21A.24.051; and

6977 d. for proposals located in the severe channel migration hazard area, the farm
6978 pad or livestock manure storage facility is located where it is least subject to risk from
6979 channel migration.

6980 57. Allowed for new agricultural drainage in compliance with an approved farm
6981 management plan in accordance with K.C.C. 21A.24.051 and all best management
6982 practices associated with the activities specified in the farm management plan are
6983 installed and maintained.

6984 58. If the agricultural drainage is used by salmonids, maintenance shall be in
6985 compliance with an approved farm management plan in accordance with K.C.C.
6986 21A.24.051.

6987 59. Allowed within existing landscaped areas or other previously disturbed
6988 areas.

6989 60. Allowed for residential utility service distribution lines to residential

6990 dwellings, including, but not limited to, well water conveyance, septic system
6991 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:
6992 a. there is no alternative location with less adverse impact on the critical area
6993 or the critical area buffer;
6994 b. the residential utility service distribution lines meet the all of the following,
6995 to the maximum extent practical:
6996 (1) are not located over habitat used for salmonid rearing or spawning or by a
6997 species listed as endangered or threatened by the state or federal government unless the
6998 department determines that there is no other feasible crossing site;
6999 (2) not located over a type S aquatic area;
7000 (3) paralleling the channel or following a down-valley route near the channel
7001 is avoided;
7002 (4) the width of clearing is minimized;
7003 (5) the removal of trees greater than twelve inches diameter at breast height is
7004 minimized;
7005 (6) an additional, contiguous and undisturbed critical area buffer, equal in
7006 area to the disturbed critical area buffer area is provided to protect the critical area;
7007 (7) access for maintenance is at limited access points into the critical area
7008 buffer.
7009 (8) the construction occurs during approved periods for instream work;
7010 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
7011 laterally constructed at least four feet below the maximum depth of scour for the base
7012 flood; and

7013 (10) open trenching across Type O or Type N aquatic areas is only used
7014 during low flow periods or only within aquatic areas when they are dry.

7015 61. Allowed if sponsored or cosponsored by the countywide flood control zone
7016 district and the department determines that the project and its location:

- 7017 a. is the best flood risk reduction alternative practicable;
- 7018 b. is part of a comprehensive, long-term flood management strategy;
- 7019 c. is consistent with the King County Flood Hazard Management Plan policies;
- 7020 d. will have the least adverse impact on the ecological functions of the critical
7021 area or its buffer, including habitat for fish and wildlife that are identified for protection
7022 in the King County Comprehensive Plan; and
- 7023 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

7024 62.a. Not allowed in wildlife habitat conservation areas;

7025 b. Only allowed if:

7026 (1) the project is sponsored or cosponsored by a public agency whose primary
7027 function deals with natural resources management;

7028 (2) the project is located on public land or on land that is owned by a
7029 nonprofit agency whose primary function deals with natural resources management;

7030 (3) there is not a feasible alternative location available on the site with less
7031 impact to the critical area or its associated buffer;

7032 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

7033 (5) the project minimizes the footprint of structures and the number of access
7034 points to any critical areas; and

7035 (6) the project meets the following design criteria:

7036 (a) to the maximum extent practical size of platform shall not exceed one
7037 hundred square feet;

7038 (b) all construction materials for any structures, including the platform,
7039 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
7040 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
7041 fiberglass or cured concrete that the department determines will not have an adverse
7042 impact on water quality;

7043 (c) the exterior of any structures are sufficiently camouflaged using netting
7044 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
7045 practical. The camouflage shall be maintained to retain concealment effectiveness;

7046 (d) structures shall be located outside of the wetland or aquatic area
7047 landward of the Ordinary High Water Mark or open water component (if applicable) to
7048 the maximum extent practical on the site;

7049 (e) construction occurs during approved periods for work inside the
7050 Ordinary High Water Mark;

7051 (f) construction associated with bird blinds shall not occur from March 1
7052 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
7053 rearing seasons;

7054 (g) to the maximum extent practical, provide accessibility for persons with
7055 physical disabilities in accordance with the International Building Code;

7056 (h) trail access is designed in accordance with public rules adopted by the
7057 department;

7058 (i) existing native vegetation within the critical area will remain undisturbed

7059 except as necessary to accommodate the proposal. Only minimal hand clearing of
7060 vegetation is allowed; and

7061 (j) disturbed bare ground areas around the structure must be replanted with
7062 native vegetation approved by the department.

7063 63. Not allowed in the severe channel migration zone, there is no alternative
7064 location with less adverse impact on the critical area and buffer and clearing is minimized
7065 to the maximum extent practical.

7066 64. Only structures wholly or partially supported by a tree and used as accessory
7067 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
7068 following:

7069 a. not allowed in wildlife habitat conservation areas or severe channel
7070 migration hazard areas;

7071 b. the structure's floor area shall not exceed two hundred square feet, excluding
7072 a narrow access stairway or landing leading to the structure;

7073 c. the structure shall be located as far from the critical area as practical, but in
7074 no case closer than seventy-five feet from the critical area;

7075 d. only one tree-supported structure within a critical area buffer is allowed on a
7076 lot;

7077 e. all construction materials for the structure, including the platform, pilings,
7078 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
7079 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
7080 fiberglass or cured concrete that the department determines will not have an adverse
7081 impact on water quality;

7082 f. to the maximum extent practical, the exterior of the structure shall be
7083 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
7084 and visibility from the critical area. The camouflage shall be maintained to retain
7085 concealment effectiveness;

7086 g. the structure must not adversely impact the long-term health and viability of
7087 the tree. The evaluation shall include, but not be limited to, the following:

7088 (1) the quantity of supporting anchors and connection points to attach the tree
7089 house to the tree shall be the minimum necessary to adequately support the structure;

7090 (2) the attachments shall be constructed using the best available tree anchor
7091 bolt technology; and

7092 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
7093 of the tree house and shall submit a report discussing how the tree's long-term health and
7094 viability will not be negatively impacted by the tree house or associated infrastructure;

7095 h. exterior lighting shall meet the following criteria:

7096 (1) limited to the minimum quantity of lights necessary to meet the building
7097 code requirements to allow for safe exiting of the structure and stairway; and

7098 (2) exterior lights shall be fully shielded and shall direct light downward, in
7099 an attempt to minimize impacts to the nighttime environment;

7100 i. unless otherwise approved by the department, all external construction shall
7101 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
7102 species during typical breeding, nesting and rearing seasons;

7103 j. trail access to the structure shall be designed in accordance with trail
7104 standards under subsection D.47. of this section;

7105 k. to the maximum extent practical, existing native vegetation shall be left
7106 undisturbed. Only minimal hand clearing of vegetation is allowed; and

7107 l. vegetated areas within the critical area buffer that are temporarily impacted
7108 by construction of the structure shall be restored by planting native vegetation according
7109 to a vegetation management plan approved by the department.

7110 65. Shoreline water dependent and shoreline water oriented uses are allowed in
7111 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
7112 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

7113 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
7114 21A.08.100B.14., and only as follows:

7115 a. there is not another feasible location within the aquatic area with less adverse
7116 impact on the critical area and its buffer;

7117 b. the facility and corridor is not located over habitat used for salmonid rearing
7118 or spawning or by a species listed as endangered or threatened by the state or federal
7119 government unless the department determines that there is no other feasible location;

7120 c. the facility is not located in Category I wetlands or Category II wetlands with
7121 a habitat score 30 points or greater

7122 d. the corridor width is minimized to the maximum extent practical;

7123 e. paralleling the channel or following a down-valley route within an aquatic
7124 area buffer is avoided to the maximum extent practical;

7125 f. the construction occurs during approved periods for instream work;

7126 g. the facility and corridor will not change or adversely impact the overall
7127 aquatic area flow peaks, duration or volume or the flood storage capacity;

7128 h. the facility and corridor is not located within a severe channel migration
7129 hazard area;

7130 i. to the maximum extent practical, buildings will be located outside the buffer
7131 and away from the aquatic area or wetland;

7132 j. to the maximum extent practical, access for maintenance is at limited access
7133 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
7134 maintenance road is necessary the following standards are met:

7135 (1) to the maximum extent practical the width of the maintenance road is
7136 minimized and in no event greater than fifteen feet; and

7137 (2) the location of the maintenance road is contiguous to the utility corridor
7138 on the side of the utility corridor farthest from the critical area;

7139 k. the facility does not pose an unreasonable threat to the public health, safety
7140 or welfare on or off the development proposal site and is consistent with the general
7141 purposes of this chapter and the public interest; and

7142 l. the facility connects to or is an alteration to a public roadway, public trail, a
7143 utility corridor or utility facility or other infrastructure owned or operated by a public
7144 utility.

7145 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
7146 21A.08.100.B.14, and only as follows:

7147 a. there is not another feasible location with less adverse impact on the
7148 critical area and its buffer;

7149 b. the alterations will not subject the critical area to an increased risk of
7150 landslide or erosion;

- 7151 c. the corridor width is minimized to the maximum extent practical;
- 7152 d. vegetation removal is the minimum necessary to locate the utility or
- 7153 construct the corridor;
- 7154 e. the facility and corridor do not pose an unreasonable threat to the public
- 7155 health, safety or welfare on or off the development proposal site and is consistent with the
- 7156 general purposes of this chapter, and the public interest and significant risk of personal
- 7157 injury is eliminated or minimized in the landslide hazard area; and
- 7158 f. the facility connects to or is an alteration to a public roadway, public trail, a
- 7159 utility corridor or utility facility or other infrastructure owned or operated by a public
- 7160 utility.

7161 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
7162 only as follows:

- 7163 a. the heat exchanger must be a closed loop system that does not draw water
- 7164 from or discharge to the lake;
- 7165 b. the lake bed shall not be disturbed, except as required by the county or a
- 7166 state or federal agency to mitigate for impacts of the heat exchanger;
- 7167 c. the in-water portion of system is only allowed where water depth exceeds
- 7168 six feet; and
- 7169 d. system structural support for the heat exchanger piping shall be attached to
- 7170 an existing dock or pier or be attached to a new structure that meets the requirements of
- 7171 K.C.C. 21A.25.180.

7172 69. Only for maintenance of agricultural waterways if:

- 7173 a. the purpose of the maintenance project is to improve agricultural production

7174 on a site predominately engaged in the practice of agriculture;

7175 b. the maintenance project is conducted in compliance with a hydraulic project
7176 approval issued by the Washington state Department of Fish and Wildlife pursuant to
7177 chapter 77.55 RCW;

7178 c. the maintenance project complies with the King County agricultural
7179 drainage assistance program as agreed to by the Washington state Department of Fish and
7180 Wildlife, the department of ~~((permitting and environmental review))~~ local services,
7181 permitting division, and the department of natural resources and parks, and as reviewed
7182 by the Washington state Department of Ecology;

7183 d. the person performing the maintenance and the land owner have attended
7184 training provided by King County on the King County agricultural drainage assistance
7185 program and the best management practices required under that program; and

7186 e. the maintenance project complies with K.C.C. chapter 16.82.

7187 SECTION 173. Ordinance 15051, Section 138, as amended, and K.C.C.
7188 21A.24.051 are each hereby amended to read as follows:

7189 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are
7190 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat
7191 conservation areas, when an agricultural activity is currently occurring on the site and the
7192 alteration is in compliance with an approved farm management plan in accordance with
7193 this section or, for livestock activities, a farm management plan in accordance with
7194 K.C.C. chapter 21A.30.

7195 B. This section does not modify any requirement that the property owner obtain
7196 permits for activities covered by the farm management plan.

7197 C. The department of natural resources and parks or its designee shall serve as
7198 the single point of contact for King County in providing information on farm
7199 management plans for purposes of this title. The department of natural resources and
7200 parks shall adopt a public rule governing the development of farm management plans.
7201 The rule may provide for different types of farms management plans related to different
7202 kinds of agricultural activities, including, but not limited to the best management
7203 practices for livestock management, livestock crossing, livestock heavy use areas,
7204 horticulture management, site development, farm pads, farm field access roads and
7205 agricultural drainage.

7206 D. A property owner or applicant seeking to use the process to allow alterations
7207 in critical area buffers shall develop a farm management plan based on the following
7208 goals, which are listed in order of priority:

7209 1. To maintain the productive agricultural land base and economic viability of
7210 agriculture on the site;

7211 2. To maintain, restore or enhance critical areas to the maximum extent practical
7212 in accordance with the site specific goals of the landowner;

7213 3. To the maximum extent practical in accordance with the site specific goals of
7214 the landowner, maintain and enhance natural hydrologic systems on the site;

7215 4. To use federal, state and local best management practices and best available
7216 science for farm management to achieve the goals of the farm management plan; and

7217 5. To monitor the effectiveness of best management practices and implement
7218 additional practices through adaptive management to achieve the goals of the farm
7219 management plan.

7220 E. If a part or all of the site is located within the shoreline jurisdiction, the farm
7221 management plan shall:

7222 1. Consider and be consistent with the goals of the shoreline management act
7223 and the policies of the King County shoreline master program;

7224 2. Consider the priorities of the King County shoreline protection and
7225 restoration plan; and

7226 3. Ensure no net loss of shoreline ecological functions.

7227 F. The property owner or applicant may develop the farm management plan as
7228 part of a program offered or approved by King County. The plan shall include, but is not
7229 limited to, the following elements:

7230 1. A site inventory identifying critical areas, structures, cleared and forested
7231 areas, and other significant features on the site;

7232 2. Site-specific performance standards and best management practices to
7233 maintain, restore or enhance critical areas and their buffers and maintain and enhance
7234 native vegetation on the site including the best management practices for the installation
7235 and maintenance of farm field access drives and agricultural drainages;

7236 3. A plan for future changes to any existing structures or for any changes to the
7237 landscape that involve clearing or grading;

7238 4. A plan for implementation of performance standards and best management
7239 practices;

7240 5. A plan for monitoring the effectiveness of measures taken to protect critical
7241 areas and their buffers and to modify the farm management plan if adverse impacts occur.

7242 G. If applicable, a farm management plan shall include documentation of

7243 compliance with flood compensatory storage and flood conveyance in accordance with
7244 K.C.C. 21A.24.240.

7245 H. A farm management plan is not effective until approved by the county.
7246 Before approval, the county may conduct a site inspection, which may be through a
7247 program offered or approved by King County, to verify that the plan is reasonably likely
7248 to accomplish the goals in subsection D. of this section and consistent with subsection E.
7249 of this section.

7250 I. Once approved, activities carried out in compliance with the approved farm
7251 management plan shall be deemed in compliance with this chapter. In the event of a
7252 potential code enforcement action, the department of (~~permitting and environmental~~
7253 ~~review~~) local services, permitting division, shall first inform the department of natural
7254 resources and parks of the activity. Before taking code enforcement action, the
7255 department of (~~permitting and environmental review~~) local services, permitting
7256 division, shall consult with the department of natural resources and parks and the King
7257 Conservation District to determine whether the activity is consistent with the farm
7258 management plan.

7259 SECTION 174. Ordinance 15051, Section 139, as amended, and K.C.C.
7260 21A.24.055 are each hereby amended to read as follows:

7261 A. On a site zoned RA, the department may approve a modification of the
7262 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation
7263 areas and maximum clearing restrictions through a rural stewardship plan for single
7264 family detached residential development in accordance with this section.

7265 B. The property owner or applicant shall develop the rural stewardship plan as

7266 part of a rural stewardship program offered or approved by King County and has the
7267 option of incorporating appropriate components of a county-approved farm management
7268 or a county-approved forest stewardship plan.

7269 C. In its evaluation of any proposed modification of the minimum buffer widths
7270 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
7271 restrictions, the department shall consider the following factors:

7272 1. The existing condition of the drainage basin or marine shoreline as designated
7273 on the Basin and Shoreline Conditions Map;

7274 2. The existing condition of wetland and aquatic area buffers;

7275 3. The existing condition of wetland functions based on the adopted Washington
7276 State Wetland Rating System for Western Washington, Washington state department of
7277 ecology publication number 04-06-025, published August 2004;

7278 4. The location of the site in the drainage basin;

7279 5. The percentage of impervious surfaces and clearing on the site; and

7280 6. Any existing development on the site that was approved as a result of a
7281 variance or alteration exception that allowed development within a critical area or critical
7282 area buffer. If the existing development was approved through a variance or alteration
7283 exception, the rural stewardship plan shall demonstrate that the plan will result in
7284 enhancing the functions and values of critical areas located on the site as if the
7285 development approved through the variance or alteration exception had not occurred.

7286 D. A rural stewardship plan does not modify the requirement for permits for
7287 activities covered by the rural stewardship plan.

7288 E. Modifications of critical area buffers shall be based on the following

7289 prioritized goals:

7290 1. To the maximum extent practical, to avoid impacts to critical areas and, if
7291 applicable, to the shoreline jurisdiction;

7292 2. To avoid impacts to the higher quality wetland or aquatic area or the more
7293 protected fish or wildlife species, if there is a potential to affect more than one category
7294 of wetland or aquatic area or more than one species of native fish or wildlife;

7295 3. To maintain or enhance the natural hydrologic systems on the site to the
7296 maximum extent practical;

7297 4. To maintain, restore or enhance native vegetation;

7298 5. To maintain, restore or enhance the function and value of critical areas or
7299 critical area buffers located on the site;

7300 6. To minimize habitat fragmentation and enhance corridors between wetlands,
7301 riparian corridors, wildlife habitat conservation areas and other priority habitats;

7302 7. To minimize the impacts of development over time by implementing best
7303 management practices and meeting performance standards during the life of the
7304 development; and

7305 8. To monitor the effectiveness of the stewardship practices and implement
7306 additional practices through adaptive management to maintain, restore or enhance critical
7307 area functions when necessary.

7308 F. If a part or all of the site is located within the shoreline jurisdiction, the rural
7309 stewardship plan shall:

7310 1. Consider and be consistent with the goals of the Shoreline Management Act
7311 and the policies of the King County Shoreline Master Program;

7312 2. Consider the priorities of the King County Shoreline Protection and
7313 Restoration Plan; and

7314 3. Ensure no net loss of shoreline ecological functions.

7315 G. A rural stewardship plan may include, but is not limited to, the following
7316 elements:

7317 1. Critical areas designation under K.C.C. 21A.24.500;

7318 2. Identification of structures, cleared and forested areas and other significant
7319 features on the site;

7320 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

7321 4. Analysis of impacts of planned changes to any existing structures, for other
7322 changes to the site that involve clearing or grading or for new development;

7323 5. Site-specific best management practices that mitigate impacts of development
7324 and that protect and enhance the ecological values and functions of the site;

7325 6. A schedule for implementation of the elements of the rural stewardship plan;
7326 and

7327 7. A plan for monitoring the effectiveness of measures approved under the rural
7328 stewardship plan and to modify if adverse impacts occur.

7329 H. A rural stewardship plan may be developed as part of a program offered or
7330 approved by King County and shall include a site inspection by the county to verify that
7331 the plan is reasonably likely to accomplish the goals in subsection E. of this section to
7332 protect water quality, reduce flooding and erosion, maintain, restore or enhance the
7333 function and value of critical areas and their buffers and maintain or enhance native
7334 vegetation on the site of this section.

7335 I. A property owner who completes a rural stewardship plan that is approved by
7336 the county may be eligible for tax benefits under the public benefit rating system in
7337 accordance with K.C.C. 20.36.100.

7338 J. If a property owner withdraws from the rural stewardship plan, in addition to
7339 any applicable penalties under the public benefit rating system, the following apply:

7340 1. Mitigation is required for any structures constructed in critical area buffers
7341 under the rural stewardship plan; and

7342 2. The property owner shall apply for buffer averaging or an alteration
7343 exception, as appropriate, to permit any structure or use that has been established under
7344 the rural stewardship plan and that would not otherwise be permitted under this chapter.

7345 K. A rural stewardship plan is not effective until approved by the county. Before
7346 approval, the county may conduct a site inspection, which may be through a program
7347 offered or approved by King County, to verify that the plan is reasonably likely to
7348 accomplish the goals in subsection E. of this section.

7349 L. Once approved, activities carried out in compliance with the approved rural
7350 stewardship plan shall be deemed in compliance with this chapter. In the event of a
7351 potential code enforcement action, the department of ~~((permitting and environmental
7352 review))~~ local services, permitting division, shall first inform the department of natural
7353 resources and parks of the activity. Before taking code enforcement action, the
7354 department of ~~((permitting and environmental review))~~ local services, permitting
7355 division, shall consult with the department of natural resources and parks to determine
7356 whether the activity is consistent with the rural stewardship plan.

7357 SECTION 175. Ordinance 15051, Section 140, as amended, and K.C.C.

7358 21A.24.061 are each hereby amended to read as follows:

7359 A. The King County council recognizes that rural stewardship plans and farm
7360 management plans are key elements of this chapter that provide flexibility to rural area
7361 residents to establish and maintain a rural lifestyle that includes activities such as farming
7362 and forestry while maintaining and enhancing rural character and environmental quality.

7363 B. The department of natural resources and parks and department of (~~permitting~~
7364 ~~and environmental review~~) local services shall adopt public rules to implement K.C.C.
7365 21A.24.045 and 21A.24.051 relating to rural stewardship plans and farm management
7366 plans, consistent with the provisions of this section. The rules shall not compromise the
7367 King Conservation District's mandate or standards for farm management planning.

7368 C. County departments or approved agencies shall provide technical assistance and
7369 resources to landowners to assist them in preparing the plans. The technical assistance
7370 shall include, but is not limited to, web-based information, instructional manuals and
7371 classroom workshops. When possible, the assistance shall be provided at little or no cost to
7372 landowners. In addition, the department of natural resources and parks shall develop, in
7373 consultation as necessary with the department of (~~permitting and environmental review~~)
7374 local services, permitting division, and the King Conservation District, and make available
7375 to the public, model farm management, forest management and rural stewardship plans
7376 illustrating examples of plan application content, drawings and site plans, to assist
7377 landowners in their development of site-specific plans for their property.

7378 D. The department of natural resources and parks is the primary county agency
7379 responsible for rural stewardship plans and farm management plans that are filed with the
7380 county under this chapter. The department of natural resources and parks shall consult with

7381 the department of ~~((permitting and environmental review))~~ local services, permitting
7382 division, in carrying out its responsibilities under this chapter relating to rural stewardship
7383 plans and farm management plans. The department of natural resources and parks, the
7384 department of ~~((permitting and environmental review))~~ local services, permitting division,
7385 and the King Conservation District may enter into agreements to carry out the provisions of
7386 this chapter relating to rural stewardship plans and farm management plans.

7387 E. ~~((Not later than March 1, 2005, the department of natural resources and parks~~
7388 ~~and department of permitting and environmental review shall prepare and submit to the~~
7389 ~~chair of the growth management and unincorporated areas committee, or its successor, a~~
7390 ~~report summarizing the public rules adopted to implement the provisions of this chapter~~
7391 ~~related to farm management plans and rural stewardship plans and how the rules implement~~
7392 ~~the requirements of this section.~~

7393 F.)) The department of natural resources and parks and department of ~~((permitting~~
7394 ~~and environmental review))~~ local services, permitting division, shall monitor and evaluate
7395 the effectiveness of rural stewardship and farm management plans in meeting the goals and
7396 objectives of those plans established in this chapter.

7397 SECTION 176. Ordinance 3688, Section 801, as amended, and K.C.C.
7398 21A.25.290 are each hereby amended to read as follows:

7399 A. Development within the shoreline jurisdiction, including preferred uses and uses
7400 that are exempt from permit requirements, shall be undertaken only if that development is
7401 consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County
7402 shoreline master program and will not result in a net loss of shoreline ecological functions
7403 or in a significant adverse impact to shoreline uses, resources and values, such as

7404 navigation, recreation and public access. The proponent of a shoreline development shall
7405 employ measures to mitigate adverse impacts on shoreline functions and processes
7406 following the sequencing requirements of K.C.C. 21A.25.080.

7407 B. A substantial development permit shall be required for all proposed uses and
7408 modifications within the shoreline jurisdiction unless the proposal is specifically exempt
7409 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or
7410 is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial
7411 development, a written statement of exemption is required for any proposed uses and
7412 modifications if:

- 7413 1. WAC 173-27-050 applies; or
7414 2. Except for the maintenance of agricultural drainage that is not used by
7415 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
7416 modification will occur waterward of the ordinary high water mark.

7417 C. Whether or not a written statement of exemption is required, all permits issued
7418 for development activities within the shoreline jurisdiction shall include a record of review
7419 indicating compliance with the shoreline master program and regulations.

7420 D. As necessary to ensure consistency of the project with the shoreline master
7421 program and this chapter, the department may attach conditions of approval to a substantial
7422 development permit or a statement of exemption or to the approval of a development
7423 proposal that does not require either.

7424 E. The department may issue a programmatic statement of exemption as follows:

- 7425 1. For an activity for which a statement of exemption is required, the activity
7426 shall:

7427 a. be repetitive and part of a maintenance program or other similar program;

7428 b. have the same or similar identifiable impacts, as determined by the

7429 department, each time the activity is repeated at all sites covered by the programmatic

7430 statement of exemption; and

7431 c. be suitable to having standard conditions that will apply to any and all sites;

7432 2. The department shall uniformly apply conditions to each activity authorized

7433 under the programmatic statement of exemption at all locations covered by the statement of

7434 exemption. The department may require that the applicant develop and propose the

7435 uniformly applicable conditions as part of the statement of exemption application and may

7436 approve, modify or reject any of the applicant's proposed conditions. The department shall

7437 not issue a programmatic statement of exemption until applicable conditions are developed

7438 and approved;

7439 3. Activities authorized under a programmatic statement of exemption shall be

7440 subject to inspection by the department. The applicant may be required to notify the

7441 department each time work subject to the programmatic statement of exemption is

7442 undertaken for the department to schedule inspections. In addition, the department may

7443 require the applicant to submit periodic status reports. The frequency, method and contents

7444 of the notifications and reports shall be specified as conditions in the programmatic

7445 statement of exemption;

7446 4. The department may require revisions, impose new conditions or otherwise

7447 modify the programmatic statement of exemption or withdraw the programmatic statement

7448 of exemption and require that the applicant apply for a standard statement of exemption, if

7449 the department determines that:

7450 a. The programmatic statement of exemption or activities authorized under the
7451 statement of exemption no longer comply with law;

7452 b. The programmatic statement of exemption does not provide adequate
7453 regulation of the activity;

7454 c. The programmatic statement of exemption conditions or the manner in which
7455 the conditions are implemented are not adequate to protect against the impacts resulting
7456 from the activity; or

7457 d. A site requires site-specific regulation; and

7458 5. If an activity covered by a programmatic statement of exemption also requires
7459 other county, state and federal approvals, to the extent feasible, the department shall
7460 attempt to incorporate conditions that comply with those other approvals into the
7461 programmatic statement of exemption.

7462 F. A statement of exemption is not required for maintenance of agricultural
7463 drainage or agricultural waterways used by salmonids if:

7464 1. The maintenance project is conducted in compliance with a hydraulic project
7465 approval issued by the Washington Department of Fish and Wildlife pursuant to chapter
7466 77.55 RCW;

7467 2. The maintenance project complies with the King County agricultural drainage
7468 assistance program as agreed to by the Washington Department of Fish and Wildlife, the
7469 department of ~~((permitting and environmental review))~~ local services, permitting division,
7470 and the department of natural resources and parks, and as reviewed by the Washington
7471 Department of Ecology;

7472 3. The person performing the agricultural drainage maintenance and the land

7473 owner has attended training provided by King County on the King County agricultural
7474 drainage assistance program and the best management practices required under that
7475 program;

7476 4. The maintenance project complies with the requirements of K.C.C. chapter
7477 16.82; and

7478 5. The project is not subject to federal permitting related to the U.S. Army Corps
7479 of Engineers Section 10 or Section 404 permits.

7480 SECTION 177. Ordinance 13129, Section 2, as amended, and K.C.C.
7481 21A.27.010 are each hereby amended to read as follows:

7482 When a new transmission support structure is proposed, a community meeting shall
7483 be convened by the applicant prior to submittal of an application.

7484 A. At least two weeks in advance, notice of the meeting shall be provided as
7485 follows:

- 7486 1. Published in the local paper and mailed to the department, and
- 7487 2. Mailed notice shall be provided to all property owners within five hundred feet
7488 or at least twenty of the nearest property owners, whichever is greater, as required by
7489 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
7490 development, to be discussed at the community meeting. When the proposed transmission
7491 support structure exceeds a height of one hundred twenty feet, the mailed notice shall be
7492 provided to all property owners within one thousand feet. The mailed notice shall at a
7493 minimum contain a brief description and purpose of the project, the estimated height,
7494 approximate location noted on an assessor map with address and parcel number, photo or
7495 sketch of proposed facility, a statement that alternative sites proposed by citizens can be

7496 presented at the meeting that will be considered by the applicant, a contact name and
7497 telephone number to obtain additional information and other information deemed necessary
7498 by King County. Because the purpose of the community meeting is to promote early
7499 discussion, applicants are encouraged to note any changes to the conceptual information
7500 presented in the mailed notice when they submit an application.

7501 B. At the community meeting at which at least one employee of the department of
7502 ~~((permitting and environmental review))~~ local services, permitting division, assigned by
7503 the ~~((director of the department))~~ permitting division manager or designee, shall be in
7504 attendance, the applicant shall provide information relative to existing transmission support
7505 structures and other nonresidential structures, such as water towers and electrical
7506 transmission lines, within one-quarter mile of potential sites, and shall discuss reasons why
7507 those existing structures are unfeasible. Furthermore, any alternative sites within one-
7508 quarter mile, identified by community members and provided to the applicant in writing at
7509 least five days in advance of the meeting, shall be evaluated by the applicant to the extent
7510 possible given the timeframe, and discussed at the meeting. A listing of the sites, identified
7511 in writing and provided to the applicant at or before the community meetings, shall be
7512 submitted to the department with the proposed application. Applicants shall also provide a
7513 list of meeting attendees and those receiving mailed notice and a record of the published
7514 meeting notice at the time of application submittal.

7515 SECTION 178. Ordinance 13129, Section 22, as amended, and K.C.C.
7516 21A.27.160 are each hereby amended to read as follows:

7517 The department of ~~((permitting and environmental review))~~ local services,
7518 permitting division, shall retain the services of a registered professional electrical engineer

7519 accredited by the state of Washington who holds a Federal Communications General Radio
7520 telephone Operator License. The engineer will provide technical evaluation of permit
7521 applications for minor communications facilities. The department is authorized to charge
7522 the applicant for these services. The specifications for an RFP to retain a consulting
7523 engineer shall specify at least the qualifications noted above, the capacity to provide a three
7524 week turnaround on data review, a request for a proposed fixed fee for services and shall
7525 state a preference for a qualified professional with a balance of experience in both the
7526 private and public sectors. Such a review shall be performed in a timely manner, be limited
7527 to the data necessary to establish findings pursuant to K.C.C. 21A.27.130.C. and
7528 21A.27.130.D, and avoid any conflicts with the department's duty to review permit
7529 applications within one hundred twenty days of acceptance pursuant to RCW 36.70B.090.
7530 This review shall be performed when requested by affected residents pursuant to K.C.C.
7531 21A.27.090.

7532 SECTION 179. Ordinance 11621, Section 90, as amended, and K.C.C.
7533 21A.28.154 are each hereby amended to read as follows:

7534 A. There is hereby created a school technical review committee within King
7535 County. The committee shall consist of three county staff persons, one each from the
7536 department of (~~permitting and environmental review~~) local services, permitting
7537 division, the office of financial management and the county council.

7538 B. The committee shall be charged with reviewing each school district's capital
7539 facilities plan, enrollment projections, standard of service, the district's overall capacity
7540 for the next six years to ensure consistency with the Growth Management Act, King
7541 County Comprehensive Plan and adopted community plans, and the district's calculation

7542 and rationale for proposed impact fees.

7543 C. Notice of the time and place of the committee meeting where the district's
7544 documents will be considered shall be provided to the district.

7545 D. At the meeting where the committee will review or act upon the district's
7546 documents, the district shall have the right to attend or to be represented, and shall be
7547 permitted to present testimony to the committee. Meetings shall also be open to the
7548 public.

7549 E. In its review, the committee shall consider the following factors:

7550 1. Whether the district's forecasting system for enrollment projections has been
7551 demonstrated to be reliable and reasonable.

7552 2. The historic levels of funding and voter support for bond issues in the district;

7553 3. The inability of the district to obtain the anticipated state funding or to
7554 receive voter approval for district bond issues;

7555 4. An emergency or emergencies in the district which required the closing of a
7556 school facility or facilities resulting in a sudden and unanticipated decline in districtwide
7557 capacity; and

7558 5. The standards of service set by school districts in similar types of
7559 communities. While community differences will be permitted, the standard established
7560 by the district should be reasonably consistent with the standards set by other school
7561 districts in communities of similar socioeconomic profile; and

7562 6. The standards identified by the state concerning the ratios of certificated
7563 instructional staff to students.

7564 F. In the event that the district's standard of service reveals a deficiency in its

7565 current facilities, the committee shall review the district's capital facilities plan to
7566 determine whether the district has identified all sources of funding necessary to achieve
7567 the standard of service.

7568 G. The district in developing the financing plan component of the capital
7569 facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by
7570 taking the following steps:

7571 1. Establish a six-year financing plan, and propose the necessary bond issues
7572 and levies required by and consistent with that plan and as approved by the school board
7573 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

7574 2. Apply to the state for funding, and comply with the state requirement for
7575 eligibility to the best of the district's ability.

7576 H. The committee is authorized to request the school district to review and to
7577 resubmit its capital facilities plan, or to establish a different standard of service, or to
7578 review its capacity for accommodating new students, under the following circumstances:

7579 1. The standard of service established by the district is not reasonable in light of
7580 the factors set forth in subsection E. of this section.

7581 2. The committee finds that the district's standard of service cannot reasonably
7582 be achieved in light of the secured financial commitments and the historic levels of
7583 support in the district; or

7584 3. Any other basis that is consistent with this section.

7585 I. If a school district fails to submit its capital facilities plan for review by the
7586 committee, King County shall assume the district has adequate capacity to accommodate
7587 growth for the following six years.

7588 J. The committee shall submit copies of its recommendation of concurrency for
7589 each school district to the director, to the hearing examiner and to the district.

7590 K. The committee shall recommend to the council a Comprehensive Plan
7591 amendment adopting the district's capital facilities plan as part of the Comprehensive
7592 Plan, for any plan which the committee concludes accurately reflects the district's
7593 facilities status.

7594 L. In the event that after reviewing the district's capital facilities plan and other
7595 documents, the committee is unable to recommend certifying concurrency in a school
7596 district, the committee shall submit a statement to the council, the director and the
7597 hearing examiner stating that the committee is unable to recommend certifying
7598 concurrency in a specific school district. The committee shall recommend to the
7599 executive that the executive propose to the council, amendments to the land use element
7600 of the King County Comprehensive Plan or amendments to the development regulations
7601 implementing the plan to more closely conform county land use plans and school
7602 facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs
7603 or multifamily development located within the district's boundary. The necessary draft
7604 amendments shall accompany such recommendations.

7605 SECTION 180. Ordinance 11168, Section 9, as amended, and K.C.C.

7606 21A.30.066 are each hereby amended to read as follows:

7607 A. (~~Education~~) Enforcement of these livestock standards shall initially
7608 emphasize achieving compliance with the standards as the primary objective, rather than
7609 the collection of fines or penalties. Fines or penalties are appropriate when a property
7610 owner or livestock operator has been advised of necessary corrective actions, and has not

7611 made those corrections. Where violations of the standards do occur, and such violations
7612 are directly linked to identified hazards or the discharge of prohibited contaminants, as
7613 enumerated in K.C.C. 9.12.025, code enforcement must emphasize immediate correction
7614 of the practices resulting in the hazard or prohibited discharge.

7615 B. Both the property owner and any renter or lessee of the property, hereinafter
7616 referred to "livestock operator," shall be held responsible for compliance with these
7617 standards.

7618 C. ~~((Prima facie evidence.))~~ Establishment and adherence to a farm management
7619 plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C.
7620 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of
7621 K.C.C. 9.12.035.

7622 D. ~~((Violations of specific standards.))~~ The department of ~~((permitting and
7623 environmental review))~~ local services, permitting division, shall be responsible for
7624 enforcement of the standards set out in this chapter. The surface water management
7625 division shall be responsible for enforcement of water quality violations pursuant to
7626 K.C.C. ~~((C))~~chapter 9.12 for prohibited discharges and hazards. If a specific standard
7627 identified in this chapter is not being adhered to, the operator and owner shall be given
7628 notice of non-compliance. The notice shall specify what actions must be taken to bring
7629 the property into compliance. The operator and owner shall be given ~~((45))~~ forty-five
7630 days in which to adhere to the management standards of K.C.C. 21A.30.060, or establish
7631 a farm management plan pursuant to K.C.C. 21A.30.050 as the owner and/or livestock
7632 operator may elect for the purpose of compliance. Should the owner and/or livestock
7633 operator fail to bring the property into compliance with the standards, the county, after

7634 notice, may commence abatement proceedings and impose civil fines ((30)) thirty days
7635 thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any
7636 appeals, failure of the operator and owner to comply with any continuing order to abate,
7637 the operator and owner shall be subject to civil and criminal penalties, and other
7638 procedures, as set forth in this title and K.C.C. Title 23 (~~Enforcement~~).

7639 SECTION 181. Ordinance 13274, Section 6, as amended, and K.C.C.
7640 21A.37.040 are each hereby amended to read as follows:

7641 A. The number of residential development rights that an unincorporated sending
7642 site is eligible to send to a receiving site shall be determined by applying the TDR
7643 sending site base density established in subsection D. of this section to the area of the
7644 sending site, after deducting the area associated with any existing development, any
7645 retained development rights and any portion of the sending site already in a conservation
7646 easement or other similar encumbrance. For each existing dwelling unit or retained
7647 development right, the sending site area shall be reduced by an area equivalent to the base
7648 density for that zone under K.C.C. 21A.12.030.

7649 B. Any fractions of development rights that result from the calculations in
7650 subsection A. of this section shall not be included in the final determination of total
7651 development rights available for transfer.

7652 C. For purposes of calculating the amount of development rights a sending site
7653 can transfer, the amount of land contained within a sending site shall be determined as
7654 follows:

7655 1. If the sending site is an entire tax lot, the square footage or acreage shall be
7656 determined:

- 7657 a. by the King County department of assessments records; or
7658 b. by a survey funded by the applicant that has been prepared and stamped by a
7659 surveyor licensed in the state of Washington; and

7660 2. If the sending site consists of a lot that is divided by a zoning boundary, the
7661 square footage or acreage shall be calculated separately for each zoning classification.
7662 The square footage or acreage within each zoning classification shall be determined by
7663 the King County record of the action that established the zoning and property lines, such
7664 as an approved lot line adjustment. When such records are not available or are not
7665 adequate to determine the square footage or acreage within each zoning classification, the
7666 department of (~~permitting and environmental review~~) local services, permitting
7667 division, shall calculate the square footage or acreage through the geographic information
7668 system (GIS) mapping system.

7669 D. For the purposes of the transfer of development rights (TDR) program only,
7670 the following TDR sending site base densities apply:

- 7671 1. Sending sites designated in the King County Comprehensive Plan as urban
7672 separator and zoned R-1 shall have a base density of four dwelling units per acre;
- 7673 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
7674 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
7675 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
7676 acres;
- 7677 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
7678 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
7679 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated

7680 on additional TDR for each vacant lot that is smaller than two and one-half acres or five
7681 acres, respectively;

7682 4. Sending sites zoned RA and that have a designation under the King County
7683 Shoreline Master Program of conservancy or natural shall be allocated one additional
7684 TDR;

7685 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
7686 unit per five acres for transfer purposes only;

7687 6. Sending sites zoned F within the forest production district shall have a base
7688 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
7689 between fifteen and eighty acres in size.

7690 E. A sending site zoned RA, A or F may send one development right for every
7691 legal lot larger than five thousand square feet that was created on or before September 17,
7692 2001, if that number is greater than the number of development rights determined under
7693 subsection A. of this section. A sending site zoned R-1 may send one development right
7694 for every legal lot larger than two thousand five hundred square feet that was created on
7695 or before September 17, 2001, if that number is greater than the number of development
7696 rights determined under subsection A. of this section.

7697 F. The number of development rights that a King County unincorporated rural or
7698 natural resources land sending site is eligible to send to a King County incorporated
7699 urban area receiving site shall be determined through the application of a conversion ratio
7700 established by King County and the incorporated municipal jurisdiction. The conversion
7701 ratio will be applied to the number of available sending site development rights
7702 determined under subsection A. or E. of this section.

7703 G. Development rights from one sending site may be allocated to more than one
7704 receiving site and one receiving site may accept development rights from more than one
7705 sending site.

7706 H. The determination of the number of residential development rights a sending
7707 site has available for transfer to a receiving site shall be valid for transfer purposes only,
7708 shall be documented in a TDR qualification report prepared by the department of natural
7709 resources and parks and sent to the applicant. The qualification report and shall be
7710 considered a final determination, not to be revised due to changes to the sending site's
7711 zoning, and shall be valid unless conditions on the sending site property that would affect
7712 the number of development rights the sending site has available for transfer have
7713 changed.

7714 I. Each residential transferable development right that originates from a sending
7715 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional
7716 units above base density in eligible receiving sites located in unincorporated urban King
7717 County. Each residential transferable development right that originates from a sending
7718 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one
7719 additional unit above base density.

7720 SECTION 182. Ordinance 14190, Section 8, as amended, and K.C.C.

7721 21A.37.060 are each hereby amended to read as follows:

7722 A. Prior to issuing a certificate for transferable development rights to a sending
7723 site, the department of natural resources and parks, or its successor shall record deed
7724 restrictions in the form of a conservation easement documenting the development rights
7725 that have been removed from the property and shall place a notice on the title of the

7726 sending site. The department of (~~permitting and environmental review~~) local services,
7727 permitting division, or its successor, shall establish and maintain an internal tracking
7728 system that identifies all certified transfer of developments rights sending sites.

7729 B. A conservation easement granted to the county or other appropriate land
7730 management agency and that meets the requirements of K.C.C. 21A.37.050 shall be
7731 required for land contained in the sending site. The conservation easement shall be
7732 documented by a map. The conservation easement shall be placed on the entire lot or
7733 lots. The conservation easement shall identify limitations in perpetuity on future
7734 residential and nonresidential development consistent with this chapter, as follows:

7735 1. A conservation easement, which contains the easement map, shall be
7736 recorded on the entire sending site to indicate development limitations on the sending
7737 site;

7738 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
7739 consistent in form and substance with the purchase agreements used in the agricultural
7740 land development rights purchase program. The conservation easement shall preclude
7741 subdivision of the subject property but may permit not more than one dwelling per
7742 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

7743 3. For a rural sending site the conservation easement shall allow for restoration,
7744 maintenance or enhancement of native vegetation. A present conditions report shall be
7745 required to document the location of existing structures and existing native vegetation
7746 and the baseline conservation values of protected property at the time the conservation
7747 easement is put in place. If residential development will be allowed on the site under the
7748 conservation easement, the present conditions report shall be used to guide the location of

7749 residential development;

7750 4. For a sending site qualifying as habitat for federal listed endangered or
7751 threatened species, the conservation easement shall protect habitat and allow for
7752 restoration, maintenance or enhancement of native vegetation. A present conditions
7753 report shall be required to document the location of existing structures. If existing or
7754 future residential development will be allowed on the site under the conservation
7755 easement, the present conditions report shall be used by the owner to guide the location
7756 of residential development; and

7757 5. For a sending site zoned F, the conservation easement shall encumber the
7758 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
7759 participate in the TDR program if they include any existing dwelling units intended to be
7760 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
7761 eighty acres in size, the sending site must include the entire lot. For lots greater than
7762 eighty acres in size, the sending site shall be a minimum of eighty acres. The
7763 conservation easement shall permit forestry uses subject to a forest stewardship plan
7764 prepared by the applicant and approved by the county for ongoing forest management
7765 practices. The Forest Stewardship Plan shall serve as a present conditions report
7766 documenting the baseline conditions of the property and shall include a description of the
7767 site's forest resources and the long term forest management objectives of the property
7768 owner, and shall not impose standards that exceed Title 222 WAC.

7769 SECTION 183. Ordinance 13274, Section 7, as amended, and K.C.C.

7770 21A.37.070 are each hereby amended to read as follows:

7771 A. An interagency review committee, chaired by the ~~((directors of the))~~

7772 department of ~~((permitting and environmental review))~~ local services permitting division
7773 manager and the director of the department of natural resources and parks, or ~~((their))~~
7774 designees, shall be responsible for qualification of sending sites. Determinations on
7775 sending site certifications made by the committee are appealable to the examiner under
7776 K.C.C. 20.22.040. The department of natural resources and parks shall be responsible for
7777 preparing a TDR qualification report, which shall be signed by the director of the
7778 department of natural resources and parks or ~~((the director's))~~ designee, documenting the
7779 review and decision of the committee. The qualification report shall:

7780 1. Specify all deficiencies of an application, if the decision of the committee is
7781 to disqualify the application;

7782 2. For all qualifying applications, provide a determination as to whether or not
7783 additional residential dwelling units and associated accessory units may be
7784 accommodated in accordance with K.C.C. 21A.37.050.A.; and

7785 3. Be issued a TDR certification letter within sixty days of the date of submittal
7786 of a completed sending site certification application.

7787 B. Responsibility for preparing a completed application rests exclusively with the
7788 applicant. Application for sending site certification shall include:

7789 1. A legal description of the site;

7790 2. A title report;

7791 3. A brief description of the site resources and public benefit to be preserved;

7792 4. A site plan showing the existing and proposed dwelling units, nonresidential
7793 structures, driveways, submerged lands and any area already subject to a conservation
7794 easement or other similar encumbrance;

- 7795 5. Assessors map or maps of the lot or lots;
- 7796 6. A statement of intent indicating whether the property ownership, after TDR
- 7797 certification, will be retained in private ownership or dedicated to King County or another
- 7798 public or private nonprofit agency;
- 7799 7. Any or all of the following written in conformance with criteria established
- 7800 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
- 7801 habitat for a threatened or endangered species:
- 7802 a. a wildlife habitat conservation plan;
- 7803 b. a wildlife habitat restoration plan; or
- 7804 c. a wildlife present conditions report;
- 7805 8. A forest stewardship plan, written in conformance with criteria established
- 7806 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
- 7807 21A.37.060.B.3. and 6.;
- 7808 9. An affidavit of compliance with the reforestation requirements of the Forest
- 7809 Practices Act and any additional reforestation conditions of the forest practices permit for
- 7810 the site, if required under K.C.C. 21A.37.020.E.;
- 7811 10. A completed density calculation worksheet for estimating the number of
- 7812 available development rights; and
- 7813 11. The application fee consistent with K.C.C. 27.36.020.

7814 SECTION 184. Ordinance 13274, Section 8, as amended, and K.C.C.

7815 21A.37.080 are each hereby amended to read as follows:

- 7816 A. TDR development rights where both the proposed sending and receiving sites
- 7817 would be within unincorporated King County shall be transferred using the following

7818 process:

7819 1. Following interagency review committee review and approval of the sending
7820 site application as described in K.C.C. 21A.37.070 the interagency review committee
7821 shall issue a TDR qualification report, agreeing to issue a TDR certificate in exchange for
7822 the proposed sending site conservation easement. After signing and notarizing the
7823 conservation easement and receiving the TDR certificate from the county, the sending
7824 site owner may market the TDR sending site development rights to potential purchasers.
7825 The TDR certificate shall be in the name of the property owner and separate from the
7826 land title. If a TDR sending site that has been reviewed and approved by the interagency
7827 review committee changes ownership, the TDR qualification report may be transferred to
7828 the new owner if requested in writing to the department of natural resources and parks by
7829 the person or persons that owned the property when the TDR qualification report was
7830 issued, if documents evidencing the transfer of ownership are also provided to the
7831 department of natural resources and parks;

7832 2. In applying for receiving site approval, the applicant shall provide the
7833 department of ~~((permitting and environmental review))~~ local services, permitting
7834 division, with one of the following:

- 7835 a. a TDR qualification report issued in the name of the applicant,
- 7836 b. a TDR qualification report issued in the name of another person or persons
7837 and a copy of a signed option to purchase those TDR sending site development rights,
- 7838 c. a TDR certificate issued in the name of the applicant, or
- 7839 d. a TDR certificate issued in the name of another person or persons and a
7840 copy of a signed option to purchase those TDR sending site development rights;

7841 3. Following building permit approval, but before building permit issuance by
7842 the department of (~~(permitting and environmental review)~~) local services, permitting
7843 division, or following preliminary plat approval or preliminary short plat approval, but
7844 before final plat or short plat recording of a receiving site development proposal which
7845 includes the use of TDR development rights, the receiving site applicant shall deliver the
7846 TDR certificate issued in the applicant's name for the number of TDR development rights
7847 being used and the TDR extinguishment document to the county;

7848 4. When the receiving site development proposal requires a public hearing
7849 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as
7850 the hearing on the TDR proposal. The reviewing authority shall make a consolidated
7851 decision on the proposed development and use of TDR development rights and consider
7852 any appeals of the TDR proposal under the same appeal procedures set forth for the
7853 development proposal; and

7854 5. When the development proposal does not require a public hearing under this
7855 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
7856 development proposal, and any appeals of the TDR proposal shall be considered under
7857 the same appeal procedures set forth for the development proposal.

7858 6. Development rights from a sending site shall be considered transferred to a
7859 receiving site when a final decision is made on the TDR receiving area development
7860 proposal, the sending site is permanently protected by a completed and recorded land
7861 dedication or conservation easement, notification has been provided to the King County
7862 assessor's office and a TDR extinguishment document has been provided to the
7863 department of natural resources and parks, or its successor (~~(agency)~~).

7864 B. TDR development rights where the proposed receiving site would be within an
7865 incorporated King County municipal jurisdiction shall be reviewed and transferred using
7866 that jurisdiction's development application review process.

7867 SECTION 185. Ordinance 13733, Section 15, as amended, and K.C.C.
7868 21A.37.160 are each hereby amended as follows:

7869 A. The TDR executive board is hereby established. The TDR executive board
7870 shall be composed of the director of the budget office, the director of the department of
7871 natural resources and parks, the director of the department of ~~((transportation))~~ local
7872 services and the director of finance, or their designees. A representative from the King
7873 County council staff, designated by the council chair, may participate as an ex officio,
7874 nonvoting member of the TDR executive board. The TDR executive board shall be
7875 chaired by the director of the department of natural resources and parks or ~~((that~~
7876 ~~director's))~~ designee.

7877 B. The issues that may be addressed by the executive board include, but are not
7878 limited to, using site evaluation criteria established by administrative rules, ranking and
7879 selecting sending sites to be purchased by the TDR bank, recommending interlocal
7880 agreements and the provision of TDR amenities, if any, to be forwarded to the executive,
7881 identifying future funding for amenities in the annual budget process, enter into other
7882 written agreements necessary to facilitate density transfers by the TDR bank and
7883 otherwise oversee the operation of the TDR bank to measure the effectiveness in
7884 achieving the policy goals of the TDR program.

7885 C. The department of natural resources and parks shall provide lead staff support
7886 to the TDR executive board. Staff duties include, but are not limited to:

7887 1. Making recommendations to the TDR executive board on TDR program and
7888 TDR bank issues on which the TDR executive board must take action;

7889 2. Facilitating development rights transfers through marketing and outreach to
7890 the public, community organizations, developers and cities;

7891 3. Identifying potential receiving sites;

7892 4. Developing proposed interlocal agreements with cities;

7893 5. Assisting in the implementation of TDR executive board policy in
7894 cooperation with other departments;

7895 6. Ranking certified sending sites for consideration by the TDR executive
7896 board;

7897 7. Negotiating with cities to establish city receiving areas with the provision of
7898 amenities;

7899 8. Preparing agendas for TDR executive board meetings;

7900 9. Recording TDR executive board meeting summaries;

7901 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to
7902 implement this chapter; and

7903 11. Preparing periodic reports on the progress of the TDR program to the
7904 council with assistance from other departments.

7905 SECTION 186. Ordinance 10870, Section 576, as amended, and K.C.C.

7906 21A.38.030 are each hereby amended to read as follows:

7907 A. Property-specific development standards, denoted by the zoning map symbol -
7908 P after the zone's map symbol or a notation in the geographic information system data
7909 layers, shall be established on individual properties through either reclassifications or

7910 area zoning. All property-specific development standards are contained in Appendix of
7911 Ordinance 12824 as currently in effect or hereinafter amended and shall be maintained by
7912 the department of (~~(permitting and environmental review)~~) local services, permitting
7913 division, in the Property Specific Development Conditions notebook. Upon the effective
7914 date of reclassification of a property to a zone with a "-P" suffix, the property-specific
7915 development standards adopted thereby shall apply to any development proposal on the
7916 subject property subject to county review, including, but not limited to, a building permit,
7917 grading permit, subdivision, short subdivision, subsequent reclassification to a potential
7918 zone, urban planned development, conditional use permit, variance and special use
7919 permit.

7920 B. Property-specific development standards shall address problems unique to
7921 individual properties or a limited number of neighboring properties that are not addressed
7922 or anticipated by general minimum requirements of this title or other regulations.

7923 C. Property-specific development standards shall cite the provisions of this title,
7924 if any, that are to be augmented, limited, or increased, shall be supported by
7925 documentation that addresses the need for such a condition or conditions, and shall
7926 include street addresses, tax lot numbers or other clear means of identifying the properties
7927 subject to the additional standards. Property-specific development standards are limited
7928 to:

- 7929 1. Limiting the range of permitted land uses;
- 7930 2. Requiring special development standards for property with physical
7931 constraints (e.g. environmental hazards, view corridors);
- 7932 3. Requiring specific site design features (e.g. building orientation, lot layout,

7933 clustering, trails or access location);

7934 4. Specifying the phasing of the development of a site;

7935 5. Requiring public facility site dedications or improvements (e.g. roads,

7936 utilities, parks, open space, trails, school sites); or

7937 6. Designating sending and receiving sites for transferring density credits as

7938 provided in K.C.C. chapter 21A.36.

7939 D. Property-specific development standards shall not be used to expand permitted

7940 uses or reduce minimum requirements of this title.

7941 SECTION 187. Ordinance 10870, Section 577, as amended, and K.C.C.

7942 21A.38.040 are each hereby amended to read as follows:

7943 Special district overlays shall be designated on official area zoning maps and as a

7944 notation in the department's electronic parcel record, as follows:

7945 A. A special district overlay shall be designated through the area zoning process

7946 as provided in K.C.C. chapters 20.12 and 20.18. Designation of an overlay district shall

7947 include policies that prescribe the purposes and location of the overlay;

7948 B. A special district overlay shall be applied to land through an area zoning

7949 process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the

7950 zoning map and as a notation in the department's electronic parcel record and shall be

7951 designated in Appendix B of Ordinance 12824 as maintained by the department of

7952 (~~permitting and environmental review~~) local services, permitting division, with the

7953 suffix "-SO" following the map symbol of the underlying zone or zones;

7954 C. The special district overlays in this chapter are the only overlays authorized by

7955 the code. New or amended overlays to carry out new or different goals or policies shall

7956 be adopted as part of this chapter and be available for use in all appropriate community,
7957 subarea or neighborhood planning areas;

7958 D. The special district overlays in this chapter may waive, modify and substitute
7959 for the range of permitted uses and development standards established by this title for any
7960 use or underlying zone;

7961 E. Unless they are specifically modified by this chapter, the standard
7962 requirements of this title and other county ordinances and regulations govern all
7963 development and land uses within special district overlays;

7964 F. A special district overlay on an individual site may be modified by property-
7965 specific development standards as provided in K.C.C. 21A.38.030;

7966 G. A special district overlay may not be deleted by a zone reclassification; and

7967 H. Special district overlay development standards may be modified or waived
7968 through the consideration of a variance, subject to the variance criteria in K.C.C.
7969 21A.44.030.

7970 SECTION 188. Ordinance 10870, Section 583, as amended, and K.C.C.
7971 21A.39.020, are each amended as follows:

7972 A. King County shall accept an application for an UPD permit only in areas
7973 designated urban by the comprehensive plan and contained within the boundaries of UPD
7974 Special District Overlays designated by a community plan or comprehensive plan,
7975 provided that density transfer from adjacent rural lands is allowed as provided for in
7976 K.C.C. chapter 21A.36.

7977 B. A UPD permit application, or modifications of an approved UPD permit that
7978 requires council review, shall be reviewed pursuant to the hearing examiner process

7979 outlined in K.C.C. chapter 21A.42, provided that:

7980 1. ~~((§))~~The review of the UPD permit application shall not be completed until
7981 applicable sewer and/or water comprehensive utility plans or plan amendments are
7982 identified;

7983 2. A UPD permit may be processed concurrently with any application for a
7984 subsequent development approval implementing the UPD permit.

7985 C. A processing memorandum of understanding (MOU) shall be adopted
7986 containing any of the following elements:

7987 1. Schedule for processing including timelines for EIS, drainage master plan,
7988 UPD permit hearings, plats or other permits or approvals;

7989 2. Budget for permit processing and review;

7990 3. Establishment of a core UPD review team with one representative from each
7991 county department having a principal UPD permit review role. The department
7992 responsible for coordinating review of the UPD shall enter into memorandums of
7993 understanding with other county departments specifying special tasks and timetables
7994 consistent with the schedule for performance by each department and/or independent
7995 consulting;

7996 4. Retention of a third-party facilitator at the applicant's cost to assist the
7997 county's review;

7998 5. Establishment of baseline monitoring requirements and design parameters
7999 that are to apply under existing law during the UPD application and review process;

8000 6. Final scope for EIS, that shall be adjusted for adopted county substantive
8001 environmental or mitigation requirements that will apply to the UPD permit such as

8002 K.C.C. chapter 21A.24, the SWM Manual, road and school adequacy standards, impact
8003 fee or mitigation programs or other adopted standards.

8004 D. The processing MOU shall be completed initially within ninety days after the
8005 request by a UPD permit applicant, unless the county and applicant agree to a different
8006 time. If the county and applicant have not reached agreement within ninety days, then
8007 either may request final resolution of the processing MOU by a committee consisting of
8008 the ~~((directors of the))~~ department~~((s))~~ of ~~((transportation, permitting and environmental
8009 review,))~~ local services permitting division manager and the director of the department of
8010 natural resources and parks or designees;

8011 E. The county shall prepare a UPD application form consistent with the
8012 information required under K.C.C. 21A.39.030, that shall take into account that detailed
8013 information that may not be available at the time of the application will be developed
8014 through the environmental impact statement and review process.

8015 SECTION 189. Ordinance 18626, Section 15, and K.C.C. 21A.42.300 are each
8016 hereby amended to read as follows:

8017 A. There is hereby established an agricultural technical review committee
8018 consisting of representatives of the department of ~~((permitting and environmental
8019 review))~~ local services, permitting division, natural resources and parks and public health
8020 and the King County Conservation District.

8021 B. The agricultural technical review committee is authorized to review proposals
8022 to expand or modify agricultural activities and to site agricultural support services, as
8023 identified in K.C.C. 21A.08.090, and to make a recommendation to the director~~((s))~~ or
8024 designee. The agricultural technical review committee's recommendation will be based

8025 on the applicant's submission of a business plan that establishes satisfaction of the
8026 relevant criteria set forth in this section.

8027 C. The director~~((;))~~ or ~~((the director's))~~ designee~~((;))~~ shall sit on the committee
8028 and shall make a final decision on proposals to expand or modify agricultural activities or
8029 to site agricultural support services. This decision shall be a Type 1 decision under
8030 K.C.C. chapter 20.20. The Director's decision will require the property owner to sign and
8031 record on title, at the owner's sole expense, a covenant in a form acceptable to the
8032 ~~((€))~~county ~~((which))~~ that informs subsequent owners of the conditions and limitations
8033 under which the use must be maintained.

8034 D. The director, after a recommendation from the agricultural technical review
8035 committee established by this section, may modify development standards for
8036 agricultural activities as identified in K.C.C. 21A.08.090, subject to the following criteria.
8037 The proposed modification or expansion must:

8038 1. Be located on existing impervious surface or lands not otherwise suitable for
8039 direct agricultural production based upon soil conditions or other factors and cannot be
8040 returned to productivity by drainage maintenance;

8041 2. Be allowed under any Farmland Preservation Program conservation easement
8042 and zoning development standards;

8043 3. Be supported by adequate utilities, parking, internal circulation and other
8044 infrastructure;

8045 4. Not interfere with neighborhood circulation or interfere with existing or
8046 permitted development or use on neighboring properties;

8047 5. Be designed in a manner that is compatible with the character and appearance

8048 of existing or proposed development in the vicinity of the subject property;

8049 6. Not be in conflict with the health and safety of the community and is such
8050 that pedestrian and vehicular traffic associated with the use must not be hazardous or
8051 conflict with existing and anticipated traffic in the neighborhood;

8052 7. Be supported by adequate public facilities or services and must not adversely
8053 affect public services to the surrounding area; and

8054 8. Not be in conflict with the policies of the Comprehensive Plan or the basic
8055 purposes of K.C.C. Title 21A.

8056 E. Siting of agricultural support services as provided in K.C.C. 21A.08.090 may
8057 be authorized by the director, after a recommendation from the agricultural technical
8058 review committee established by this section, subject to the following criteria. The
8059 proposed use must:

8060 1.a. Be limited to processing, warehousing and storage, including refrigeration,
8061 retail sales and other similar support services of locally produced agricultural products.
8062 Sixty percent or more of the products must be grown or raised in the agricultural
8063 production district. At the time of initial application, the applicant shall submit a
8064 projection of the source of products to be produced;

8065 b. Be limited to farmworker housing to support agricultural operations located
8066 in the agricultural production district; or

8067 c. Be limited to farm operations, including equipment repair, and other similar
8068 services primarily supporting agricultural operations located in the agricultural
8069 production district. Sixty percent or more of the services business must be to support
8070 agricultural operations in the agricultural production district. At the time of initial

8071 application, the applicant shall submit a projection of the source of products to be
8072 produced;

8073 2. Meet the setback and size limitation in K.C.C. 21A.08.090.B.24. for
8074 structures and areas used for agricultural support services, including walls, fences and
8075 screening vegetation, and not interfere with neighborhood circulation or interfere with
8076 existing or permitted development or use on neighboring properties;

8077 3. Be designed in a manner which is compatible with the character and
8078 appearance of existing, or proposed development in the vicinity of the subject property,
8079 and provide sufficient screening vegetation;

8080 4. Not be in conflict with the health and safety of the community and must be
8081 such that pedestrian and vehicular traffic associated with the use will not be hazardous or
8082 conflict with existing and anticipated traffic in the neighborhood;

8083 5. Be supported by adequate public facilities or services, will not adversely
8084 affect public services to the surrounding area and shall not depend on urban services; and

8085 6. Not be in conflict with the policies of the Comprehensive Plan or the basic
8086 purposes of K.C.C. Title 21A.

8087 SECTION 190. Ordinance 11621, Section 113, as amended, and K.C.C.
8088 21A.43.040 are each hereby amended to read as follows:

8089 Fees shall be collected by the department of (~~permitting and environmental~~
8090 ~~review~~) local services, permitting division, and maintained in a separate account for each
8091 school district, pursuant to K.C.C. 21A.43.070. Fees shall be paid to the district pursuant to
8092 administrative rules of an interlocal agreement between the county and the district.

8093 SECTION 191. Ordinance 11621, Section 114, as amended, and K.C.C.

8094 21A.43.050 are each hereby amended to read as follows:

8095 A. In school districts where impact fees have been adopted by county ordinance
8096 and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based
8097 on the schedules set forth in each ordinance establishing the fee to be collected for the
8098 district, from any applicant seeking development approval from the county where such
8099 development activity requires final plat, PUD or UPD approval or the issuance of a
8100 residential building permit or a mobile home permit and the fee for the lot or unit has not
8101 been previously paid. No approval shall be granted and no permit shall be issued until
8102 the required school impact fees set forth in the district's impact fee schedule contained in
8103 K.C.C. Title 27 have been paid.

8104 B. For a plat, PUD or UPD applied for on or after the effective date of the
8105 ordinance adopting the fee for the district in question receiving final approval, fifty
8106 percent of the impact fees due on the plat, PUD or UPD shall be assessed and collected
8107 from the applicant at the time of final approval, using the impact fee schedules in effect
8108 when the plat, PUD or UPD was approved. The balance of the assessed fee shall be
8109 allocated to the dwelling units in the project, and shall be collected when the building
8110 permits are issued. Residential developments proposed for short plats shall be governed
8111 by subsection D₂ of this section.

8112 C. If on the effective date of an ordinance adopting an impact fee for a district, a
8113 plat, PUD or UPD has already received preliminary approval, such plat, PUD or UPD
8114 shall not be required to pay fifty percent of the impact fees at the time of final approval,
8115 but the impact fees shall be assessed and collected from the lot owner at the time the
8116 building permits are issued, using the impact fee schedules in effect at the time of

8117 building permit application. If on the effective date of a district's ordinance, an applicant
8118 has applied for preliminary plat, PUD or UPD approval, but has not yet received such
8119 approval, the applicant shall follow the procedures set forth in subsection B of this
8120 section.

8121 D. For existing lots or lots not covered by subsection B of this section,
8122 application for single family and multifamily residential building permits, mobile home
8123 permits, and site plan approval for mobile home parks, the total amount of the impact
8124 fees shall be assessed and collected from the applicant when the building permit is issued,
8125 using the impact fee schedules in effect at the time of permit application.

8126 E. Any application for preliminary plat, PUD or UPD approval or multifamily
8127 zoning which has been approved subject to conditions requiring the payment of impact
8128 fees established pursuant to this chapter, shall be required to pay the fee in accordance
8129 with the condition of approval.

8130 F. In lieu of impact fee payment pursuant to subsections A. through E. of this
8131 section, each applicant for a single-family residential construction permit may request
8132 deferral of impact fee collection for up to the first twenty single-family residential
8133 construction building permits per year. Applicants shall be identified by their contractor
8134 registration number. Deferred payment of impact fees shall occur either at the time of
8135 final permit inspection by the department of ~~((permitting and environmental review))~~
8136 local services, permitting division, or eighteen months after the building permit is issued,
8137 whichever is earlier.

8138 SECTION 192. Ordinance 11621, Section 117, as amended, and K.C.C.
8139 21A.43.080 are each hereby amended to read as follows:

8140 A. Low or moderate income housing projects being developed by public housing
8141 agencies or private (~~(non-profit)~~) nonprofit housing developers shall be exempt from the
8142 payment of school impact fees. The amount of the school impact fees not collected from
8143 low or moderate income household development shall be paid from public funds other than
8144 impact fee accounts. The impact fees for these units shall be considered paid for by the
8145 district through its other funding sources, without the district actually transferring funds
8146 from its other funding sources into the impact fee account. The planning and community
8147 development division shall review proposed developments of low or moderate income
8148 housing by such public or (~~(non-profit)~~) nonprofit developers pursuant to criteria and
8149 procedures adopted by administrative rule, and shall advise the department of (~~(permitting~~
8150 ~~and environmental review)~~) local services, permitting division, as to whether the project
8151 qualifies for the exemption.

8152 B. Private developers who dedicate residential units for occupancy by low or
8153 moderate income households may apply to the division for reductions in school impact fees
8154 pursuant to the criteria established for public housing agencies and private non-profit
8155 housing developers pursuant to subsection A. of this section, and subject to the provisions
8156 of subsection A. of this section. The division shall review proposed developments of low
8157 or moderate income housing by such private developers pursuant to criteria and procedures
8158 adopted by administrative rule, and shall advise the department of (~~(permitting and~~
8159 ~~environmental review)~~) local services, permitting division, as to whether the project
8160 qualifies for the exemption. If the division recommends the exemption, the department of
8161 (~~(permitting and environmental review)~~) local services, permitting division, shall reduce
8162 the calculated school impact fee for the development by an amount that is proportionate to

8163 the number of units in the development that satisfy the adopted criteria.

8164 C. Individual low or moderate income home purchasers (as defined pursuant to the
8165 King County Comprehensive Housing Affordability Strategy (CHAS) who are purchasing
8166 homes at prices within their eligibility limits based on standard lending criteria and meet
8167 other means tests established by rule by the division are exempted from payment of the
8168 impact fee, provided that at such time as the property in question is transferred to another
8169 owner who does not qualify for the exemption, at which time the fee shall be due and
8170 payable.

8171 D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C.
8172 ~~((C))~~chapter 2.98, administrative rules to implement this section. Such rules shall provide
8173 for the administration of this program and shall:

8174 1. Encourage the construction of housing for low or moderate income households
8175 by public housing agencies or private non-profit housing developers participating in
8176 publicly sponsored or subsidized housing programs;

8177 2. Encourage the construction in private developments of housing units for low or
8178 moderate income households that are in addition to units required by another housing
8179 program or development condition;

8180 3. Ensure that housing that qualifies as low or moderate cost meets appropriate
8181 standards regarding household income, rent levels or sale prices, location, number of units
8182 and development size; and

8183 4. Ensure that developers who obtain an exemption from or reduction of school
8184 impact fees will in fact build the proposed low or moderate cost housing and make it
8185 available to low or moderate income households for a minimum of fifteen ~~((15))~~ years.

8186 5. Ensure that individual low or moderate income purchasers meet appropriate
8187 eligibility standards based on income and other financial means tests.

8188 E. As a condition of receiving an exemption under ~~((paragraph))~~ subsection B. or
8189 C. of this section, the owner must execute and record a county-drafted lien, covenant,
8190 and/or other contractual provision against the property for a period of ten ~~((10))~~ years for
8191 individual owners, and fifteen ~~((15))~~ years for private developers, guaranteeing that the
8192 proposed development will continue to be used for low or moderate income housing. In
8193 the event that the pattern of development or the use of the development is no longer for low
8194 or moderate income housing, then the owner shall pay the impact fee amount from which
8195 the owner or any prior owner was exempt. The lien, covenant, or other contractual
8196 provision shall run with the land and apply to subsequent owners.

8197 SECTION 193. Ordinance 12627, Section 2, as amended, and K.C.C.
8198 21A.55.020 are each hereby amended to read as follows:

8199 A. In establishing any demonstration project, the council shall specify the
8200 following:

- 8201 1. The purpose of the demonstration project;
- 8202 2. The location or locations of the demonstration project;
- 8203 3. The scope of authority to modify standards and the lead agency ~~((or))~~,
8204 department or division with authority to administer the demonstration project;
- 8205 4. The development standards established by this title or other titles of the King
8206 County Code that affect the development of property that are subject to administrative
8207 modifications or waivers;
- 8208 5. The process through which requests for modifications or waivers are

8209 reviewed and any limitations on the type of permit or action;

8210 6. The criteria for modification or waiver approval;

8211 7. The effective period for the demonstration project and any limitations on
8212 extensions of the effective period;

8213 8. The scope of the evaluation of the demonstration project and the date by
8214 which the executive shall submit an evaluation of the demonstration project; and

8215 9. The date by which the executive shall submit an evaluation of specific
8216 alternative standards and, if applicable, proposed legislation.

8217 B. A demonstration project shall be designated by the Metropolitan King County
8218 Council through the application of a demonstration project overlay to properties in a
8219 specific area or areas. A demonstration project shall be indicated on the zoning map or a
8220 notation in the geographic information system data layers maintained by the department
8221 of ~~((permitting and environmental review))~~ local services, permitting division, by the
8222 suffix "-DPA" (meaning demonstration project area) following the map symbol of the
8223 underlying zone or zones. Within a designated demonstration project area, approved
8224 alternative development regulations may be applied to development applications.

8225 SECTION 194. Ordinance 13275, Section 1, as amended, and K.C.C.

8226 21A.55.050 are each hereby amended to read as follows:

8227 A. The purpose of the rural forest demonstration project is to test techniques to
8228 maintain long-term forest uses in areas with a predominant parcel size of significantly
8229 less than eighty acres that are located in proximity to residential development. The
8230 demonstration project will also provide information and data to assist in the development
8231 of King County Comprehensive Plan policies to guide application and refinement of

8232 forest protection regulations.

8233 B. The rural forest demonstration project will be implemented on the five-
8234 hundred-ten-acre site located east of the Rattlesnake Mountain Scenic Area, as shown in
8235 Attachment A to Ordinance 13275.

8236 C. The rural forest demonstration project shall include:

8237 1. Preparation of a forest management plan for the entire demonstration project
8238 site. The forest management plan shall be developed jointly by the department of natural
8239 resources and parks and the property owner with input from the Washington state
8240 Department of Natural Resources, local tribes and citizens, and shall be approved by the
8241 director of the department of natural resources and parks. The forest management plan
8242 shall include:

8243 a. an inventory of existing conditions, including current tree species and
8244 respective size ranges, understory composition, critical areas, natural and human induced
8245 disturbance regimes and history of ecosystem changes;

8246 b. objectives for forest management including water quality protection, habitat
8247 enhancement, maintenance of scenic areas, surface water management and minimal
8248 impacts to neighbors.

8249 c. a reforestation element consistent with these management objectives
8250 including establishment of stream buffers of one hundred eighty-three feet for Class II
8251 streams with salmonids and one hundred feet for Class III streams; and

8252 d. an operation and maintenance element including anticipated harvest
8253 activities;

8254 2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners

8255 Association the proceeds of which may be expended solely to implement and monitor the
8256 forest management plan. The net proceeds of any harvest of forest products from the
8257 common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the
8258 extent necessary to bring the aggregate amount of money in such fund to an amount
8259 reasonably anticipated to be needed to pay the cost of implementing and monitoring the
8260 forest management plan for the current and next two calendar years;

8261 3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley
8262 Homeowners Association to implement the forest management plan. The stewardship
8263 committee shall, in consultation with King County and Washington state Department of
8264 Natural Resources: ensure sufficient funding is available for implementation of the forest
8265 management plan, hire a qualified forester or foresters to implement the forest
8266 management plan and hire qualified staff to monitor implementation of the forest
8267 management plan and prepare required reports. King County and the Washington state
8268 Department of Natural Resources shall annually inspect the property for compliance with
8269 the forest management plan consistent with the terms of the conservation easement and
8270 King County shall offer training to the members of the stewardship committee on forestry
8271 techniques and issues;

8272 4. Application and review of a formal subdivision of forty-one lots, exclusive of
8273 common tracts, on the five hundred-ten-acre site. The subdivision and infrastructure
8274 shall be designed to integrate with the forest landscape, including pavement widths no
8275 wider than needed to meet safety considerations. A goal of the demonstration project is to
8276 test the marketability of these forest lots in a timely manner; to that end, it is a goal of
8277 King County to render a decision on the subdivision application within six months of

8278 submittal of the application. A priority review process shall be implemented as permitted
8279 by K.C.C. 21A.55.010. The department of (~~(permitting and environmental review)~~) local
8280 services, permitting division, shall assign a permit coordinator and a project review team
8281 to complete review of all aspects of the application, and shall negotiate appropriate fees
8282 for the review process with the applicant. Neither the designation of the site as a
8283 demonstration project nor approval of the forest management plan constitute approval of
8284 the subdivision application or in any way limit King County discretion in SEPA review
8285 or application of regulations to the subdivision application;

8286 5. Dedication or conveyance, upon final plat approval, to King County or a
8287 qualified nonprofit conservation organization of a conservation easement in perpetuity
8288 upon the demonstration project site that: prohibits any future subdivision activity;
8289 prohibits all development of the site other than residential development of no more than
8290 forty-one lots; restricts such residential development and associated lawn, landscaped
8291 areas, driveways and fenced areas to an area not to exceed two acres within each lot;
8292 restricts the uses of the remaining nonresidential portion of the site to open space and
8293 forest practices and incidental uses necessary for the residential use on the forty-one lots
8294 such as for roads, access drives (not including on-site driveways) utilities and storm
8295 detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2;
8296 requires the owner to exercise its reasonable best efforts to implement the forest
8297 management plan and provides for enforcement of the terms of the conservation
8298 easement first through nonbinding mediation. Adoption of this demonstration project
8299 shall be subject to council review of the conservation easement, a copy of which shall be
8300 provided to the council by August 20, 1998; and

8301 6. An inventory of properties within King County with similar characteristics to
8302 the rural forest demonstration project site and an analysis of the potential effects of
8303 development of those properties under the same requirements as the demonstration
8304 project.

8305 D. Application to modify or waive development standards of K.C.C. Title 21A
8306 for this individual development proposal shall be administratively approved by the
8307 director (~~(of the department of permitting and environmental review)~~) and shall be
8308 consistent with an approved forest management plan developed for the entire five-
8309 hundred-ten acre site.

8310 E. The application to modify or waive development standards for this
8311 development proposal shall be evaluated on the merits of the specific proposal. Approval
8312 or denial of a proposed modification or waiver shall not be construed as precedent setting
8313 for elsewhere in the county.

8314 F. Modification or waivers approved pursuant to the rural forest demonstration
8315 project shall be in addition to those modifications or waivers that are currently allowed by
8316 K.C.C. Title 21A. The range of proposed modifications to development regulations that
8317 may be considered pursuant to the rural forest demonstration project shall only include
8318 the following zoning code regulations:

8319 1. Development Standards - Landscaping and Water Use, K.C.C. chapter
8320 21A.16, limited to the following sections:

8321 a. landscaping - street frontages, K.C.C. 21A.16.050;

8322 b. landscaping - interior lot lines, K.C.C. 21A.16.060; and

8323 c. landscaping - additional standards for required landscape areas, K.C.C.

8324 21A.16.090.

8325 2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18,
8326 limited to the following sections:

8327 a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and

8328 b. off-street parking plan design standards, K.C.C. 21A.18.110.

8329 G. The modification or waiver review process is as follows:

8330 1. Requests for modifications or waivers may only be submitted in relation to a
8331 formal subdivision proposal;

8332 2. Requests shall be:

8333 a. submitted to the department of ~~((permitting and environmental review))~~

8334 local services, permitting division, prior to or in conjunction with the subdivision

8335 application for preliminary approval of a formal subdivision on the project site; and

8336 b. in writing, along with any supporting documentation. The supporting
8337 documentation must illustrate how the proposed modification meets the criteria of K.C.C.
8338 21A.55.050.H;

8339 3. Notice of application, review and approval of proposed modifications or
8340 waivers submitted in conjunction with a formal subdivision application shall be treated as
8341 a Type 2 land use decision. In approving a proposed modification or waiver, the director
8342 must conclude that the criteria for approval in K.C.C. 21A.55.050.H have been met;

8343 4. A preapplication meeting to determine the need for, and the likely scope of, a
8344 proposed modification or modifications or waiver or waivers shall be required prior to
8345 submittal of a modification request; and

8346 5. Administrative appeals of director approved modifications or waivers shall be

8347 combined with consideration of the underlying application for preliminary subdivision
8348 approval.

8349 H. The application for a rural forest demonstration project must, for modification
8350 or waiver approval, demonstrate how the proposed project, with modifications or waivers
8351 to the code, will be consistent with and implement the approved forest management plan.
8352 This shall be demonstrated by documenting that the development with modifications or
8353 waivers:

- 8354 1. Enhances the preservation of forestry for resource value, open space, scenic
8355 views and wildlife habitat;
- 8356 2. Reduces impacts on the natural environment or restores natural functions; and
- 8357 3. Supports the integration of forest uses and homesites.

8358 I. The forest management plan for a rural forest demonstration project shall be
8359 developed and a decision on its approval or denial shall be reached no more than thirty
8360 days after designation of the site as a rural forest demonstration project. If the forest
8361 management plan is not approved thirty days after designation as a rural forest
8362 demonstration project, the executive shall propose restoring the site to its prior land use
8363 designations and zoning classifications as part of the 1999 amendments to the King
8364 County Comprehensive Plan. Regulatory modification or waiver applications authorized
8365 by Ordinance 13275 shall not be accepted by the department of (~~permitting and~~
8366 ~~environmental review~~) local services, permitting division, after March 1, 1999.
8367 Modifications or waivers to the King County Code contained within an approved
8368 development proposal shall be valid as long as the underlying permit. The rural forest
8369 demonstration project shall continue for a period of five years from the final approval of

8370 the subdivision application, with reporting periods specific to measuring the goals of the
8371 forest management plan.

8372 J. The director of the department of natural resources and parks shall submit a
8373 report on the rural forest demonstration project to the council following approval of the
8374 forest management plan evaluating the process used to prepare the forest management
8375 plan, an inventory of other properties that have similar characteristics to the
8376 demonstration project site, the applicability and potential effects of allowing these other
8377 properties to develop under the same requirements as the demonstration project and
8378 recommending any changes that should be made to county policy or regulations to
8379 maintain long-term forestry in areas no longer managed for large-scale commercial
8380 forestry. In addition, a report shall be prepared annually by qualified staff retained by the
8381 Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or
8382 subsequent management entity of the forest management plan and submitted to the Rural
8383 Forest Commission. The annual reporting shall commence six months following final
8384 approval of the subdivision. The first two annual reports shall describe the annual work
8385 program and budget for implementation of the forest management plan, progress made in
8386 implementing the work program, and success in marketing the homesites. Annual reports
8387 for the subsequent three years shall document the annual budget and continued progress
8388 in implementing the forest management plan, the level of involvement by homeowners in
8389 forest management and any problems in implementation generated by homeowners. The
8390 Rural Forest Commission shall review the annual reports and shall inform the director of
8391 the department of natural resources and parks if it has found that necessary
8392 implementation measures of the forest management plan have not been followed. If so,

8393 and if the director of the department of natural resources and parks determines it is
8394 necessary, the director shall request the Stewardship Committee of the Uplands
8395 Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory
8396 action is not taken, the director may invoke the enforcement mechanism of the
8397 conservation easement. The annual reports will also provide information for further
8398 consideration of changes to county policies or regulations for maintenance of long-term
8399 forestry.

8400 SECTION 195. Ordinance 14662, Section 1, as amended, and K.C.C.
8401 21A.55.060 are each hereby amended as follows:

8402 A. The purpose of the low-impact development and Built Green demonstration
8403 projects is to determine whether innovative permit processing, site development and
8404 building construction techniques based on low-impact development and building
8405 construction practices result in environmental benefits, affordable housing and lead to
8406 administrative and development cost savings for project applicants and King County. The
8407 demonstration projects will provide information on application of these techniques to an
8408 urban infill mixed-use redevelopment project, an urban single family residential project, a
8409 Vashon Town housing project and an urban infill residential redevelopment project. The
8410 demonstration projects will also provide information to assist in the development of King
8411 County Comprehensive Plan policies to guide application and refinement of regulations
8412 such as zoning, subdivision, roads and stormwater regulations. Expected benefits from
8413 the demonstration projects include: improved conditions of habitat, ground and surface
8414 waters within a watershed; reduced impervious surface areas for new site infrastructure in
8415 developed and redeveloped projects; greater use of recycled-content building materials

8416 and more efficient use of energy and natural resources; and the opportunity to identify
8417 and evaluate potential substantive changes to land use development regulations that
8418 support and improve natural functions of watersheds. The demonstration projects will
8419 also evaluate whether consolidated administrative approval of modifications or waivers
8420 and any subsequent hearings, if required, effectively speeds the development review
8421 process while maintaining land use coordination and environmental protection, and
8422 whether that leads to administrative costs savings for project applicants and King County.

8423 B. The department shall implement the low-impact development and Built Green
8424 demonstration projects in all or a portion of each of the following: the White Center
8425 neighborhood of the Greenbridge Project as described in Attachment A to Ordinance
8426 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue
8427 Southwest and Southwest 116th Street known as Park Lake Homes II as described in
8428 Attachment A to Ordinance 16099 the unincorporated Urban Area east of Renton at
8429 approximately 148th Avenue Southeast and Southeast 128th Street as described in
8430 Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C
8431 to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are
8432 expanded, the provisions of Ordinance 14662 may apply provided the criteria in
8433 subsection L. of this section are met.

8434 C. A request by the applicant to modify or waive development standards for the
8435 development proposals shall be evaluated by the department based on the criteria in
8436 subsection L. of this section. A request shall first be either approved or denied
8437 administratively and may be further reviewed as described in subsection H.3. of this
8438 section. Approval or denial of the proposed modification or waiver shall not be

8439 construed as applying to any other development application either within the
8440 demonstration project area or elsewhere in the county.

8441 D. A modification or waiver approved by the department in accordance with the
8442 low-impact development and Built Green demonstration projects shall be in addition to
8443 those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title.
8444 The range of proposed modifications or waivers to development regulations that may be
8445 considered pursuant to the low-impact development and Built Green demonstration
8446 projects shall include only the following King County code regulations and related public
8447 rules:

8448 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
8449 Design Manual;

8450 2. King County road standards: K.C.C. 14.42.010 and the King County road
8451 design and construction standards;

8452 3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of
8453 the zone applied to the entire demonstration project and if the minimum density is not
8454 less than the minimum residential density of the zone calculated for the portion of the site
8455 to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a
8456 demonstration project provides fifty-one percent or more of the housing to households
8457 that, at the time of initial occupancy, have incomes of eighty percent or less of median
8458 income for King County as periodically published by the United States Department of
8459 Housing and Urban Development, or its successor ((agency)), or if fifty-one percent or
8460 more of the rental housing is permanently priced to serve low-income senior citizens,
8461 then the director may approve:

- 8462 a. less than the minimum density; and
- 8463 b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue
- 8464 SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the
- 8465 Greenbridge Project, greater than the maximum density, up to a maximum of R-48
- 8466 (Residential forty-eight dwelling units per acre);
- 8467 4. Design requirements: K.C.C. chapter 21A.14;
- 8468 5. Landscaping and water use: K.C.C. chapter 21A.16;
- 8469 6. Parking and circulation: K.C.C. chapter 21A.18;
- 8470 7. Signs: K.C.C. chapter 21A.20; and
- 8471 8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification
- 8472 results in a net improvement to the functions of the sensitive area.
- 8473 E. A demonstration project authorized by this section and located in the R-12
- 8474 through R-48 zones may contain residential and limited nonresidential uses subject to the
- 8475 following provisions:
- 8476 1. The demonstration project may request a modification or waiver of any of the
- 8477 development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
- 8478 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process
- 8479 described in subsection H. of this section and the criteria described in subsection L. of
- 8480 this section.
- 8481 2. The demonstration project may include single family detached residential
- 8482 dwelling units as a permitted use, subject to the review process described in subsection H.
- 8483 of this section and the criteria described in subsection L. of this section.
- 8484 3. The demonstration project may include any nonresidential use allowed as a

8485 permitted use in the NB zone, subject to any development conditions contained in K.C.C.
8486 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without
8487 the need to request a modification or waiver as described in subsection H. of this section.
8488 The applicant may request a modification or waiver of the development conditions
8489 contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070,
8490 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a
8491 nonresidential use is permitted in the R-12 through R-48 zones, subject to development
8492 conditions, and is permitted in the NB zone without development conditions, the use shall
8493 be permitted in the demonstration project without development conditions and without
8494 the need to request a modification or waiver.

8495 4. If a nonresidential use is subject to a conditional use permit in the R-12
8496 through R-48 zones and not subject to a conditional use permit in the NB zone, the use
8497 shall be permitted in the demonstration project without requiring a conditional use
8498 permit.

8499 5. If a use is subject to a conditional use permit in both the R-12 through R-48
8500 zones and the NB zone or only in the NB zone, the use may be permitted in the
8501 demonstration project if the demonstration project applies for and obtains a conditional
8502 use permit and satisfies the conditional use permit criteria.

8503 6. Uses authorized by this subsection shall be allowed only as part of a
8504 demonstration project under this section. All such uses shall be subject to the
8505 development standards in KCC 21A.12.030, except as may be modified or waived under
8506 subsection D. of this section and this subsection E.

8507 F. A site in the NB and R-12 through R-48 zones located in a demonstration

8508 project authorized by this section may contain residential uses subject to the following:

8509 1. The demonstration project may request a modification or waiver for the site
8510 of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040,
8511 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review
8512 process described in subsection H. of this section and the criteria described in subsection
8513 M. of this section;

8514 2. The site may include single family detached residential dwelling units as a
8515 permitted use, subject to the review process under subsection H. of this section and the
8516 criteria described in subsection M of this section;

8517 3. The site may include any residential use allowed as a permitted use in the R-
8518 12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030,
8519 without the need to request a modification or waiver under subsection H. of this section.
8520 The applicant may request a modification or waiver of the development conditions in
8521 K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential
8522 use is permitted, subject to development conditions, in the NB zone and is permitted
8523 without conditions in the R-12 through R-48 zones, the use shall be permitted without
8524 development conditions and without the need to request a modification or waiver;

8525 4. If a residential use is a conditional use in the NB zone and is a permitted use
8526 in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the
8527 conditions that apply in the R12 through R-48 zones;

8528 5. If a use is subject to a conditional use permit in both the R-12 through R-48
8529 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted
8530 in the demonstration project if the demonstration project applies for and obtains a

8531 conditional use permit and satisfies the conditional use permit criteria; and

8532 6. Uses authorized by this subsection shall be allowed only as part of a
8533 demonstration project under this section. All such uses shall be subject to the
8534 development standards in K.C.C. 21A.12.040, except as may be modified or waived
8535 under subsection D. of this section and this subsection F.

8536 G. This subsection authorizes a residential basics program for townhouse and
8537 apartment building types if such housing are located in a demonstration project located in
8538 the R-12 through R-48 zones, even if not otherwise authorized by the department of
8539 ~~((permitting and environmental review))~~ local services public rules chapter 16-04:
8540 residential basics program.

8541 H.1. Requests for a modification or waiver made in accordance with this section
8542 may only be submitted in writing in relation to the following types of applications:

- 8543 a. a site development permit;
- 8544 b. a binding site plan;
- 8545 c. a building permit;
- 8546 d. a short subdivision;
- 8547 e. a subdivision;
- 8548 f. a conditional use permit; or
- 8549 g. a clearing and grading permit.

8550 2. Requests shall be submitted to the department in writing before or in
8551 conjunction with an application for one or more of the permits listed in this subsection,
8552 together with any supporting documentation. The supporting documentation must
8553 illustrate how the proposed modification meets the criteria of subsection L. of this

8554 section.

8555 3. Except for an applicant's request for a modification or waiver submitted in
8556 conjunction with an application for a subdivision, the notice of application, review and
8557 approval of a proposed modification or waiver shall be treated as a Type 2 land use
8558 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver
8559 submitted in conjunction with an application for a subdivision shall be treated as a Type 3
8560 land use decision in accordance with K.C.C. 20.20.020.

8561 4. A preapplication meeting with the applicant and the department to determine
8562 the need for and the likely scope of a proposed modification or waiver is required before
8563 submittal of such a request. The department of natural resources and parks and the
8564 department of ~~((transportation))~~ local services, road services division, shall be invited to
8565 participate in the preapplication meeting, if necessary.

8566 5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the
8567 Surface Water Design Manual, the director shall consult with the department of natural
8568 resources and parks before granting the modification or waiver.

8569 6. If the applicant requests a variance from the county road standards, the
8570 director shall refer the request to the county road engineer for decision under KCC
8571 14.42.060, with the right to appeal within the department of ~~((transportation))~~ local
8572 services, road services division, as provided in K.C.C. ~~((14.42.062))~~ 14.42.060. The
8573 purposes of this demonstration ordinance are intended as a factor to be considered
8574 relative to the public interest requirement for road variances described in K.C.C.
8575 14.42.060.

8576 7. Administrative appeals of modifications or waivers approved by the director

8577 shall be combined with any appeal of the underlying permit decision, if the underlying
8578 permit is subject to appeal.

8579 I. The hearing examiner may consider an environmental impact statement
8580 adequacy appeal in conjunction with a demonstration project plat appeal if the
8581 environmental impact statement is prepared by a lead agency other than the department
8582 and if its adequacy has not previously been adjudicated, even if not otherwise authorized
8583 by K.C.C. 20.44.120.

8584 J. An approved development proposal for any of the applications listed in
8585 subsection H.1. of this section, including site plan elements or conditions of approval,
8586 may be amended or modified at the request of the applicant or the applicant's successor in
8587 interest designated by the applicant in writing. The director may administratively
8588 approve minor modifications to an approved development proposal. Modifications that
8589 result in major changes as determined by the department or as defined by the approval
8590 conditions, shall be treated as a new application for purposes of vesting and shall be
8591 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any
8592 increase in the total number of dwelling units above the maximum number set forth in the
8593 development proposal permit or approval shall be deemed a major modification. The
8594 county, through the applicable development proposal permit or approval conditions, may
8595 specify additional criteria for determining whether proposed modifications are major or
8596 minor. The modifications allowed under this section supersede other modification or
8597 revision provisions of K.C.C. Title 16, Title 19A and this title.

8598 K.1. The preliminary subdivision approval of a subdivision with more than four
8599 hundred units that is part of a demonstration project under this section shall be effective

8600 for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The
8601 director may administratively grant a one-time extension, extending the preliminary
8602 subdivision approval an additional five years, only if the applicant has shown substantial
8603 progress towards development of the demonstration project. Before granting the
8604 extension, the director will assess the applicant's compliance with the demonstration
8605 project conditions and may modify or impose new standards deemed necessary for the
8606 public health or safety.

8607 2. A code modification or waiver approved under this section is effective during
8608 the validity of the underlying development permit or for forty-eight months, whichever is
8609 longer.

8610 L.1. To be eligible to use the provisions of the demonstration project,
8611 development proposals must be located within the boundaries of the Greenbridge Project
8612 as described in Attachment A to Ordinance 15654, or as may be modified as described in
8613 subsection B. of this section; in the unincorporated urban area north of Burien at
8614 approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake
8615 Homes II as described in Attachment A to Ordinance 16099; in the area east of Renton at
8616 approximately 148th Avenue Southeast and Southeast 128th Street as described in
8617 Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment
8618 C to Ordinance 14662.

8619 2. Proposals to modify or waive development regulations for a development
8620 application must be consistent with general health, safety and public welfare standards,
8621 and must not violate state or federal law.

8622 3.a. Applications must demonstrate how the proposed project, when considered

8623 as a whole with the proposed modifications or waivers to the code, will meet all of the
8624 criteria listed in this subsection, as compared to development without the modification or
8625 waiver, and achieves higher quality urban development; enhances infill, redevelopment
8626 and greenfield development; optimizes site utilization; stimulates neighborhood
8627 redevelopment; and enhances pedestrian experiences and sense of place and community.

8628 b. Any individual request for a modification or waiver must meet two or more
8629 of the following criteria:

8630 (1) uses the natural site characteristics to protect the natural systems;

8631 (2) addresses stormwater and drainage safety, function, appearance,
8632 environmental protection and maintainability based upon sound engineering judgment;

8633 (3) contributes to achievement of a two-star or a three-star rating for the
8634 project site under the Built Green "Green Communities" program recognized by the
8635 Master Builders Association of King and Snohomish counties; or

8636 (4) where applicable, reduces housing costs for future project residents or
8637 tenants without decreasing environmental protection.

8638 4. The criteria of this subsection supersede other variance, modification or
8639 waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

8640 M.1. Except for Park Lake Homes II and the part of Greenbridge that was added
8641 to the demonstration project by Ordinance 15654, regulatory modification and waiver
8642 applications, or both, authorized by this section shall be filed with the department by
8643 December 31, 2007, or by such a later date as may be specified in the conditions of any
8644 development approval for any type of modification or waiver for which the opportunity
8645 for future application is expressly granted in those conditions. For Park Lake Homes II

8646 and the part of Greenbridge that was added to the demonstration project by Ordinance
8647 15654, regulatory modification and waiver applications, or both, authorized by this
8648 section shall be filed with the department by December 31, 2010, or by such a later date
8649 as may be specified in the conditions of any development approval for any type of
8650 modification or waiver for which the opportunity for future application is
8651 expressly granted in those conditions.

8652 2. Modifications or waivers contained within an approved development
8653 proposal shall be valid as long as the underlying permit or development application
8654 approval is valid. A permit or approval that implements an approved code modification or
8655 waiver shall be considered under the zoning and other land use control ordinances in
8656 effect on the date the applicable complete code modification or waiver application is
8657 filed.

8658 3. Except for Park Lake Homes II and the part of Greenbridge that was added to
8659 the demonstration project by Ordinance 15654, modifications or waivers that are
8660 approved as separate applications must be incorporated into a valid permit or
8661 development application that must be filed by December 31, 2007. For Park Lake Homes
8662 II and the part of Greenbridge that was added to the demonstration project by Ordinance
8663 15654, modifications or waivers that are approved as separate applications must be
8664 incorporated into a valid permit or development application that must be filed by
8665 December 31, 2010.

8666 4. The director may extend the date for filing the demonstration project permit
8667 and development applications for a maximum of twelve months.

8668 5. Except for Park Lake Homes II and the part of Greenbridge that was added to

8669 the demonstration project by Ordinance 15654, the ability to establish the location and
8670 maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as
8671 set forth in subsection E. of this section expires December 31, 2007. For Park Lake
8672 Homes II and the part of Greenbridge that was added to the demonstration project by
8673 Ordinance 15654, the ability to establish the location and the maximum size of uses that
8674 are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E.
8675 of this section expires December 31, 2010. The ability to establish the location and
8676 maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone
8677 as set forth in subsection F. of this section expires at the end of the effective period
8678 established in subsection K. of this section.

8679 6. Any deadline set forth in this subsection shall be adjusted to include the time
8680 for appeal of all or any portion of the project approval.

8681 N.1. By December 31, 2006, the director shall prepare and submit to the council
8682 a report on the pilot programs that:

8683 a. describes and evaluates the pertinent preliminary results from the
8684 demonstration projects; and

8685 b. recommends changes, based on the evaluation, which should be made to the
8686 county processes and ordinances.

8687 2. If only insufficient or inconclusive data are available when this report is due,
8688 the director shall provide an interim status report and indicate the date a subsequent
8689 report or reports will be transmitted to fully evaluate outcomes of the demonstration
8690 projects.

8691 SECTION 196. Ordinance 16650, Section 1, as amended, and K.C.C.

8692 21A.55.101 are each hereby amended as follows:

8693 A.1. The purpose of the sustainable communities and housing demonstration projects
8694 is to provide affordable housing and workforce housing integrated into developments
8695 containing market rate housing and maximize sustainable development, which includes bike,
8696 pedestrian and transit connections, a mix of housing types, and the use of recyclable
8697 materials. The demonstration projects will provide information on the application of these
8698 techniques to urban infill redevelopment and urban single family residential development,
8699 some of which may include mixed use. The demonstration projects will also assist the
8700 county in refining regulations relating to zoning, subdivision, roads and stormwater as they
8701 relate to sustainable development.

8702 2. The demonstration projects will also enable the county to evaluate whether
8703 consolidated administrative approval of zoning and subdivision-related modifications or
8704 waivers and any subsequent hearings, if required, effectively speeds the development review
8705 process while maintaining land use coordination and environmental protection and whether
8706 that leads to administrative costs savings for project applicants and King County.

8707 B. The expected benefits from the demonstration projects include: the use of
8708 innovative design and development techniques to promote sustainable communities, reduced
8709 impervious surface areas for site infrastructure; a greater use of recycled-content building
8710 materials and more efficient use of energy and natural resources; and the opportunity to
8711 identify and evaluate potential substantive changes to land use development regulations that
8712 support the development of sustainable and affordable housing.

8713 C. A request by the applicant to modify or waive development standards for the
8714 development proposals shall be evaluated by the department of ~~((permitting and
8715 environmental review))~~ local services, permitting division, based on the criteria in

8716 subsection J. of this section. A request shall first be either approved or denied
8717 administratively and may be further reviewed as described in subsection H.3. of this section.
8718 Approval or denial of the proposed modification or waiver shall not be construed as applying
8719 to any other development application either within the demonstration project area or
8720 elsewhere in the county.

8721 D. A modification or waiver approved by the department of (~~permitting and~~
8722 ~~environmental review~~) local services, permitting division, in accordance with this section
8723 shall be in addition to those modifications or waivers that are currently allowed by this title.
8724 The proposed modifications or waivers to development regulations that may be considered
8725 regarding sustainable communities and housing demonstration projects shall include only the
8726 following chapters and related public rules:

8727 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
8728 Design Manual;

8729 2. King County road standards: K.C.C. chapter 14.42 and the county road
8730 standards, 2007 update;

8731 3. Density and dimensions: K.C.C. chapter 21A.12;

8732 4. Design requirements: K.C.C. chapter 21A.14;

8733 5. Landscaping and water use: K.C.C. chapter 21A.16;

8734 6. Parking and circulation: K.C.C. chapter 21A.18;

8735 7. Signs: K.C.C. chapter 21A.20;

8736 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net
8737 improvement to the functions of the critical area; and

8738 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

8739 E. A demonstration project authorized by this section may contain residential and

8740 limited nonresidential uses subject to the following:

8741 1. The demonstration project may include any residential uses as allowed as a
8742 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.
8743 21A.08.030, without the need to request a modification or waiver as described in subsection
8744 H. of this section. The applicant may request a modification or waiver of any of the
8745 development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the
8746 review process described in subsection H. of this section and the criteria in subsection J. of
8747 this section;

8748 2. The demonstration project may include, as part of a residential project, any
8749 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,
8750 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development
8751 conditions contained in those sections without the need to request a modification or waiver as
8752 described in subsection H. of this section, except the following uses are not allowed:

- 8753 a. automotive parking;
- 8754 b. automotive repair and automotive service, K. C.C. 21A.08.050;
- 8755 c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-oriented
8756 development. For the purposes of this subsection E.2.c., "transit-oriented development"
8757 means a development that is designated as a transit-oriented development in an agreement
8758 with the county and that includes the construction of new housing units at or within one
8759 quarter mile of a county transit center or park and ride lot;
- 8760 d. gasoline service stations as defined in K.C.C. 21A.08.070;
- 8761 e. off-street required parking lot commercial and industrial accessory uses;
- 8762 f. private stormwater management facility;
- 8763 g. self-service storage; and

8764 h. vector waste receiving facility.

8765 3. The nonresidential uses shall be no greater than three thousand square feet per
8766 use, with a total maximum of all nonresidential uses not to exceed ten percent of the area of
8767 the demonstration project site or twenty thousand square feet, whichever is smaller. The
8768 applicant may request a modification or waiver of the development conditions for
8769 nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060 and
8770 21A.08.070, subject to the review process described in subsection H. of this section and the
8771 criteria in subsection J. of this section.

8772 F. A demonstration project authorized by this section allows a residential basics
8773 program for townhouse and apartment building types, consistent with the department of
8774 ~~((permitting and environmental review))~~ local services public rules chapter 16-04:
8775 residential basics program.

8776 G. All related review processes such as subdivision, building permit, inspection and
8777 similar processes for a demonstration project shall be expedited if:

8778 1. ~~((f))~~ Fifty percent or more of all residential units proposed for the demonstration
8779 project are affordable to households at eighty percent of area median income, as defined by
8780 Department of Housing and Urban Development income guidelines for King County and
8781 below; or

8782 2. ~~((s))~~ Seventy percent or more of all residential units for the demonstration project
8783 are affordable to households at eighty to one hundred fifteen percent of area median income,
8784 as defined by Department of Housing and Urban Development income guidelines for King
8785 County.

8786 H.1. Requests for a modification or waiver made in accordance with this section may
8787 only be submitted in writing in relation to the following types of applications:

- 8788 a. a site development permit;
- 8789 b. a binding site plan;
- 8790 c. a building permit;
- 8791 d. a short subdivision; or
- 8792 e. a subdivision.

8793 2. Requests shall be submitted to the department in writing before or in conjunction
8794 with an application for one or more of the permits listed in subsection H.1. of this section,
8795 together with any supporting documentation. The supporting documentation must illustrate
8796 how the proposed modification meets the criteria in subsection J. of this section.

8797 3. Except for an applicant's request for a modification or waiver submitted in
8798 conjunction with an application for a subdivision, the notice of application, review and
8799 approval of a proposed modification or waiver shall be treated as a Type 2 land use decision
8800 in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in
8801 conjunction with an application for a subdivision shall be treated as a Type 3 land use
8802 decision in accordance with K.C.C. 20.20.020.

8803 4. A preapplication meeting with the applicant and the department of ~~((permitting~~
8804 ~~and environmental review))~~ local services, permitting division, to determine the need for
8805 and the likely scope of a proposed modification or waiver is required before submittal of such
8806 a request. If a modification or waiver requires approval of the department of natural resources
8807 and parks or the department of ~~((transportation))~~ local services, road services division, that
8808 department or division shall be invited to participate in the preapplication meeting.

8809 5. If the applicant requests an adjustment from the county drainage standards, the
8810 director ~~((of the department of permitting and environmental review))~~ shall refer the request
8811 to the department of natural resources and parks for decision under K.C.C. chapter 9.04, with

8812 the right to appeal within the department of natural resources and parks as provided in K.C.C.
8813 9.04.050.C.6. The department of natural resources and parks shall consider the purposes of
8814 this demonstration ordinance as a factor relative to the public interest requirement for
8815 drainage adjustments described in K.C.C.9.04.050.C.

8816 6. If the applicant requests a variance from the county road standards, the director
8817 shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with
8818 the right to appeal within the department of ~~((transportation))~~ local services, road services
8819 division, as provided in K.C.C. 14.42.060 and the associated public rule. The department of
8820 ~~((transportation))~~ local services, road services division, shall consider the purposes of this
8821 demonstration ordinance as a factor relative to the public interest requirement for road
8822 variances described in K.C.C. 14.42.060.

8823 7. Administrative appeals of modifications or waivers approved by the director
8824 shall be combined with any appeal of the underlying permit decision, if the underlying permit
8825 is subject to appeal.

8826 I. An approved development proposal for any of the applications listed in subsection
8827 H.1. of this section, including site plan elements or conditions of approval may be amended
8828 or modified at the request of the applicant or the applicant's successor in interest designated
8829 by the applicant in writing. The director may administratively approve minor modifications
8830 to an approved development proposal. Modifications that result in major changes as
8831 determined by the department or as defined by the approval conditions shall be treated as a
8832 new application for purposes of vesting and shall be reviewed as applicable to the underlying
8833 application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units
8834 above the maximum number set forth in the development proposal permit or approval shall
8835 be deemed a major modification. The county, through the applicable development proposal

8836 permit or approval conditions, may specify additional criteria for determining whether
8837 proposed modifications are major or minor. The modifications allowed under this section
8838 supersede other modification or revision provisions of K.C.C. Title 16 and Title 19A and this
8839 title.

8840 J.1. To be eligible to use the provisions of this section, a demonstration project must
8841 be located on a demonstration project site identified in Ordinance 16650, ((s))Section 2, and
8842 the applicant has accepted the site as a King County sustainable communities and housing
8843 demonstration project.

8844 2. Proposals to modify or waive development regulations for a development
8845 application must be consistent with general health, safety and public welfare standards, and
8846 must not violate state or federal law.

8847 3.a. Applications must demonstrate how the proposed project, when considered as a
8848 whole with the proposed modifications or waivers to the code, will meet all of the criteria in
8849 this subsection J., as compared to development without the modification or waiver, and:

- 8850 (1) achieves higher quality urban development;
- 8851 (2) provides quality infill development;
- 8852 (3) optimizes site utilization; and
- 8853 (4) enhances pedestrian experiences and sense of place and community.

8854 b. Any individual request for a modification or waiver must meet two or more of
8855 the following criteria:

- 8856 (1) contributes to the creation of a sustainable community, which includes
8857 features such as a connected street network, a mix of housing types, pedestrian or bike routes
8858 throughout the development, direct bus connections, no front garages, and front porches.

- 8859 (2) uses the natural site characteristics to protect the natural systems;

8860 (3)(a) contributes to achievement of a three-star rating for the project site under
8861 the Built Green Communities program administered by the Master Builders Association of
8862 King and Snohomish Counties;

8863 (b) contributes to achievement of a four-star or higher rating for the single
8864 family units under the Built Green program administered by the Master Builders Association
8865 of King and Snohomish Counties or achieve a gold certification under the U.S. Green
8866 Building Council, LEED program or equivalent program; or

8867 (c) contributes to achievement of a four-star or higher rating for the multifamily
8868 units under the Built Green program administered by the Master Builders Association of
8869 King and Snohomish Counties or achieve a gold certification under the U.S. Green Building
8870 Council, LEED program or other equivalent program; and

8871 (4) provides attractive, well-designed development that will assist in improving
8872 safety and preventing crime in the development and surrounding area, including adequate
8873 outdoor lighting along walkways/trails, walkways/trails 5' or wider and low vegetation along
8874 walkways/trails.

8875 4. The criteria in this subsection supersede other variance, modification or waiver
8876 criteria and provisions of K.C.C. Title 21A.

8877 K. Regulatory modification and waiver applications, or both, authorized by this
8878 section shall be filed with the department of (~~permitting and environmental review~~) local
8879 services, permitting division, within three years of the approval of the development
8880 proposal, which includes issuance of a building permit or site development permit, recording
8881 of a plat, short plat or binding site plan, or by such a later date as may be specified in the
8882 conditions of any development approval for any type of modification or waiver for which the
8883 opportunity for future application is expressly granted in those conditions. Modifications or

8884 waivers contained within an approved development proposal are valid as long as the
8885 underlying permit or development application approval is valid. If modifications or waivers
8886 are approved as separate applications, they must be incorporated into a valid permit or
8887 development application within three years of approval of the development proposal. The
8888 director may extend the date for filing the demonstration project permit and development
8889 applications for a maximum of twelve months. Any deadline in this subsection shall be
8890 adjusted to include the time for appeal of all or any portion of the project approval.

8891 SECTION 197. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010
8892 are each hereby amended to read as follows:

8893 The words and phrases designated in this section shall be defined for the purposes
8894 of this title as follows:

8895 A. "Abate" means to take whatever steps are deemed necessary by the director to
8896 return a property to the condition in which it existed before a civil code violation
8897 occurred or to assure that the property complies with applicable code requirements.
8898 Abatement may include, but is not limited to, rehabilitation, demolition, removal,
8899 replacement or repair.

8900 B. "Civil code violation" means and includes one or more of the following:

8901 1. Any act or omission contrary to any ordinance, resolution, regulation or
8902 public rule of the county that regulates or protects public health, the environment or the
8903 use and development of land or water, whether or not the ordinance, resolution or
8904 regulation is codified; and

8905 2. Any act or omission contrary to the conditions of any permit, notice and order
8906 or stop work order issued pursuant to any such an ordinance, resolution, regulation or

8907 public rule.

8908 C. "Contested hearing" means a hearing requested in response to a citation to
8909 contest the finding that a violation occurred or to contest that the person issued the
8910 citation is responsible for the violation.

8911 D. "Director" means, depending on the code violated:

8912 1. The ~~((director of the))~~ department of ~~((permitting and environmental review))~~
8913 local services permitting division manager;

8914 2. The director of the Seattle-King County department of public health, or "local
8915 health officer" as that term is used in chapter 70.05 RCW;

8916 3. The director of the department of natural resources and parks;

8917 4. The director of any other county department authorized to enforce civil code
8918 compliance;

8919 5. Authorized representatives of a director, including compliance officers and
8920 inspectors whose responsibility includes the detection and reporting of civil code
8921 violations; or

8922 6. Such other person as the council by ordinance authorizes to use this title.

8923 E. "Found in violation" means that:

8924 1. A citation, notice and order or stop work order has been issued and not timely
8925 appealed;

8926 2. A voluntary compliance agreement has been entered into; or

8927 3. The hearing examiner has determined that the violation has occurred and the
8928 hearing examiner's determination has not been stayed or reversed on appeal.

8929 F. "Hearing examiner" means the office of the King County hearing examiner, as

8930 provided in K.C.C. chapter 20.22.

8931 G. "Mitigate" means to take measures, subject to county approval, to minimize
8932 the harmful effects of the violation where remediation is either impossible or
8933 unreasonably burdensome.

8934 H. "Mitigation hearing" means a hearing requested in response to a citation to
8935 explain mitigating circumstances surrounding the commission of a violation.

8936 I. "Permit" means any form of certificate, approval, registration, license or any
8937 other written permission issued by King County. All conditions of approval, and all
8938 easements and use limitations shown on the face of an approved final plat map which are
8939 intended to serve or protect the general public are deemed conditions applicable to all
8940 subsequent plat property owners and their tenants and agents as permit requirements
8941 enforceable under this title.

8942 J. "Person" means any individual, association, partnership, corporation or legal
8943 entity, public or private, and the agents and assigns of the individual, association,
8944 partnership, corporation or legal entity.

8945 K. "Person responsible for code compliance" means either the person who caused
8946 the violation, if that can be determined, or the owner, lessor, tenant or other person
8947 entitled to control, use or occupy, or any combination of control, use or occupy, property
8948 where a civil code violation occurs, or both.

8949 L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement
8950 code provisions.

8951 M. "Remediate" means to restore a site to a condition that complies with critical
8952 area or other regulatory requirements as they existed when the violation occurred; or, for

8953 sites that have been degraded under prior ownerships, restore to a condition that does not
8954 pose a probable threat to the environment or to the public health, safety or welfare.

8955 N. "Resolution" means any law enacted by resolution of the board of county
8956 commissioners prior to the establishment of the charter, or any health rule adopted by
8957 resolution of the board of health.

8958 SECTION 198. Ordinance 13263, Section 5 as amended, and K.C.C. 23.02.040
8959 are each hereby amended to read as follows:

8960 A. In order to discourage public nuisances, make efficient use of public resources
8961 and otherwise promote compliance with applicable code provisions, a director may, in
8962 response to field observations or reliable complaints, determine that civil code violations
8963 have occurred or are occurring and may:

8964 1. Enter into voluntary compliance agreements with persons responsible for
8965 code compliance, and issue notices of noncompliance if the persons responsible fail to
8966 comply with the terms of the voluntary compliance agreement;

8967 2. Issue citations and assess civil penalties as authorized by K.C.C. chapter
8968 23.20;

8969 3. Issue notice and orders, assess civil penalties and fines and recover costs as
8970 authorized by K.C.C. chapter 23.24;

8971 4. Order abatement by means of a notice and order, and if abatement is not
8972 completed in a timely manner by the person responsible for code compliance, undertake
8973 the abatement and charge the reasonable costs of such work as authorized by K.C.C.
8974 chapter 23.24;

8975 5. Allow a person responsible for code compliance to perform community

8976 service in lieu of paying civil penalties as authorized by K.C.C. chapter 23.24;

8977 6. Order work stopped at a site by means of a stop work order, and if such order
8978 is not complied with, assess civil penalties, as authorized by K.C.C. chapter 23.28;

8979 7. Suspend, revoke or modify any permit previously issued by a director or deny
8980 a permit application as authorized by K.C.C. chapter 23.24 when other efforts to achieve
8981 compliance have failed; and

8982 8. For de minimis violations, decide not to take enforcement action.

8983 B. Should violations occur involving multiple agencies, a lead agency shall be
8984 designated by the executive to coordinate the county's response. Unless otherwise
8985 determined by the directors of the affected departments, the department of ~~((permitting~~
8986 ~~and environmental review))~~ local services, permitting division, shall serve as the lead
8987 agency.

8988 C. The procedures set forth in this title are not exclusive. These procedures shall
8989 not in any manner limit or restrict the county from remedying civil code violations or
8990 abating civil code violations in any other manner authorized by law. This title shall not
8991 be construed to affect the authority of the King County board of health in enforcement of
8992 the King County board of health code or regulations.

8993 D. In addition or as an alternative to using the procedures set forth in this title, a
8994 director may seek legal or equitable relief to abate any conditions or enjoin any acts or
8995 practices which constitute a civil code violation.

8996 E. In addition or as an alternative to utilizing the procedures set forth in this title,
8997 a director may assess or recover civil penalties accruing under this title by legal action
8998 filed in King County superior court by the prosecuting attorney on behalf of King

8999 County.

9000 F. The provisions of this title shall in no way adversely affect the rights of the
9001 owner, lessee or occupant of any property to recover all costs and expenses incurred and
9002 required by this title from any person causing such violation.

9003 G. A director may use the services of a collection agency in order to collect any
9004 fines, penalties, fees or costs owing under this title.

9005 H. In administering the provisions for code enforcement, the director shall have
9006 the authority to waive any one or more such provisions so as to avoid substantial injustice
9007 by application thereof to the acts or omissions of a public or private entity or individual,
9008 or acts or omissions on public or private property including, for example, property
9009 belonging to public or private utilities, where no apparent benefit has accrued to such
9010 entity or individual from a code violation and any necessary remediation is being
9011 promptly provided. For purposes of this clause, substantial injustice cannot be based on
9012 economic hardship.

9013 I. The provisions of this title detailing county department administration of code
9014 compliance procedures are not to be construed as creating a substantive basis for appeal
9015 or a defense of any kind to an alleged violation.

9016 J. The provisions of this title authorizing the enforcement of non-codified
9017 ordinances are intended to assure compliance with conditions of approval on plats,
9018 unclassified use permits, zone reclassifications and other similar permits or approvals
9019 which may have been granted by ordinances which have not been codified, and to
9020 enforce new regulatory ordinances which are not yet codified. Departments should be
9021 sensitive to the possibility that citizens may not be aware of these ordinances, and should

9022 give warnings prior to enforcing such ordinances, except in high risk cases.

9023 K. The director of a King County agency that owns property, or is the custodian
9024 of public property, is authorized to enforce K.C.C. 23.02.140 and any public rules
9025 adopted under this title to implement that section for properties that the director's agency
9026 owns or is custodian.

9027 SECTION 199. Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120
9028 are each hereby amended to read as follows:

9029 A. In order to ensure strict conformity with the constraints on entry imposed by
9030 state and federal law and to ensure that county employees deal with the public in a
9031 manner that respects the rights of private property owners, the directors of the department
9032 of ~~((permitting and environmental review))~~ local services or designee, natural resources
9033 and parks and other departments, as needed, shall adopt internal procedures, protocols
9034 and training programs governing the conduct of searches by county staff responsible for
9035 code compliance.

9036 B. Each department operating under this title may approve public rules under
9037 K.C.C. chapter 2.98 and procedures to implement the provisions of this title. Each
9038 department shall approve procedures to implement the guidelines set out in this chapter
9039 for investigating code violations.

9040 SECTION 200. Ordinance 12024, Section 4, as amended, and K.C.C. 23.10.030
9041 are each hereby amended to read as follows:

9042 Any enforcement officer of the department of ~~((permitting and environmental
9043 review))~~ local services, permitting division, may inspect and certify that a vehicle is a
9044 "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are

9045 defined in K.C.C. Title 21A. The certification shall be made in writing.

9046 SECTION 201. Ordinance 10662, Section 42, as amended, and K.C.C. 27.02.010
9047 are each hereby amended to read as follows:

9048 The purpose of this title is: to prescribe equitable fees and fee collection for all
9049 permitting and environmental review services provided by the department of ~~((permitting~~
9050 ~~and environmental review;))~~ local services, permitting division, and to prescribe school
9051 impact fees to cover the proportionate share of the cost of new school facilities needed to
9052 serve new growth and development.

9053 SECTION 202. Ordinance 14238, Section 32, as amended, and K.C.C. 27.02.220
9054 are each hereby amended to read as follows:

9055 Expenditures drawn from the permitting ~~((and environmental review (DES)))~~
9056 division fund for disaster response, which are not recovered through the assessment of
9057 fees or reimbursement from the Federal Emergency Management Administration
9058 (FEMA), shall be reimbursed to the ~~((DES))~~ permitting division fund by the current
9059 expense fund within twelve months of when the expenses were incurred.

9060 SECTION 203. Ordinance 13332, Section 14, as amended, and K.C.C. 27.04.003
9061 are each hereby amended to read as follows:

9062 "Building official" means the ~~((director of the))~~ department of ~~((permitting and~~
9063 ~~environmental review))~~ local services permitting division manager or ~~((the director's))~~
9064 designee.

9065 SECTION 204. Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005
9066 are each hereby amended to read as follows:

9067 "Department" means the department of ~~((permitting and environmental review))~~

9068 local services or its successor.

9069 SECTION 205. Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010

9070 are each hereby amended to read as follows:

9071 "Development permits" mean all permits, reviews, and approvals administered by
9072 the department of (~~((permitting and environmental review))~~) local services, permitting
9073 division, including, but not limited to, right-of-way use permits, grading permits, building
9074 permits, fire code permits, subdivisions, short subdivisions, binding site plans, planned
9075 unit developments, zoning permits, master plan development permits, current use
9076 permits, boundary line adjustments, and environmental review and shoreline permits.

9077 SECTION 206. Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015

9078 are each hereby amended to read as follows:

9079 "Director" means the (~~((director of the))~~) department of (~~((permitting and~~
9080 ~~environmental review))~~) local services permitting division manager or designee.

9081 SECTION 207. Ordinance 13332, Section 4, as amended, and K.C.C. 27.06.010

9082 are each hereby amended to read as follows:

9083 A. A nonrefundable fee shall be charged for preapplication conferences as
9084 follows:

- | | | | |
|------|----|--|------------|
| 9085 | 1. | Already built construction for residential use: | \$690.00 |
| 9086 | 2. | Already built construction for commercial use: | \$2,760.00 |
| 9087 | 3. | Other - per staff participant from the department of <u>local services,</u> | |
| 9088 | | permitting (((and environmental review))) <u>division</u> : | \$690.00 |
| 9089 | 4. | Other - per staff participant from the department of (((transportation))) | |
| 9090 | | <u>local services, road services division</u> : | \$727.00 |

9114 are each hereby amended to read as follows:

9115 Review of variance requests shall be charged fees as follows:

9116 A. Road variance review

9117 1. Department of ~~((transportation))~~ local services,

9118 road services division (if required): \$1,819.00

9119 2. Department of local services, permitting ~~((and environmental~~

9120 ~~review))~~ division: \$1,472.00

9121 3. Plan resubmittal: \$460.00

9122 B. Surface Water Design Manual adjustment review

9123 1. Standard \$2,162.00

9124 2. Complex or criteria exception \$4,692.00

9125 3. Experimental Actual Cost

9126 SECTION 209. Ordinance 17682, Section 47, as amended, and K.C.C. 27.10.570

9127 are each hereby amended to read as follows:

9128 Fees shall be charged as follows for processing, monitoring, extending and

9129 administering the default of financial guarantees:

9130 A. Standard monitoring of maintenance and defect guarantees for completed

9131 installation

9132 1. Department of ~~((permitting and environmental review))~~

9133 local services, permitting division, administration \$2,205.00

9134 2. Inspection of stormwater facilities - small \$3,777.00

9135 3. Inspection of stormwater facilities - medium \$4,595.00

9136 4. Inspection of stormwater facilities - large \$7,034.00

9137	5.	Reinspection of stormwater facilities, each	\$708.00
9138	6.	Inspection of road improvements - small	\$3,777.00
9139	7.	Inspection of road improvements - medium	\$4,595.00
9140	8.	Inspection of road improvements - large	\$7,034.00
9141	9.	Reinspection of road improvements, each	\$708.00
9142	10.	Inspection of critical area mitigation, landscaping, street or	
9143		significant trees, per year required	\$506.00
9144	11.	Reinspection of critical area mitigation, landscaping, street or	
9145		significant trees, each	\$506.00
9146	B.	Extended monitoring of maintenance and defect guarantees - additional	
9147	year		
9148	1.	Inspection of stormwater facilities	\$1,810.00
9149	2.	Inspection of road improvements	\$1,810.00
9150	3.	Department of ((permitting and environmental review))	
9151		<u>local services, permitting division</u> administration	\$1,103.00
9152	C.	Administering default of financial guarantees - annual fee	
9153	1.	Department of <u>local services</u> , ((and environmental	
9154		review)) <u>division</u>	\$2,646.00
9155	2.	Department of ((transportation)) <u>local services,</u>	
9156		<u>road services division</u>	\$4,068.00
9157	3.	Department of natural resources and parks	\$4,068.00

9158 NEW SECTION. SECTION 210. There is hereby added to K.C.C. chapter

9159 27A.20 a new section to read as follows:

9160 The definitions in this chapter apply throughout the title unless the context clearly
9161 requires otherwise.

9162 SECTION 211. Ordinance 12020, Section 5, as amended, and K.C.C.

9163 27A.20.030 are each hereby amended to read as follows:

9164 "Department" means the ~~((King County))~~ department of ~~((permitting and~~
9165 ~~environmental review))~~ local services or its successor ~~((organization))~~.

9166 SECTION 212. Ordinance 12020, Section 6, as amended, and K.C.C.

9167 27A.20.040 are each hereby amended to read as follows:

9168 "Director" means the ~~((director of the King County))~~ department of ~~((permitting~~
9169 ~~and environmental review))~~ local services permitting division manager or designee.

9170 SECTION 213. Ordinance 12020, Section 13, as amended, and K.C.C.

9171 27A.30.020 are each hereby amended to read as follows:

9172 Financial guarantees shall be in a form approved by the director, in consultation
9173 with the department of natural resources and parks, department of ~~((transportation,))~~ local
9174 services, road services division, the prosecuting attorney's office, and other affected
9175 agencies. The amounts of the financial guarantees shall be based on the schedules
9176 appropriate to the required work which are updated on a periodic and frequent basis to
9177 ensure that the amount fully captures likely costs. Financial guarantees shall also require
9178 a contingency in an amount to be determined by the director.

9179 SECTION 214. Ordinance 12020, Section 16, as amended, and K.C.C.

9180 27A.30.050 are each hereby amended to read as follows:

9181 The department shall be responsible for scheduling final performance, and
9182 maintenance and defects inspections. The department should schedule such inspections

9183 approximately forty-five days prior to expiration of the performance or maintenance
9184 period. If necessary to determine completion of performance, additional inspections
9185 should also be made after the expiration of the performance period. Periodic inspections
9186 may also be made at the discretion of the ~~((director of the))~~ department of ~~((permitting~~
9187 ~~and environmental review))~~ local services permitting division or road services division
9188 manager, or the director of the department of natural resources and parks ~~((or the director~~
9189 ~~of the department of transportation))~~, or designees.

9190 SECTION 215. In accordance with K.C.C. 20.12.200, the executive shall submit
9191 this ordinance to the state Department of Ecology for its approval of the standards in
9192 sections 147, 172, 173, 174 and 176 of this ordinance, as provided in RCW 90.58.090.

9193 SECTION 216. Sections 147, 172, 173, 174 and 176 of this ordinance take effect
9194 within the shoreline jurisdiction fourteen days after the state Department of Ecology
9195 provides written notice of final action stating that the proposal is approved, in accordance
9196 with RCW 90.58.909. The executive shall provide the written notice of final action to the
9197 clerk of the council.

9198 SECTION 217. A. During the council's review of this ordinance, the council and
9199 executive identified instances where moving the department of permitting and
9200 environmental review to the permitting division of the department of local services
9201 creates unintended substantive policy changes, which may alter the authority vested in
9202 the department of permitting and environmental review prior to the effective date of this
9203 ordinance and may create confusion for residents who use or receive county services. A
9204 responsibility of the department of local services will be to evaluate processes,
9205 procedures, and policies to identify areas of improvement in the delivery of

9206 unincorporated services.

9207 B. As part of this evaluation, the executive and the department of local services
9208 shall review the King County Code to:

9209 1. Determine where the term "department" was used throughout the code prior
9210 to the effectiveness of this ordinance, was the term "department" referring to the
9211 department of permitting and environmental review;

9212 2. Evaluate whether this ordinance made the appropriate change to give the
9213 department of local services or the permitting division the decision making or
9214 implementation authority, and if not, to recommend updated code language;

9215 3. Evaluate whether other sections of the code that were not included in this
9216 ordinance need to be updated to give appropriate decision making or implementation
9217 authority; and

9218 4. Evaluate whether consistent terminology is used throughout the code, so that
9219 the head of a department is a director and the head of a division is a manager.

9220 C. Following this evaluation, the executive shall transmit a final evaluation report
9221 that includes the information required by subsection B. of this section, and a proposed
9222 ordinance that updates the King County Code to make recommended changes from this
9223 evaluation. The proposed ordinance may include amendments to section 3 of this
9224 ordinance to remove subsection B. of section 3 of this ordinance.

9225 D. The evaluation report and ordinance required by this section shall be
9226 transmitted to the council by January 1, 2020, in the form of a paper original and an
9227 electronic copy to the clerk of the council, who shall retain the original and provide an
9228 electronic copy to all councilmembers, the council chief of staff, the policy staff director,

9229 and the lead staff for the planning, rural service and environment committee, or its

9230 successor.

9231 SECTION 218. This ordinance takes effect only if Ordinance 18777 takes effect,

9232 and in that event, this ordinance takes effect immediately after Ordinance 18777 takes
9233 effect.
9234

Ordinance 18791 was introduced on 7/9/2018 and passed as amended by the Metropolitan King County Council on 9/17/2018, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



APPROVED this 26th day of SEPTEMBER, 2018.

Dow Constantine, County Executive

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2018 SEP 26 PM 2:40
KING COUNTY COUNCIL CLERK

Attachments: None