



Legislation Text

File #: 2018-0312, **Version:** 3

AN ORDINANCE relating to the reorganization of county executive departments; amending Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097, Ordinance 12075, Section 6, and K.C.C. 2.32.130, Ordinance 12075, Section 11, as amended, and K.C.C. 2.40.030, Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030, Ordinance 12075, Section 21, and K.C.C. 2.96.040, Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020, Ordinance 14033, Section 4, as amended, and K.C.C. 2.100.030, Ordinance 14033, Section 5, as amended, and K.C.C. 2.100.040, Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050, Ordinance 12077, Section 11, and K.C.C. 3.28.020, Ordinance 12077, Section 12, and K.C.C. 3.30.010, Ordinance 12077, Section 13, as amended, and K.C.C. 3.30.040, Ordinance 12077, Section 14, as amended, and K.C.C. 3.30.050, Ordinance 12077, Section 15, and K.C.C. 3.30.060, Ordinance 12045, Section 21, as amended, and K.C.C. 4.56.030, Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035, Ordinance 12045, Section 3, as amended, and K.C.C. 4.56.040, Ordinance 12045, Section 2, as amended, and K.C.C. 4.56.050, Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100, Ordinance 12045, Section 12, as amended, and K.C.C. 4.56.130, Ordinance 12192, Section 1, as amended, and

K.C.C. 4.56.195, Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300, Ordinance 17527, Section 7, and K.C.C. 4A.200.100, Ordinance 12076, Section 12, as amended, and K.C.C. 4A.200.110, Ordinance 13263, Section 33, as amended, and K.C.C. 4A.200.200, Ordinance 18323, Section 1, and K.C.C. 4A.200.215, Ordinance 18323, Section 2, and K.C.C. 4A.200.217, Ordinance 17752, Section 4, and K.C.C. 4A.200.262, Ordinance 18662, Section 3, and K.C.C. 4A.200.263, Ordinance 17527, Section 162, as amended, and K.C.C. 4A.200.287, Ordinance 17527, Section 148, and K.C.C. 4A.200.440, Ordinance 17527, Section 161, and K.C.C. 4A.200.450, Ordinance 17527, Section 160, as amended, and K.C.C. 4A.200.650, Ordinance 17527, Section 157, and K.C.C. 4A.200.660, Ordinance 12925, Sections 1 through 7, as amended, and K.C.C. 4A.200.760, Ordinance 18398, Section 8, and K.C.C. 4A.601.025, Ordinance 7025, Section 3, as amended, and K.C.C. 4A.700.1000, Ordinance 1888, Article I, Section 2, as amended, and K.C.C. 6.01.010, Ordinance 1492, Section 23, as amended, and K.C.C. 6.24.180, Ordinance 1710, Section 5, as amended, and K.C.C. 6.27.050, Ordinance 18326, Section 7, and K.C.C. 6.70.050, Ordinance 18326, Section 8, and K.C.C. 6.70.060, Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030, Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 2812, Section 4, as amended, and K.C.C. 9.04.060, Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070, Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090, Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100, Ordinance 12020, Section 33, as amended, and K.C.C. 9.04.105, Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120,

Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140, Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 10636, Section 6, as amended, and K.C.C. 9.12.045, Ordinance 14214, Section 6, as amended, and K.C.C. 9.14.050, Ordinance 12767, Section 2, and K.C.C. 12.44.830, Ordinance 13202, Section 1, and K.C.C. 12.44.840, Ordinance 14240, Section 1, and K.C.C. 12.44.850, Ordinance 4257, Section 6, as amended, and K.C.C. 12.46.050, Ordinance 4257, Section 8, as amended, and K.C.C. 12.46.080, Ordinance 10154, Section 4, as amended, and K.C.C. 12.82.040, Ordinance 10393, Section 1, as amended, and K.C.C. 12.82.070, Ordinance 10508, Section 1, as amended, and K.C.C. 12.82.080, Ordinance 10509, Section 1, as amended, and K.C.C. 12.82.090, Ordinance 10689, Section 1, as amended, and K.C.C. 12.82.100, Ordinance 10690, Section 1, as amended, and K.C.C. 12.82.110, Ordinance 10723, Section 1, as amended, and K.C.C. 12.82.120, Ordinance 10724, Section 1, as amended, and K.C.C. 12.82.130, Ordinance 10793, Section 1, as amended, and K.C.C. 12.82.140, Ordinance 11006, Section 1, as amended, and K.C.C. 12.82.150, Ordinance 11040, Section 1, as amended, and K.C.C. 12.82.160, Ordinance 11080, Section 1, as amended, and K.C.C. 12.82.180, Ordinance 11991, Section 1, as amended, and K.C.C. 12.82.200, Ordinance 3139, Section 2 (part), as amended, and K.C.C. 12.86.030, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140, Ordinance 9839, Sections 1 through 4, as amended, and K.C.C. 13.28.035, Ordinance 9462, Sections 1 through 3, as amended, and K.C.C. 13.28.055,

Ordinance 18754, Section 7, and K.C.C. 14.01.175, Ordinance 18420, Section 15, and K.C.C. 14.01.140, Ordinance 18420, Section 16, and K.C.C. 14.01.150, Ordinance 18420, Section 17, and K.C.C. 14.01.160, Ordinance 18420, Section 25, and K.C.C. 14.01.240, Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020, Ordinance 665, Section 1, as amended, and K.C.C. 14.04.010, Ordinance 18754, Section 26, and K.C.C. 14.08.010, Ordinance 11426, Section 1, as amended, and K.C.C. 14.16.010, Ordinance 5701, Section 18, as amended, and K.C.C. 14.16.170, Ordinance 336 (part), as amended, and K.C.C. 14.20.020, Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010, Ordinance 4895, Section 6, as amended, and K.C.C. 14.28.060, Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090, Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020, Ordinance 7025, Section 5, as amended, and K.C.C. 14.30.025, Ordinance 11187, Section 1, as amended, and K.C.C. 14.42.010, Ordinance 8047, Section 4, as amended, and K.C.C. 14.42.030, Ordinance 1711, Section 2, as amended, and K.C.C. 14.44.020, Ordinance 1711, Section 5, as amended, and K.C.C. 14.44.050, Ordinance 11790, Section 1, as amended, and K.C.C. 14.44.055, Ordinance 1711, Section 7, as amended, and K.C.C. 14.44.070, Ordinance 1711, Section 8, as amended, and K.C.C. 14.44.080, Ordinance 1711, Section 9, as amended, and K.C.C. 14.44.090, Ordinance 1711, Section 10, as amended, and K.C.C. 14.44.100, Ordinance 1711 (part), as amended, and K.C.C. 14.44.110, Ordinance 13734, Section 9, as amended, and K.C.C. 14.45.070, Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090, Ordinance 3027, Section 4, as amended, and K.C.C. 14.52.040, Ordinance 3027, Section 7, as amended, and K.C.C. 14.52.070, Ordinance 8421,

Section 4, as amended, and K.C.C. 14.56.030, Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230, Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240, Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260, Ordinance 15030, Section 9, as amended, and K.C.C. 14.70.285, Ordinance 11617, Section 61, as amended, and K.C.C. 14.80.040, Ordinance 11617, Section 63, as amended, and K.C.C. 14.80.060, Ordinance 13019, Section 1 (part), as amended, and K.C.C. 14.85.010, Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170, Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040, Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120, Ordinance 14914, Section 105, as amended, and K.C.C. 16.03.130, Ordinance 12560, Section 119, as amended, and K.C.C. 16.14.180, Ordinance 12560, Section 136, as amended, and K.C.C. 16.14.230, Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 1488, Section 10, and K.C.C. 16.82.090, Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100, Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020, Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420, Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010, Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020, Ordinance 13694, Section 13, as amended, and K.C.C. 19A.04.100, Ordinance 13694, Section 14, as amended, and K.C.C. 19A.04.110, Ordinance 13694, Section 15, as amended, and K.C.C. 19A.04.120, Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160, Ordinance 13694, Section 78, as amended, and K.C.C. 19A.24.030, Ordinance 13694, Section 81, as amended, and K.C.C. 19A.28.030, Ordinance 12824, Section 3, as amended, and K.C.C.

20.12.050, Ordinance 10293, Section 1, as amended, and K.C.C. 20.14.025, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 13147, Section 25, as amended, and K.C.C. 20.18.090, Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, Ordinance 4461, Section 1, as amended, and K.C.C. 20.22.060, Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200, Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030, Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050, Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100, Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130, Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020, Ordinance 11620, Section 12, and K.C.C. 20.62.150, Ordinance 10870, Section 40, as amended, and K.C.C. 21A.04.190, Ordinance 10870, Section 96, as amended, and K.C.C. 21A.06.280, Ordinance 10870, Section 105, as amended, and K.C.C. 21A.06.325, Ordinance 10870, Section 177, as amended, and K.C.C. 21A.06.685, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370, Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380, Ordinance 14045, Section 40, as amended, and K.C.C. 21A.14.390, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 15051, Section 139,

as amended, and K.C.C. 21A.24.055, Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061, Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290, Ordinance 13129, Section 2, as amended, and K.C.C. 21A.27.010, Ordinance 13129, Section 22, as amended, and K.C.C. 21A.27.160, Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154, Ordinance 11168, Section 9, as amended, and K.C.C. 21A.30.066, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 13733, Section 15, as amended, and K.C.C. 21A.37.160, Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030, Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040, Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020, Ordinance 18626, Section 15, and K.C.C. 21A.42.300, Ordinance 11621, Section 113, as amended, and K.C.C. 21A.43.040, Ordinance 11621, Section 114, as amended, and K.C.C. 21A.43.050, Ordinance 11621, Section 117, as amended, and K.C.C. 21A.43.080, Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020, Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050, Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060, Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101, Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010, Ordinance 13263, Section 5, as amended, and K.C.C. 23.02.040, Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120, Ordinance 12024, Section 4, as amended, and K.C.C. 23.10.030, Ordinance 10662, Section 42, as amended, and K.C.C. 27.02.010, Ordinance 14238, Section 32, as

amended, and K.C.C. 27.02.220, Ordinance 13332, Section 14, as amended, and K.C.C. 27.04.003, Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005, Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010, Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015, Ordinance 13332, Section 4, as amended, and K.C.C. 27.06.010, Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070, Ordinance 17682, Section 47, as amended, and K.C.C. 27.10.570, Ordinance 12020, Section 5, as amended, and K.C.C. 27A.20.030, Ordinance 12020, Section 6, as amended, and K.C.C. 27A.20.040, Ordinance 12020, Section 13, as amended, and K.C.C. 27A.30.020 and Ordinance 12020, Section 16, as amended, and K.C.C. 27A.30.050, adding new sections to K.C.C. chapter 4A.200, adding a new section to K.C.C. chapter 27A.20, recodifying K.C.C. 4A.200.262 and repealing Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140.

STATEMENT OF FACTS:

1. In the fall of 2017, the county executive created the local services initiative to explore new and better ways to serve the people of unincorporated King County and directed the executive's staff to begin the formation of a department of local services.
2. On April 16, 2018, the King County council passed Motion 15125 providing guidance on the establishment of a new department of local services to be operational by January 1, 2019.
3. The motion, in part, directs the executive to establish a department of local services that will work in partnership with each county council district to focus on coordinating, enhancing and improving municipal services provided to the county's unincorporated areas. Consistent with Motion 15125, this ordinance directs the executive to work in partnership with councilmembers representing unincorporated areas while evaluating policies, procedures and processes, when planning annual work

plans for the community service areas, and for public outreach to unincorporated areas.

4. To give sufficient time to update the King County Code, the council includes direction in this ordinance for the executive to treat the department of local services, permitting division, as the successor agency to the department of permitting and environmental review, and to transmit a proposed ordinance that updates the King County Code to reflect this change in agencies.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

8. Performance management and accountability:

- a. providing leadership and coordination of the performance management and accountability system countywide;
- b. overseeing the development of strategic plans and business plans for each executive branch department and office;
- c. providing technical assistance on the development of strategic plans and business plans for agencies;
- d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of county agencies;
- e. overseeing the production of an annual performance report for the executive branch;
- f. coordinating performance review process of executive branch departments and offices;
- g. collecting and analyzing land development, population, housing, natural resource enhancement, transportation and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks;
- h. leading public engagement and working in support of county performance management, budget and strategic planning; and
- i. developing and transmitting to the council a biennial report on April 30 in odd-numbered years about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects and a comparison with benefits that were projected during different stages of the project. The report shall also include a description of the expected benefits from those projects not yet completed. The report shall be approved by the council by motion. The report and motion shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers;

9. Strategic planning and interagency coordination:

- a. coordinating and staffing executive initiatives across departments and agencies;
- b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;
- c. negotiating interlocal agreements as designated by the executive; and
- d. serving as the liaison to the boundary review board for King County;

10. Business relations and economic development:

- a. developing proposed policies to address regional, unincorporated urban, and rural economic development;
- b. establishing, fostering and maintaining healthy relations with business and industry;
- c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;
- d. developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;
- e. refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and
- f. assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs; and

11. Continuous improvement:

- a. leading, coordinating and implementing a program of continuous improvement, including the provision of leadership development, transformational improvement and capacity building in Lean thinking; and
- b. providing annual reports to the council on the implementation of the continuous improvement program, including but not limited to a description of the number of people and agencies that have received training, the processes changed as a result of Lean implementation and the budget and other impacts of these

changes.

12. Regional planning:

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

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

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

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

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

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

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

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

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

3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter

41.56 RCW and required by K.C.C. Title 3, in collaboration with the human resources management division;

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

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

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

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

a. liquor licenses under chapter 66.20 RCW; and

b. licenses for marijuana producers, processors or retailers under chapter 69.50 RCW.

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

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

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

SECTION 2. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are each hereby amended

to read as follows:

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

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

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;
2. Enforcing county and state laws relating to animal control;
3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;
4. Processing all real estate tax affidavits; and
5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

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

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;
2. Performing the functions of the county treasurer;
3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;

4. Processing transit revenue;
5. Receiving and investing all county and political subjurisdiction moneys;
6. Managing the issuance and payment of the county's debt instruments;
7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;
9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;
11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;

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

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

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

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

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

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

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs;
2. Developing proposed and administering adopted policies and procedures for:
 - a. employment, including recruitment, examination and selection;
 - b. classification and compensation; and
 - c. salary administration;
3. Developing proposed and administering adopted human resources policy;
4. Providing technical and human resources information services support;

5. Developing and managing insured and noninsured benefits programs, including proposing policy recommendations, negotiating benefits plan designs with unions, preparing legally mandated communications materials and providing employee assistance and other work and family programs;

6. Developing and administering diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution training;

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

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

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

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

11. Overseeing the county's unemployment compensation program;

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

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

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

1. Overseeing space planning for county agencies;
2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department of natural resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;
11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, surface water management projects and parks and recreation;
12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:
 - a. administering professional services and construction contracts;
 - b. acting as the county's representative during site master plan, design and construction activities;
 - c. managing county funds and project budgets related to capital projects;

- d. assisting county agencies in the acquisition of appropriate facility sites;
- e. formulating guidelines for the development of operational and capital project plans;
- f. assisting user agencies in the development of capital projects and project plans, as defined and provided for in K.C.C. chapter 4A.100;
- g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
- h. ensuring the conformity of capital project plans with the adopted space plan and agency business plans;
- i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;
- j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;
- k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;
- l. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and
- m. providing assistance in developing the executive budget for capital projects; and

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

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

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

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

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

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

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

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

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

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

2. Managing and maintaining the airport system infrastructure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The implementation and maintenance of the human resources systems of record for all human

resources data for county employment purposes.

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

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

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

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

3. Develop and implement programs and strategies that emphasize:

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

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

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

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

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

f. pursuing innovative funding strategies.

B. The department shall also manage the community service area framework adopted by Ordinance 17139, which shall be called the community service area program. The community service area program shall develop and implement programs and services to help all residents of unincorporated King County be more knowledgeable of, better served by and heard by King County departments and agencies. The community service area program shall work with all county departments and agencies whose services, programs and projects are of interest to unincorporated area residents, to promote successful public engagement. The work program developed for each community service area shall include input from the councilmember or councilmembers who represent that area. The work program shall include, but not be limited to, the required elements in Ordinance 17139, potential action items for the area, known planning activities for the area, and public meetings for the area. The community service area program shall provide regular updates to that councilmember or councilmembers on the progress of the work program throughout the year.

C. Until an ordinance that makes changes to the King County Code required in section 217 of this ordinance is effective, the permitting division shall be considered the successor agency to the department of permitting and environmental review. Therefore, upon effectiveness of this ordinance and until an ordinance required by section 217 is effective, where the code states or intends a decision to be made or action to be implemented by the department of permitting and environmental review, those decisions or actions shall be performed by the permitting division.

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

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

~~((2-))~~ b. ~~((M))~~ managing the development and implementation of unincorporated subarea plans in coordination with the regional planning function in K.C.C. 2.16.025 and in accordance with the King County

Comprehensive Plan and state Growth Management Act requirements;

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

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

~~((5-))~~ e. ~~((E))~~ effective processing and timely review of land development proposals, including zoning variance and reclassification, master drainage plans, variances from the surface water design manual and the King County road standards, critical area, subdivision, right-of-way use, urban planned development, clearing and grading, shoreline, special use and conditional use applications;

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

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

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

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

a. county planning director;

b. zoning adjuster;

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

d. county building official; and

e. county fire marshal.

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

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

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

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

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

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

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

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

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

8. Preparing, maintaining and administering the county road standards;

9. Preparing and administering multiyear roads maintenance and capital construction plans and periodic updates;

10. Administering the transportation concurrency and mitigation payment programs; and

11.a. Performing the duties of the office of the county road engineer, which is hereby established as an administrative office of the road services division. The office of the county road engineer shall be an office of record, supervised by the county road engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the road services division. The office of the county road engineer shall be located within the corporate limits of the county seat.

b. The county road engineer shall carry out all duties assigned to the county road engineer as prescribed by state statute, except as modified by the county executive as authorized in subsection E.11.c. of this section.

c. The county executive may assign professional engineering duties of the county road engineer to someone other than the county road engineer, except as otherwise assigned by King County Code, and only if the individual assigned those duties shall be qualified as required under RCW 36.80.020. The executive shall provide to the county council and the Washington state County Road Administration Board, in writing, those specific professional engineering duties not assigned to the county road engineer, the name and position of each person responsible for carrying out those assigned duties, the specific reporting and working relationships with the county road engineer and the duration for which those duties have been assigned.

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

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

1. When the costs of the effort to collect the civil fine or penalty exceeds the recoupable fines and penalties, or
2. When the civil fine, penalty or abatement cost is determined to be uncollectable in the foreseeable

future.

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

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

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

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

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

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

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

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

The advisory council shall, subject to contractual commitments entered into prior to the date of the ordinance codified in this section, recommend and promulgate rules and procedures to insure proper design procedures as they relate to alignment and geometry, adequate specifications for construction, rules for

purchase of right-of-way, and other rules deemed advisable to the conduct of developing an integrated arterial system for the residents of King County.

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

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

The manager of the road services division will prepare and forward an agenda for all members prior to each meeting and will prepare and distribute the minutes of each meeting and include a summary of information concerning discussions of the meeting and a review of previous advisory council actions pertinent to discussion subjects.

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

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

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

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

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

A. The commission shall consist of fifteen members; the members shall serve terms of three years as

specified in K.C.C. chapter 2.28.

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

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

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

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

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

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

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

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

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

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

c. residential forest landowners with greater than twenty acres of rural forest land enrolled in the

Forest Land Designation (chapter 84.33 RCW) program; and

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

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

3. The Washington Department of Natural Resources;

4. Affected Indian tribes;

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

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

7. Rural cities.

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

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

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

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

1. "Alcohol" means a mixture containing no less than eighty-five percent methanol, ethanol or other

alcohols, in any combination, by volume.

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

- a. alcohol.
- b. dual energy.
- c. electricity.
- d. natural gas.
- e. propane.
- f. human powered.

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

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

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

~~B. ((Goals. The director shall ensure that at least fifty percent of the vehicles purchased by King County in 1992 shall operate using alternative fuel. At least seventy five percent of the vehicles purchased by King County in 1993 shall operate using alternative fuel.~~

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

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

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

For the purpose of this chapter:

A. "Department" means executive departments and administrative offices, the sheriff's office, the

department of assessments, the department of judicial administration, the department of elections, county boards, commissions, committees and other multimember bodies. However, "department" does not include the legislative branch and all offices established under Article 2 of the King County Charter, the hearing examiner, the board of appeals, the personnel board, the board of health, superior courts, district courts and the prosecuting attorney's office.

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

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

- a. the violation of which subjects a person outside county employment to a penalty;
- b. that subjects a person outside of county employment to the payment of a fee;
- c. that establishes, alters or revokes any procedure, practice or requirement relating to a department

hearing; or

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

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

- a. a statement concerning only the internal management of a department and not affecting private rights or procedures available to the public;
- b. a declaratory ruling issued in accordance with an ordinance; or
- c. a traffic restriction for motor vehicles, bicyclists and pedestrians established by the director of the department of ~~((transportation))~~ local services, the director of the Metro transit department or their designees if an official traffic control device gives notice of the restriction.

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

A. A person may request a code interpretation by submitting a request in accordance with this chapter.

The director may also issue a code interpretation on the director's own initiative.

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

C. A code interpretation request must:

1. Be in writing and shall be clearly labeled "Request for Code Interpretation." Failure to satisfy this requirement relieves the director of any obligation to acknowledge or otherwise process the request;
2. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;
3. Identify the specific section or sections of King County's development regulations for which an interpretation is requested;
4. Identify the parcel or site, if the code interpretation request involves a particular parcel of property or site;
5. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;
6. Be accompanied by the fee required under K.C.C. 2.100.070; and
7. Be limited to a single subject, which may require interpretation of one or more code sections.

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

applicable:

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

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

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

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

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

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

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

other appropriate method of delivery.

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

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

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

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

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

E. The director shall maintain a list of indexed code interpretations for public inspection and post the

index and code interpretations on a King County web site and transmit a copy of each code interpretation to the clerk of the King County council.

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

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

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

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

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

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

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

members:

1. The Central Region Emergency Medical Services and Trauma Care Council;
2. Each city with a population of over one hundred thousand;
3. Electric and gas utilities;
4. The financial community;
5. The King County Fire Chiefs Association;
6. The King County Fire Commissioners Association;
7. The King County Police Chiefs Association;
8. Local emergency planning committees;
9. The Port of Seattle;
10. Private business and industry;
11. The Puget Sound Educational Service District;
12. The King and Kitsap Counties Chapter of the American Red Cross;
13. Water and sewer districts;
14. The Sound Cities Association;
15. The Washington Association of Building Officials;
16. The King County executive or ~~((the executive's))~~ designee;
17. The King County department of natural resources and parks;
18. The King County department of ~~((transportation))~~ local services;
19. The King County Metro transit department;
20. The King County department of executive services;
21. The Seattle-King County department of public health;
- ~~((21.))~~ 22. The Muckleshoot Tribe;

~~((22.))~~ 23. The Snoqualmie Tribe;

~~((23.))~~ 24. The King County sheriff's office;

~~((24.))~~ 25. The Northwest Healthcare Response Network; and

~~((25.))~~ 26. A faith-based organization prepared to provide emergency relief services to the public.

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

1. Advise King County on emergency management issues and facilitate coordination of regional emergency planning in King County;

2. Assist King County in the development of programs and policies concerning emergency management; and

3. Review and comment on proposed emergency management rules, policies or ordinances before the adoption of the rules, policies or ordinances.

D.1. The executive shall appoint regular members and one alternate member for each regular member of the committee, subject to confirmation by the council.

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

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

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

5. Memberships are not limited as to numbers of terms, but regular and alternate members shall

participate in a reappointment process every three years. Reappointment is subject to confirmation by the county council.

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

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

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

F. The office of emergency management shall provide ongoing administrative support to the committee.

G. Members of the committee shall serve without compensation.

SECTION 14. Ordinance 12077, Section 11, and K.C.C. 3.28.020 are each hereby amended to read as follows:

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

SECTION 15. Ordinance 12077, Section 12, and K.C.C. 3.30.010 are each hereby amended to read as follows:

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

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

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

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

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

E. Require the fleet ((~~administration~~)) services division of the department of ((~~transportation~~)) executive services to ((~~re-evaluate~~)) reevaluate all take-home vehicle assignments in accordance with the policies and criteria established ((~~herein~~)) in this section.

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

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

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

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

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

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

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

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

B. Mileage including a breakdown of commuting mileage and work related mileage based on a trip log;

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

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

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

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

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

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

A. The fleet ~~((administration))~~ services division shall review the department and agency inventory reports and investigate any large or unusual lost, stolen or unlocatable inventory amounts. The division shall compare current year amounts with previous years and to what is currently on hand. "Large" shall mean any dollar amount equal to, or in excess of, the current capitalization rate.

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

level in accordance with guidelines established by the fleet ((~~administration~~)) services division, personal property section.

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

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

E. At each sale a bidder sign-up sheet shall be posted to indicate whether the bidder is employed by the county, and, if so, in which department or agency, or whether any member of their immediate family is employed by the county and, if so, in which department or agency.

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

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

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

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

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

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

D. If the director or manager determines an employee to be negligent in the care of the property assigned to the employee or if a terminated employee fails to return personal property assigned to the employee, then the county may pursue any remedy available at law for recovery of loss of property. If a career service employee is disciplined, that employee has the right to the full protection of the county disciplinary-grievance process as established by applicable union bargaining agreements and the county code provisions and administrative guidelines for the career service.

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

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

If the item or lot of surplus personal property carries a depreciated value of not less than five thousand dollars and not more than two hundred fifty thousand dollars in the current inventory, a survey committee will be convened to estimate the market value of an item of personal property, and the committee shall then advise the date, location and manner of sale that is likely to be the most advantageous to the county. The originating department, the manager of the fleet (~~((administration))~~) services division, and the director of the department of (~~((transportation))~~) executive services are to be represented on each survey committee that is convened. When the survey committee determines that an item or lot of surplus personal property carries a depreciated value of two hundred fifty thousand dollars or more, the county executive shall not dispose of said personal property

without prior approval by motion of the council. The motion approved by the council shall state concisely a description of the item or lot of surplus personal property and procedures to be followed by the executive in disposing of the personal property through sale.

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

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

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

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

1. County property is sold to a governmental agency;
2. The county executive has determined an emergency to exist; or the county council, by ordinance, has determined that unique circumstances make a negotiated direct sale in the best interests of the public;
3. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;
4. The facilities management division has determined that the county will receive a greater return on real property when it is listed and sold through a residential or commercial real estate listing service;
5. County personal property is traded in on the purchase of another article;
6. Property has been obtained by the county through the proceeds of grants or other special purpose funding from the federal or state government, wherein a specific public purpose or purposes are set forth as a condition of use for the property, that purpose or purposes to be limited to the provision of social and health services or social and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in the best interest of the county, in each instance, upon recommendation by the county executive and approval by the

county council, that in order to fulfill the condition of use, the county may sell or otherwise convey the property in some other manner consistent with the condition of use; however, the county may only convey the property to private, nonprofit corporations duly organized according to the laws of the state of Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by chapter 43.83D RCW;

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

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

9. The facilities management division for real property and the fleet (~~((administration))~~) services division for personal property, in consultation with the county executive and the county council, may, in the best interests of the county, donate or negotiate the sale of either county surplus personal property or real property, or both, with bona fide nonprofit organizations wherein the nonprofit organizations provide services to the poor and infirm or with other governmental agencies with whom reciprocal agreements exist. Such transactions shall be exempt from the requirements of fair market value, appraisal and public notice. Where a department has identified personal property that is appropriate for surplusing to nonprofit organizations, the department shall utilize the fleet (~~((administration))~~) services division to manage the surplusing process, and the fleet (~~((administration))~~) services division shall ensure that the personal property is in good working order, that county data and inventory tags are removed and that consistent records of donations and sales are retained. The facilities management division or fleet (~~((administration))~~) services division, as applicable, also may, in the best interest of the county, procure services to support King County in lieu of payment with nonprofit organizations who provide services that will benefit the public. Such transactions are based upon the recommendation of the facilities management division or fleet (~~((administration))~~) services division, as applicable, and the department

having custodianship of the property. The facilities management division or fleet (~~(administration)~~) services division, as applicable, shall maintain a file of appropriate correspondence or such information that leads to a recommendation by the division to the county executive and the county council to undertake such transactions, and such information shall be available for public inspection at the facilities management division or fleet (~~(administration)~~) services division, as applicable. The facilities management division or fleet (~~(administration)~~) services division, as applicable, may also seek reimbursement from the benefiting organization for the administrative costs of processing the surplus property;

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

11. The county property is located in a historic preservation district within the Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-site mixed use development consistent with historic preservation requirements, which includes affordable housing and which may also include market rate housing, retail or other uses, and which is selected after a competitive request for proposal process; or

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

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

(1) before declaring the property surplus to the future foreseeable needs of the county under K.C.C. 4.56.070, because the property is neither necessary for the essential government services of any other county

department nor needed by any other county department, the facilities management division must have recommended to the executive that engaging in a negotiated direct sale with that governmental agency would be in the best interests of the public; and

(2) within sixty days of the facilities management division making its recommendation, the executive shall report by letter the executive's intent to engage in the direct negotiation for the conveyance of the real property. The letter shall describe the proposed terms of the sale, including, but not limited to, the primary intended use of the property proposed by the governmental agency and the public benefits expected to be provided by the governmental agency. The letter shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff to the budget and fiscal management committee or its successor.

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

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

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

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

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

D. Whenever the procedures of a grant agency having an interest in real or personal property requires disposition in a manner different from the procedures set forth in this chapter, the property shall be disposed of

in accordance with the procedures required by this chapter unless the grant agency specifically requires otherwise.

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

1. Demonstrated capacity to support ongoing van operation, including assured funding for licensing, insuring, fueling and maintaining the van;
2. Ability to provide qualified and trained drivers;
3. Specific plans for use of the van to transport low-income, elderly or young people or people with disabilities, and assurance that the use shall be available to those persons without regard to affiliation with any particular organization;
4. Geographic distribution of the van allocations in order to address the mobility needs of low-income, elderly or young people or people with disabilities countywide; and
5. Ability to support county's public transportation function by reducing single occupancy vehicle trips, pollution and traffic congestion; supplementing services provided by the county's paratransit system and increasing the mobility for the transit-dependent for whom regular transit might not always be a convenient option.

SECTION 24. Ordinance 12045, Section 12, as amended, and K.C.C. 4.56.130 are each hereby amended to read as follows:

A. The county organizations responsible for conducting sales shall be reimbursed for advertising, postage and selling fees, if any, from the proceeds of the sale. The manager of the finance and business operations division is authorized to establish such funds and accounts necessary to deposit sale proceeds until

final disposition. The balance of the proceeds shall be deposited into the proper county fund or account, as directed by the facilities management division, the fleet (~~(administration)~~) services division or the county council, as applicable.

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

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

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

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

1. The broker shall provide notice to the public of the availability of the vehicles;
2. The broker shall receive a commission as negotiated with the county and set forth in the broker contract;
3. The term of the broker contract may be for greater than one year but shall not exceed three years; and
4. The county reserves the right to transfer or sell vehicles outside of the broker contract to governmental, quasi-governmental and social service agencies and other parties selected by the executive or the council, as applicable, and in the event of such transfers or sales, shall owe no commission or other payments to the broker except to the extent the broker has incurred costs related to vehicles provided to the broker but subsequently withdrawn from the broker by the county.

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

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

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

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

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

3.a. Vehicle replacement cycles shall, to the extent practicable, be consistent for each class of vehicle. The optimal mileage at which each class of vehicle should be replaced shall be established by the fleet

managers using criteria such as purchase price, depreciation and maintenance costs. All county fleets will apply the same criteria to establish the optimal mileage and the maximum life cycle.

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

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

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

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

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

(b) vehicle utilization data;

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

(5) other elements((

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

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

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

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

1. Vehicle types for purchase for standard passenger cars, trucks and sport utility vehicles for the next calendar year;
2. Standard maintenance schedules for routine safety and service work for each type of vehicle; and
3. Vehicle life including both optimal mileage and maximum life cycle for vehicle replacement planning.

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

- A. There is hereby created the airport capital fund.
- B. The fund shall be a first tier fund. It is an enterprise capital fund.
- C. The director of the department of (~~transportation~~) executive services shall be the manager of the fund.
- D. All receipts from the Federal Aviation Administration shall be deposited in the fund.
- E. The fund shall remain intact from year to year and is pledged to the payment of both interest and bond redemption of those bonds that were issued for the acquisition, construction or maintenance of the King County international airport.

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

- A. There is hereby created the airport operating fund.
- B. The fund shall be a first tier fund. It is an enterprise fund.
- C. The director of the department of (~~transportation~~) executive services shall be the manager of the fund.

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

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

SECTION 29. Ordinance 13263, Section 33, as amended, and K.C.C. 4A.200.200 are each hereby amended to read as follows:

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

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

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

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

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

F. Withdrawals from the moneys collected under this section for the purpose of funding administrative costs within the code enforcement section of the department of (~~(permitting and environmental review)~~) local services shall not exceed one hundred seventy-five thousand dollars in a calendar year.

SECTION 30. Ordinance 18323, Section 1, and K.C.C. 4A.200.215 are each hereby amended to read as follows:

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

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

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

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

SECTION 31. Ordinance 18323, Section 2, and K.C.C. 4A.200.217 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. There is hereby created a roads capital fund.

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

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

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

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

A. There is hereby created a roads operating fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The Metro transit department for public transportation fares.

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

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

B. The fee shall be collected in accordance with administrative procedures developed by the

department of ~~((transportation))~~ local services, road services division.

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

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

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

B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of the records and licensing services division, department of executive services or designee. For all other business licenses, permits or certificates, "director" means the ~~((director))~~ manager of the department of ~~((permitting and environmental review))~~ local services, permitting division or designee;

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

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

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

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

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

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

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

A. Every advertisement by a licensee advertising or soliciting business shall contain the company name

and address as they appear in the records of the department of ~~((permitting and environmental review))~~ local services, permitting division.

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

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

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

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

1. King County department of executive services; and
2. King County department of ~~((transportation))~~ local services.

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

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

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

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

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

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

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

The operators of all existing shooting sports facilities shall apply for an operating license no later than April 9, 1994. The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. The application shall be made on a form prescribed by the manager of the records and licensing services division. The records and licensing services division is authorized to issue such a license after a determination that the application is accurate and complete, and includes a notarized certification by the shooting sports facility operator that the facility meets commonly accepted shooting facility safety and design practices and will be operated in a manner which protects the safety of the general public. The records and licensing services division shall base its licensing determination on the review and concurrence of the King County departments of public safety and ((

~~permitting and environmental review~~)) local services, permitting division or ((~~their~~)) designees. This section shall not relieve the applicant of any obligation to obtain any other required land use or building permits or approvals, except shooting sports facilities in operation before January 9, 1994, shall not be required to seek new land use or building permits solely for issuance of a license.

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

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

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

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

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

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

E. "Best management practice" or "BMP" means any schedule of activities, prohibition of practices,

maintenance procedure, or structural and/or managerial practice approved by King County that, when used singly or in combination, prevents or reduces the release of pollutants and other adverse impacts to surface water, stormwater and groundwater.

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

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

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

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

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

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

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

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

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

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

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

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

R. "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the King County Code; or provide secured warranty of materials, quality of work of the improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the ((director of the)) department of ((~~permitting and environmental review~~)) local services permitting division

manager or designee. "Performance guarantee," "maintenance guarantee" and "defect guarantee" are considered subcategories of financial guarantee.

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

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

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

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

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

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

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

1. The area of a commercial or industrial site subject to:

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

b. petroleum storage or transfer in excess of one thousand five hundred gallons per year, not including routine heating oil storage or transfer at the end-user point of delivery; or

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

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

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

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

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

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

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

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

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

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

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

structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

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

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

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

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

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

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

MM. "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in stormwater runoff. "Pollution-generating impervious surface includes those surfaces subject to vehicular use; industrial activities; or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be

included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching. Roofs exposed to the venting of significant amounts of dusts, mists or fumes from manufacturing, commercial or other indoor activities are also included, as are vegetated roofs exposed to pesticides, fertilizers or loss of soil.

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

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

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

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

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

RR. "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For structures, "removed" means the removal of buildings down to the

foundation. For other impervious surfaces, "removed" means the removal down to base course or bare soil. For purposes of this definition, "base course" means the layer of crushed rock that typically underlies an asphalt or concrete pavement.

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

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

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

1. Would result in impervious and new pervious surface insufficient to require a flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water Design Manual; and
2. Meets the simplified drainage requirements and BMPs specified in the Surface Water Design Manual, including flow control BMPs, construction stormwater pollution prevention BMPs, and drainage plan submittal requirements.

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

WW. "Stormwater" means the water produced during precipitation or snowmelt, which runs off, soaks into the ground or is dissipated into the atmosphere. Stormwater that runs off or soaks into the ground

ultimately becomes surface water or groundwater.

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

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

ZZ. "Subbasin" means a geographic area that:

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

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

BBB. "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and stormwater design and analysis requirements, procedures and guidance. The "Surface Water Design Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is available from the department of ~~((permitting and environmental review))~~ local services, permitting division, or the department of natural resources and parks, water and land resources division₂, or their successors ~~((agencies))~~.

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

DDD. "Water quality facility" means a drainage facility designed in accordance with the drainage

requirements in this chapter to mitigate the impacts of increased pollutants in stormwater runoff generated by site development. A "water quality facility" uses processes that include but are not limited to settling, filtration, adsorption and absorption to decrease pollutant concentrations and loadings in stormwater runoff.

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

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

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

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

3. Core requirement 3: Flow control facilities. Proposed projects that would result in five thousand

square feet or more of new plus replaced impervious surface or three quarters of an acre or more of new pervious surface shall provide flow control facilities to control stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water Design Manual:

- a. Level One shall match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;
 - b. Level Two shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or
 - c. Level Three shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period;
4. Core requirement 4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;
5. Core requirement 5: Construction stormwater pollution prevention. All proposed projects that will conduct construction activities onsite or offsite or will clear, grade or otherwise disturb the site shall provide stormwater pollution prevention controls, spill controls, and erosion and sediment controls-to-prevent, reduce or eliminate the discharge of pollutants including sediment to onsite or adjacent drainage facilities, adjacent

properties and surface water or groundwater. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 and as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual;

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

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

8. Core requirement 8: Water quality facilities. Proposed projects that would result in five thousand square feet or more of new plus replaced pollution generating impervious surface or three quarters of an acre or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality facilities to treat polluted stormwater runoff generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual.

However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of ~~((permitting and environmental review))~~ local services, permitting division, approves a landscape management plan that controls solids, pesticides, fertilizers and other erodible or leachable materials leaving the site. Water quality facilities shall meet the area-specific

water quality facility requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in a. through d. of this subsection A.8. for ninety-five percent of the annual average runoff volume:

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

9. Core requirement 9: Flow control BMPs. Proposed projects that would result in two thousand square feet or more of new plus replaced impervious surface or seven thousand square feet or more of land disturbing activity shall provide flow control BMPs that use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention and reduced impervious surface footprint to mimic pre-developed hydrology and minimize stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control BMPs shall be applied to manage stormwater runoff from the aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs specific to the project location, size and impervious coverage; or as required to demonstrate that developed discharge durations from the surfaces match pre-developed durations for those surfaces for the range of predeveloped discharge rates from eight percent of the two-year peak flow to fifty percent of the two-year peak flow as specified in the Surface Water Design Manual.

B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall meet any of the

following special requirements that apply to the site and that are described in detail in the Surface Water Design Manual. The department performing drainage review as specified in K.C.C. 9.04.070 shall verify if a proposed project is subject to and must meet any of the following special requirements.

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

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

3. Special requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual;

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

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

Manual:

- a. a project that creates a high-use site;
- b. a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; or
- c. a redevelopment project that results in new plus replaced pollution-generating impervious surface of five thousand square feet or more or new pollution-generating pervious surface of three quarters of an acre or more.

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

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

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

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

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

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

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

D. The drainage review requirements in this section and in the Surface Water Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060. SECTION 52. Ordinance 2812, Section 4, as amended, and K.C.C. 9.04.060 are each hereby amended to read as follows:

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

SECTION 53. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are each hereby amended

to read as follows:

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

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

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

4. Drainage plans not subject to drainage review by the department of (~~permitting and environmental review~~) local services, permitting division, under subsection A.1. of this section shall be reviewed by the water and land resources division of the department of natural resources and parks in accordance with K.C.C.

9.04.050. Project applicability and compliance with K.C.C. 9.04.050 shall be documented in writing and available for review.

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

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

D. All submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual. SECTION 54. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are each hereby amended to read as follows:

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

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

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

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

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

SECTION 55. Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100 are each hereby amended to read as follows:

The applicant required to construct the drainage facility pursuant to K.C.C. chapter 9.04 shall maintain a combined single limit per occurrence liability policy in the amount established annually by the King County risk management program, which shall name King County as an additional insured and protect King County from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the ~~((director of permitting and environmental review prior to))~~ the department of local services permitting division

manager or designee before commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, King County may initiate enforcement action pursuant to K.C.C. Title 23.

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

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

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

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

1. Under a maintenance guarantee or defect guarantee;
2. A private road conveyance system;
3. Released from all required financial guarantees prior to July 7, 1980(~~(:)~~);
4. Located within and serving only one single family residential lot;
5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
7. Previously terminated for assumption of maintenance responsibilities by the department in accordance with K.C.C. 9.04.110; or

8. Not otherwise accepted by the county for maintenance.

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

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

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

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

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

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

on a case-by-case basis.

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

A.1. The director is authorized to promulgate and adopt administrative rules under the procedures specified in K.C.C. chapter 2.98, for the purpose of implementing and enforcing this chapter. Adopted administrative rules are available to the public from the department of ~~((permitting and environmental review))~~ local services, permitting division, or the department of natural resources and parks, water and land resources division. This includes, but is not limited to, the Surface Water Design Manual. Administrative rules adopted in accordance with to this section shall be posted to the websites of the department of ~~((permitting and environmental review))~~ local services, permitting division, and the department of natural resources and parks, water and land resources division, as well as any other website maintained by the executive to provide the public access to adopted public rules. The director should provide email notification to the council when an administrative rule adopted in accordance with this section has been posted to the websites. The email notification shall be sent to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

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

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

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

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

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

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

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

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

B. "Department" means the department of natural resources and parks or its successor ((agency)).

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

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

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

F. "Effective impervious area" means the portion of actual impervious area that is connected, or has the

effect of being connected as defined in the King County Surface Water Design Manual, directly to the storm water drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches.

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

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

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

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

K. "Impervious surface" means either a hard surface area that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions before development, or a hard surface area that

causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions before development, or both. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered flow control facilities shall not be considered as impervious surfaces.

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

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

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

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

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

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

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

S. "Program" means the surface water management program as created and established in this chapter.

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

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

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

W. "Service area" means unincorporated King County.

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

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

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

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

BB. "Surface and storm water" means water originating from rainfall and other precipitation that is

found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

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

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

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

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

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

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

districts or other governmental agencies.

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

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

D. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a

particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by King County.

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

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

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

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

surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

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

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

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

L. It is a finding of the county that the majority of the parcels in the service area are residential. The

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

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

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

O. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water

management system. The rate charged county roads and state highways shall reflect the benefit that county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the surface water management program to improve regional surface and storm water management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 90.03.525.

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

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

with the plan.

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

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

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

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

areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish that inhabit sensitive areas. Based upon the findings in this subsection, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

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

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

to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

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

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

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

A. The director is authorized to implement this chapter. The director is authorized to promulgate and adopt administrative rules and regulations under the procedures specified in K.C.C. chapter 2.98 for the purpose of implementing and enforcing this chapter. The director shall coordinate the implementation and enforcement of this chapter with other departments of King County government. Administrative rules adopted in accordance with this section shall be posted to the websites of the department of ~~((permitting and environmental review))~~ local services, permitting division, and the department of natural resources and parks, water and land resources division, or their successors ~~((agencies))~~, as well as any other website maintained by

the executive to provide the public access to adopted public rules. The director should provide email notification to the council when an administrative rule adopted in accordance with this section has been posted to the websites. The email notification shall be sent to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

B. Whenever necessary to make an inspection to enforce any provision of this chapter, to monitor for proper implementation of BMPs or whenever the director has reasonable cause to believe that violations of this chapter are occurring, the director may enter the premises at all reasonable times to inspect or perform any duty imposed by this chapter; but if the premises are occupied, the director shall first make a reasonable effort to locate the owner or other person in control of any building, structure, property or portion thereof and seek entry. Unless entry is consented to by the owner or other person in control of any building, structure, property or portion thereof, or conditions are believed to exist which create a threat of immediate and substantial harm, the director, before entry, shall obtain a search warrant as authorized by the laws of the state of Washington. The director should provide email notification to the council in a timely manner after entering a property without permission. The email notification shall be sent to the clerk of the council, who shall retain the original email and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

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

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

1. Oversee implementation of King County's groundwater protection program;
2. Provide staff support to any groundwater protection committee appointed by King County and respond to the committees in a timely manner regarding the adoption of committee recommendations;

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

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

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

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

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

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

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

groundwater protection;

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

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

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

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

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

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

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

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

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

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

B. Consistent with K.C.C. 12.44.070, no watercraft equipped with motor propulsion other than internal combustion shall be operated on Lake Langlois at a speed in excess of eight miles per hour.

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

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

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

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

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

A. Less than thirty days duration:

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

2. The moorage or anchorage shall not deprive or materially interfere with the reasonable water access of properties adjacent to or in the vicinity of the requested water area, nor shall the moorage or anchorage encroach on or over privately owned property without the consent of the property owner;

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

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

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

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

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

any persons by reason of or related to the use and occupation of the waters by the permit holder;

B. Thirty days or greater duration:

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

2. The applicant shall provide to the director a certificate of seaworthiness from a marine surveyor who is certified by the National Association of Marine Surveyors or from a person certified by a similar professional organization acceptable to the director, except this condition shall not apply to obstructions; and

3. Maximum duration shall be three hundred sixty-five days, subject to renewal in accordance with K.C.C. 12.46.090; and

C. Discretionary conditions: In addition to the mandatory conditions specified above, the director may, within the director's reasonable discretion, require that any one or combination of the following conditions be met:

1. That the applicant, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the director sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waters, naming the County of King as an additional insured;

2. That the vessel, watercraft or obstruction connect its plumbing system to the nearest available county sanitary sewers;

3. That the vessel, watercraft or obstruction permit the moorage of vessels or watercraft alongside and access thereto;

4. That the vessel, watercraft or obstruction be removed as soon as privately owned or controlled moorage space becomes available; or

5. Any other condition reasonably related to protecting the public safety, health or welfare.

SECTION 67. Ordinance 4257, Section 8, as amended, and K.C.C. 12.46.080 are each hereby amended to read as follows:

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

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

C. The application shall be referred to the department of (~~permitting and environmental review~~) local services, permitting division, for comment and recommendation thereon.

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

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

SECTION 68. Ordinance 10154, Section 4, as amended, and K.C.C. 12.82.040 are each hereby amended to read as follows:

The clerk of the council shall send notice of adoption of each ordinance approving a map pursuant to K.C.C. 12.82.020 or K.C.C. 12.82.030 of this chapter to the clerks of the district and superior courts, the office of the prosecuting attorney, the department of (~~transportation~~) local services, the department of public safety, the department of natural resources and parks, the police department of each jurisdiction within which each mapped school or park is located and the records and licensing services division as the custodian of official county records.

SECTION 69. Ordinance 10393, Section 1, as amended, and K.C.C. 12.82.070 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Catholic Archdiocese are hereby adopted for:

- A. John F. Kennedy Memorial High School;
- B. St. Francis of Assisi Elementary School;
- C. St. Bernadette Elementary School;
- D. Eastside Catholic High School;
- E. St. Luke School; and
- F. Holy Family School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Catholic Archdiocese, as supported by Archdiocese endorsement, have been filed with the clerk of the council and are on file with the King County department of (~~transportation~~) local services, road services division, and the King County department of executive services, records and licensing services division.

SECTION 70. Ordinance 10508, Section 1, as amended, and K.C.C. 12.82.080 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - H located

within the Federal Way School District are hereby adopted:

- A. Camelot Elementary School;
- B. Lake Dolloff Elementary and Kilo Junior High Schools;
- C. Lakeland Elementary School;
- D. North Lake Elementary School;
- E. Rainier View Elementary School;
- F. Valhalla Elementary School;
- G. Woodmont Elementary School; and
- H. Thomas Jefferson High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Federal Way School District, as supported by the Federal Way School District, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 71. Ordinance 10509, Section 1, as amended, and K.C.C. 12.82.090 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - N-2 located within the Lake Washington School District are hereby adopted:

- A. Louisa May Alcott Elementary School;
- B-1 and B-2. Emily Dickinson Elementary and Evergreen Junior High Schools;
- C. Robert Frost Elementary School;
- D. Christa McAuliffe Elementary School;
- E. Margaret Mead Elementary School;
- F. John Muir Elementary School;
- G. Carl Sandburg Elementary School;

- H-1 and H-2. Samantha Smith Elementary School;
- I. Henry David Thoreau Elementary School;
- J-1 and J-2. Laura Ingalls Wilder Elementary School;
- K. Finn Hill Junior High School;
- L-1, L-2 and L-3. Inglewood Junior High School;
- M. Kamiakin Junior High School; and
- N-1 and N-2. Site 86.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Lake Washington School District, as supported by the Lake Washington School District, are on file with the department of ~~((transportation))~~ local services, road services division, and the department of executive services, records and licensing services division.

SECTION 72. Ordinance 10689, Section 1, as amended, and K.C.C. 12.82.100 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - Y located within the Kent School District No. 415 are hereby adopted:

- A. Carriage Elementary School;
- B. Cedar Valley Hill Elementary;
- C. Covington Elementary School;
- D. Crestwood Elementary School;
- E. Fairwood Elementary School;
- F. Grass Lake Elementary School;
- G. Horizon Elementary School;
- H. Jenkins Creek Elementary School;
- I. Lake Youngs Elementary School;

- J. Martin Sortun Elementary School;
- K. Meridian Elementary School;
- L. Panther Lake Elementary School;
- M. Park Orchard Elementary School;
- N. Pine Tree Elementary School;
- O. Ridgewood Elementary School;
- P. Soos Creek Elementary School;
- Q. Springbrook Elementary School;
- R. Sunrise Elementary School;
- S. Administration Center;
- T. Mattson Junior High School;
- U. Meeker Junior High School;
- V. Meridian Junior High School;
- W. Junior High Site No. 6;
- X. Kentridge Senior High School; and
- Y. Kentwood Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Kent School District No. 415, as supported by Kent School District No. 415, are on file with the department of ~~((transportation))~~ local services, road services division, and the department of executive services, records and licensing services division.

SECTION 73. Ordinance 10690, Section 1, as amended, and K.C.C. 12.82.110 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - M located within the Renton School District No. 403 are hereby adopted:

- A. Benson Hill Elementary School;
- B. Campbell Hill Elementary School;
- C. Cascade Elementary School;
- D. Hazelwood Elementary School;
- E. Lakeridge Elementary School;
- F. Maplewood Heights Elementary School;
- G. Renton Park Elementary School;
- H. Sierra Heights Elementary School;
- I. A. W. Dimmitt Middle School;
- J. Lindbergh High School;
- K. Renton Alternative School;
- L. John A. Thompson School; and
- M. Bryn Mawr Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Renton School District No. 403, as supported by Renton School District No. 403, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 74. Ordinance 10723, Section 1, as amended, and K.C.C. 12.82.120 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - K located within the Issaquah School District No. 411 are hereby adopted:

- A. Apollo Elementary School;
- B. Briarwood Elementary School;
- C. Cougar Ridge Elementary School;

- D. Challenger Elementary School;
- E. Discovery Elementary School;
- F. Maple Hills Elementary School;
- G. Sunny Hills Elementary School;
- H. Sunset Elementary School;
- I. Maywood Middle School;
- J. Pine Lake Middle School; and
- K. Liberty Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Issaquah School District No. 411, as supported by the Issaquah School District No. 411, are on file with the department of ~~((transportation))~~ local services, road services division, and the department of executive services, records and licensing services division.

SECTION 75. Ordinance 10724, Section 1, as amended, and K.C.C. 12.82.130 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Snoqualmie Valley School District No. 410 are hereby adopted:

- A. Fall City Elementary School;
- B. North Bend Elementary School;
- C. Opstad Elementary School;
- D. Chief Kanim Middle School;
- E. Snoqualmie Elementary School, Snoqualmie Middle School and Mt. Si Athletic Fields; and
- F. Mt. Si. Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Snoqualmie Valley School District No. 410, as supported by the Snoqualmie Valley

School District No. 410, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 76. Ordinance 10793, Section 1, as amended, and K.C.C. 12.82.140 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the school as listed in Exhibit "A" located within the Enumclaw School District No. 216 are hereby adopted:

A. Westwood Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding this school within the Enumclaw School District 216, as supported by the Enumclaw School District 216, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 77. Ordinance 11006, Section 1, as amended, and K.C.C. 12.82.150 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "Q" located within the Shoreline School District are hereby adopted:

A. Briarcrest Elementary School and Shorecrest High School;

B. Brookside Elementary School;

C. Cedarbrook Elementary School;

D. Echo Lake Elementary School;

E. Highland Terrace Elementary School;

F. Park Elementary School;

G. Meridian Park Elementary School;

H. North City Elementary School;

I. Parkwood Elementary School;

- J. Ridgecrest Elementary School;
- K. Sunset Elementary School;
- L. Syre Elementary School;
- M. Einstein Middle School;
- N. Kellogg Middle School;
- O. Shorewood High School;
- P. Shoreline Center; and
- Q. Aldercrest Annex.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Shoreline School District, as supported by the Shoreline School District, are on file with the department of ~~((transportation))~~ local services, road services division, and the department of executive services, records and licensing services division.

SECTION 78. Ordinance 11040, Section 1, as amended, and K.C.C. 12.82.160 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "G" located within the Tahoma School District No. 409 are hereby adopted:

- A. Cedar River Elementary School and Shadow Lake Elementary School;
- B. Glacier Park Elementary School;
- C. Lake Wilderness Elementary School;
- D. Rock Creek Elementary School and Central Services Center;
- E. Maple Valley High School and Maintenance and Transportation Center;
- F. Tahoma Junior High School; and
- G. Tahoma Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding

these schools within the Tahoma School District No. 409, as supported by the Tahoma School District No. 409, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 79. Ordinance 11080, Section 1, as amended, and K.C.C. 12.82.180 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "E" located within the Riverview School District No. 407 are hereby adopted:

- A. Carnation Elementary School;
- B. Cherry Valley Elementary School;
- C. Stillwater Elementary School;
- D. Tolt Middle School; and
- E. Cedarcrest High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Riverview School District No. 407, as supported by the Riverview School District, are on file with the department of (~~transportation~~) local services, road services division, and the department of executive services, records and licensing services division.

SECTION 80. Ordinance 11991, Section 1, as amended, and K.C.C. 12.82.200 are each hereby amended to read as follows:

The boundaries of a drug-free zone surrounding the Snoqualmie Valley Christian School as shown in Exhibit "A" is hereby adopted.

The map produced by the county engineer of the location and boundaries of the drug-free zone surrounding this school, as supported by the board of directors of the Snoqualmie Valley Christian School, is on file with the department of (~~transportation~~) local services, road services division, and the King County department of executive services, records and licensing services division.

SECTION 81. Ordinance 3139, Section 2 (part), as amended, and K.C.C. 12.86.030 are each hereby amended to read as follows:

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

A. "Commercial agriculture" means the production of livestock or agricultural commodities on lands defined as "farm and agricultural land" by RCW 84.34.020 and the offering of the livestock and agricultural commodities for sale.

B. "Construction" means any site preparation, grading, building, demolition, substantial repair, alteration or similar action.

C. "dB(A)" means the sound level measured in decibels, using the "A" weighting network.

D. "Director" means the ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager or ~~((the director's))~~ designee.

E. "District" means the land use zones to which this chapter is applied. For the purposes of this chapter:

1. "Commercial district" includes zones designated in the King County zoning code as O, NB, CB and RB;

2. "Industrial district" includes zones designated in the King County zoning code as I and M and special uses;

3. "Residential district" includes zones designated in the King County zoning code as UR and R-1 through R-48; and

4. "Rural district" includes zones designated in the King County zoning code as A and RA.

F. "Equipment" means any stationary or portable device or any part thereof capable of generating sound.

G. "Impulsive sound" means sound having the following qualities: the peak of the sound level is less

than one second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than ten dB(A).

H. "Leq" means the equivalent sound level, that is the constant sound level in a given time that conveys the same sound energy as the actual time-varying, A-weighted sound.

I. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. However, farm tractors and vehicles powered by engines of less than five horsepower are not included as "motorcycles."

J. "Motor vehicle" means a vehicle that is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16A.030. Aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not "motor vehicles."

K. "Motor vehicle racing event" means a competition between motor vehicles or off-highway vehicles, or both, conducted under a permit issued by a governmental authority having jurisdiction or, if such a permit is not required, under the auspices of a recognized sanctioning body.

L. "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas, and that is effective in reducing sound resulting therefrom.

M. "Noise" means the intensity, duration and character of sounds from any and all sources.

N. "Off-highway vehicle" means a self-propelled motor-driven vehicle neither used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16A.030. "Off-highway vehicle" does not include a vehicle that is designed and used primarily for grading, paving, earthmoving and other construction work, that is not designed or used primarily for the transportation of persons or property on a public highway and that is only incidentally operated or moved over the highway.

O. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

P. "Public highway" means the entire width between the boundary lines of every way publicly maintained by the Washington state Department of Transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Q. "Real property" means an interest or aggregate of rights in land that is guaranteed and protected by law. "Real property" includes a leasehold interest.

R. "Receiving property" means real property within which sound originating from outside the property is received.

S. "Sheriff" means the sheriff or the sheriff's authorized representative.

T. "Sound level" means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1983.

U. "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2 or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1983. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1983.

V. "Watercraft" means any contrivance, including aircraft taxiing, but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water, powered by an internal or external combustion engine.

W. "Weekday" means any day Monday through Friday that is not a legal holiday.

X. "Weekend" means Saturday, Sunday or any legal holiday.

SECTION 82. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are each hereby amended to read as follows:

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

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

SECTION 83. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136 are each hereby amended to read as follows:

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

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

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

accompanied by a letter that demonstrates to the satisfaction of the ((director)) department of local services permitting division manager or designee that the requirement to receive public sewer service from the utility is unreasonable or infeasible at the time of construction; and

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

B. For short subdivisions, if:

1. The utilities and technical review committee determines that sewer service is not available in a timely and reasonable manner for property located within the urban growth area. In making its determination, the utilities technical review committee shall follow the procedures applicable to its determinations on whether water service is available from an existing purveyor in a timely and reasonable manner. However, in lieu of the process provided for in 13.24.090.B.3.b.(4), any appeal of the determination by the utilities technical review committee regarding the availability of timely and reasonable sewer service shall be consolidated with and is subject to the same appeal process as the underlying short plat application;

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

- a. ((~~Ⓕ~~))the sewer utility whose service area encompasses the proposed short subdivision; or
- b. ((~~Ⓕ~~))the provider most likely to serve the area; or
- c. an Onsite Sewage System Maintainer certified by the Seattle-King County department of health;

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

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

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

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

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

SECTION 84. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140 are each hereby amended to read as follows:

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

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

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

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

a. The applicant has submitted a certificate of water availability from the appropriate Group A or Group B water purveyor accompanied by a letter from the same purveyor that demonstrates to the satisfaction of the ~~((director))~~ department of local services permitting division manager or designee that the requirement to receive water service from the purveyor is unreasonable or infeasible at the time of construction, which means

service cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

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

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

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

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

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

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

system; and

b. The ((director of the)) department of ((~~permitting and environmental review~~)) local services permitting division manager or designee makes the following findings:

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

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

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

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

SECTION 85. Ordinance 9839, Sections 1-4, as amended, and K.C.C. 13.28.035 are each hereby amended to read as follows:

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

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

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

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

Coordinated Water System Plan.

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

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

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

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

D. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow requirements as long

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

SECTION 86. Ordinance 9462, Sections 1-3, as amended, and K.C.C. 13.28.055 are each hereby amended to read as follows:

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

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

as consistent with its land use policies.

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

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

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

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

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

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

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

A minimum total reduction in average per capita water consumption of eight percent from the 1990 base

figure is the stated goal for the entire East King County Critical Water Supply Service Area by the year 2000.

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

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

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

Washington state Department of Health will be notified of this action and the consequences.

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

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

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

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

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

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

SECTION 87. Ordinance 18754, Section 7, and K.C.C. 14.01.175 are each hereby amended to read as follows:

"Director" means the (~~director~~) manager of the road services division of the department of (~~transportation~~) local services or its successor, unless otherwise specified.

SECTION 88. Ordinance 18420, Section 15, and K.C.C. 14.01.140 are each hereby amended to read as follows:

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

SECTION 89. Ordinance 18420, Section 16, and K.C.C. 14.01.150 are each hereby amended to read as follows:

"Developmental approval" means an order, permit or other official action of the department of (~~permitting and environmental review~~) local services, permitting division, or its successor (~~agency~~), granting or granting with conditions an application for development.

SECTION 90. Ordinance 18420, Section 17, and K.C.C. 14.01.160 are each hereby amended to read as follows:

"Development engineer" means the employee or employees of the department of (~~permitting and environmental review employee~~) local services, permitting division, responsible for the conditioning, review, inspection and approval of right-of-way use permits and road and drainage improvements constructed as part of development permits administered by the (~~department of~~) permitting (~~and environmental review~~) division. The development engineer or (~~the development engineer's~~) designee shall be a professional civil engineer

registered and licensed under the laws of the state of Washington.

SECTION 91. Ordinance 18420, Section 25, and K.C.C. 14.01.240 are each hereby amended to read as follows:

"Reviewing agency" means the department of (~~(permitting and environmental review)~~) local services, permitting division, or its successor (~~(agency)~~) responsible for reviewing subdivisions and other developments within its jurisdiction.

SECTION 92. Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020 are each hereby amended to read as follows:

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

SECTION 93. Ordinance 665, Section 1, as amended, and K.C.C. 14.04.010 are each hereby amended to read as follows:

A. King County operates and maintains an extensive road system.

B. The department of (~~(transportation)~~) local services maintains a road system database that identifies the roads for which King County is responsible. The department of (~~(transportation)~~) local services shall provide road index maps of the official county road system on the road services division's website annually following the county road administration board's annual validation of the data.

SECTION 94. Ordinance 18754, Section 26, and K.C.C. 14.08.010 are each hereby amended to read as follows:

The traffic engineer shall maintain a list of all county roads with a designation of maximum speed limits. The department of (~~(transportation)~~) local services shall publish this list on the King County department of (~~(transportation)~~) local services, road services division website.

SECTION 95. Ordinance 11426, Section 1, as amended, and K.C.C. 14.16.010 are each hereby

amended to read as follows:

A. The council has determined when in order to prevent serious damage or destruction to a county road or bridge caused by rain, snow, climatic or other conditions, the county road engineer may limit weights of vehicles and prohibit or limit classes or types of vehicles on county roads or bridges, in accordance with RCW 46.44.080.

B. It is unlawful for any person to operate a vehicle on any county road or bridge when the vehicle has a gross weight that is greater than the posted maximum weight for that county road or bridge or the type or class of vehicle has been limited or prohibited from operating on the county road or bridge, unless the driver is in possession of a limited special permit issued by the county road engineer for the safe use of the county road or bridge.

C. Notice of limiting weights of vehicles or prohibiting or limiting classes or types of vehicles on a county road or bridge shall be:

1. Published on King County department of (~~transportation~~) local services website; and
2. Posted on signs at each end of the county road or bridge. All signs shall be erected and maintained in accordance with RCW 36.86.040, 46.61.450 and 47.36.030.

D. The road services division shall report to the council its Annual Bridge Report required by WAC 136-20-060 that establishes the maximum gross weights for vehicles operating on a county bridge and any prohibition or limitation of certain classes or types of vehicles operating on a county bridge.

E. Annually the road services division shall report to the council all county roads that limit or prohibit classes or types of vehicles or limit the weight of vehicles that may operate on them.

F. The reports required by this section shall be in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the policy staff director and the lead staff for the transportation, environment and economy committee, or its successor.

G. The county road engineer may, in cases of emergency or a limitation or prohibition lasting less than twelve hours, temporarily limit weights of vehicles and prohibit or limit classes or types of vehicles operating on county roads or bridges by posting notices at each end of the closed portion and at all intersecting state highways and county roads and county roads and city streets.

SECTION 96. Ordinance 5701, Section 18, as amended, and K.C.C. 14.16.170 are each hereby amended to read as follows:

A. The director of the department of (~~transportation~~) local services and the county sheriff are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

B. Any violation of this chapter is a traffic infraction and subject to a penalty of two hundred fifty dollars.

SECTION 97. Ordinance 336 (part), as amended, and K.C.C. 14.20.020 are each hereby amended to read as follows:

The department of (~~transportation~~) local services shall comply with the Soil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring compliance.

SECTION 98. Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010 are each hereby amended to read as follows:

The following definitions apply throughout this chapter unless the context clearly requires otherwise:

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

B. (~~DEPARTMENT.~~) "Department" means the department of (~~permitting and environmental review~~) local services or its successor.

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

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

E. "Division" means the permitting division of the department of local services.

F. (~~RIGHT-OF-WAY USE PERMIT~~) 1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

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

SECTION 99. Ordinance 4895, Section 6, as amended, and K.C.C. 14.28.060 are each hereby amended to read as follows:

A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post financial guarantees consistent with the provisions of Ordinance 12020 for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies(~~(s)~~) and regulations.

C. The department of ~~((transportation))~~ local services shall place and maintain a permanent sign~~((s))~~ or signs denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;
2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;
3. A statement that the owner or owners of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;
4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;
5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner or owners; and
6. The acknowledged signature or signatures of the owner or owners of such parcel.

SECTION 100. Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090 are each hereby amended to read as follows:

The director of the department of ~~((transportation and the director of the department of permitting and environmental review are))~~ local services or designees is authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of

K.C.C. Title 23.

SECTION 101. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020 are each hereby amended to read as follows:

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

B. Upon receipt of an application for a special use permit upon county property, the real estate services section of the facilities management division shall determine whether the proposed use is upon county-owned property.

C. The real estate services section shall forward the application to all county custodial departments for review.

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

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

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

G. If the special use permit is for an event that the manager of the real estate services section believes

may generate substantial noise, then the real estate services section shall also forward the application to the sheriff for informational purposes. SECTION 102. Ordinance 7025, Section 5, as amended, and K.C.C. 14.30.025 are each hereby amended to read as follows:

The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of (~~(transportation,))~~ local services for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of (~~(transportation))~~ local services.

SECTION 103. Ordinance 11187, Section 1, as amended, and K.C.C. 14.42.010 are each hereby amended to read as follows:

A. King County Road Standards, 2016, incorporated as Attachment A to Ordinance 18420, are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with the council's direction and intent in adopting the road standards, the department of (~~(transportation))~~ local services is hereby authorized to develop public rules and make minor changes to the text and drawings in order to better implement the road standards and as needed to stay current with changing design and construction technology and methods.

SECTION 104. Ordinance 8047, Section 4, as amended, and K.C.C. 14.42.030 are each hereby amended to read as follows:

A. The road standards approved and adopted under K.C.C.14.42.010 apply prospectively to all newly constructed or modified road and right-of-way facilities, both public and private, within King County. The road standards apply to modifications of roadway features or existing facilities that are within the scope of reconstructions, required off-site road improvements for land developments or capital improvement projects when so required by King County or to the extent they are expressly referred to in project plans and specifications. The road standards are not intended to apply to resurfacing, restoration and rehabilitation

projects as those terms are defined in the Washington state Department of Transportation Local Agency Guidelines Manual, as amended. The county road engineer may consider the road standards as optional goals for the design and construction of resurfacing, restoration and rehabilitation projects.

B. The road standards shall apply to every utility pole and other utility structure within the King County right of way.

C. Construction shall be performed in accordance with the road standards and with due regard to public safety.

D. Where feasible, flow control best maintenance practices shall be applied as required in the Surface Water Design Manual.

E. The director of the department of ~~((transportation))~~ local services is authorized to enforce the provision of this chapter and any rules and regulations under this chapter in accordance with the enforcement and penalty provisions of K.C.C. Title 23. SECTION 105. Ordinance 1711, Section 2, as amended, and K.C.C. 14.44.020 are each hereby amended to read as follows:

A. All construction work performed by franchised utilities, telephone and telegraph companies and within King County right-of-way shall require a right-of-way construction permit to be issued by the real estate services section of the facilities management division, except that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include but not be limited to the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities.

B. ~~((The department of transportation and all other e))~~ County departments during the construction of capital improvement projects shall install vacant conduit reserved for the future installation of fiber optic cable in accordance with the county's I-Net and Wide Area Network Plans; all capital improvement projects not requiring trenching or modification to the subgrade, such as overlays and shoulder widening, shall be exempted

from this requirement.

SECTION 106. Ordinance 1711, Section 5, as amended, and K.C.C. 14.44.050 are each hereby amended to read as follows:

A. The department of executive services shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of (~~transportation~~) local services shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The department of natural resources and parks shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A nonexpanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met.

SECTION 107. Ordinance 11790, Section 1, as amended, and K.C.C. 14.44.055 are each hereby amended to read as follows:

A. Before January 1, 2018, the facilities management division may issue right-of-way construction permits to unfranchised utilities. Thereafter, the facilities management division may issue right-of-way construction permits to unfranchised utilities only under the following circumstances:

1. When the Seattle-King County department of public health has certified in writing to the facilities management division that the proposed work is necessary to address a specifically identified public health hazard;

2. When the road services division of the department of (~~transportation~~) local services has certified in writing to the facilities management division that the proposed work is necessary to address specifically identified actual or imminent damage to county right-of-way or to address specifically identified hazards to users of county right-of-way; or

3. If the unfranchised utility is involved in good-faith negotiation with the county that is likely to result in a franchise that will be submitted to the council for approval and the executive has certified that status in writing. The certification shall be in a letter that shall be filed with the clerk of the council in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the facilities management division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050.A. and C.

SECTION 108. Ordinance 1711, Section 7, as amended, and K.C.C. 14.44.070 are each hereby amended to read as follows:

A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such an entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant.

B. The real estate services section shall also coordinate the approval of right-of-way construction

permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, if it finds that such delay will not create undue economic hardship on the applicant, or if it finds that such delay will allow the county to install conduit for future installation of fiber optic cable.

C. The real estate services section shall inform the department of ((~~transportation~~)) local services of all right-of-way construction permits issued.

D. The real estate services section shall forward copies of all right-of-way construction permit applications for projects one thousand feet or longer to the department of information and administrative services. The division of information technology services will determine within fifteen working days whether the installation of conduit may be needed for the future installation of fiber optic cable to connect county or other public facilities.

SECTION 109. Ordinance 1711, Section 8, as amended, and K.C.C. 14.44.080 are each hereby amended to read as follows:

Prior to final approval of all right-of-way construction permits, the department of ((~~transportation~~)) local services shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of K.C.C. Title 27A.

SECTION 110. Ordinance 1711, Section 9, as amended, and K.C.C. 14.44.090 are each hereby amended to read as follows:

The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of ((~~transportation~~)) local services.

SECTION 111. Ordinance 1711, Section 10, as amended, and K.C.C. 14.44.100 are each hereby amended to read as follows:

The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of (~~(transportation)~~) local services for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); and King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit.

SECTION 112. Ordinance 1711 (part), as amended, and K.C.C. 14.44.110 are each hereby amended to read as follows:

The director of the department of (~~(transportation)~~) local services and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 113. Ordinance 13734, Section 9, as amended, and K.C.C. 14.45.070 are each hereby amended to read as follows:

The real estate services section(~~(s)~~) and the road((s)) services and permitting divisions of the department of (~~(transportation and the department of permitting and environmental review)~~) local services shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the state Environmental Policy Act, as follows:

A. The real estate services section shall coordinate the review by all departments of right-of-way use agreement applications.

B. The road((s)) services division shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the

right-of-way.

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

SECTION 114. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090 are each hereby amended to read as follows:

A. The real estate services section shall coordinate the review by all departments of permit applications.

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

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

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

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

F. In any case, the real estate services section shall forward the application to the department for recommendations on critical area issues and the real estate services section shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated

thereunder before the permit is issued.

SECTION 115. Ordinance 3027, Section 4, as amended, and K.C.C. 14.52.040 are each hereby amended to read as follows:

A. A person shall not place trees, shrubbery, structures or other objects in planting strips located within the right of way of any county road, unless authorized by a variance issued by the county road engineer.

B. A person owning property abutting county road right of way shall not allow trees, shrubbery, structures or other objects on the owner's property to retard the ability of the driving public to have adequate visibility of pedestrians, other vehicles using, entering or exiting the county road or block the visibility of county road signs and signals.

C. If the county road engineer finds that the property abutting a county road is not being properly maintained as required in subsection B. of this section, a notice shall be sent to the property owner as provided in K.C.C. 14.52.020, specifying a reasonable time within which the maintenance shall be accomplished.

D. If the owner fails to carry out the maintenance within the period in the notice, the department of ((~~transportation~~)) local services, road services division, shall seek all remedies, including, but not limited to, legal relief in equity or law.

SECTION 116. Ordinance 3027, Section 7, as amended, and K.C.C. 14.52.070 are each hereby amended to read as follows:

A resident whose property is substantially higher or lower in elevation than the road and who does not have road access from one or more sides of the resident's property may apply for an exemption from K.C.C. 14.52.040. Exemptions may be granted by the county road engineer based upon standards that shall be established by the department of ((~~transportation~~)) local services.

SECTION 117. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are each hereby amended to read as follows:

The department of ((~~transportation~~)) local services shall:

- A. Implement the nonmotorized transportation program;
- B. Provide support to any ad hoc nonmotorized transportation advisory committee; and
- C. Work with other jurisdictions and nongovernmental organizations to identify, develop and promote programs that encourage the use of nonmotorized modes of transportation.

SECTION 118. Ordinance 14050, Section 10, as amended, and K.C.C. 14.70.230 are each hereby amended to read as follows:

A. The department of local services shall perform a concurrency analysis and test for each travel shed to determine whether areas within the travel sheds are concurrent. The test for each area shall be based on the level of service analysis results for the entire travel shed. Areas shall be deemed concurrent if eighty-five percent of the arterials within their travel shed meet level of service standards.

B. The department shall determine a travel shed map that reflects the urban and rural nature of the county and transmit the travel shed map to the county council along with the concurrency test results map that shows the passing and failing sheds, for adoption by ordinance. The department shall make a determination of concurrency according to the status indicated on the adopted concurrency test results map for the area in which the proposed development is located.

SECTION 119. Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240 are each hereby amended to read as follows:

A. The department of (~~permitting and environmental review~~) local services, permitting division, shall accept applications for a development approval only for development in areas that pass the concurrency test as shown on the concurrency test results map in effect at the time of application, except as provided in K.C.C. 14.70.285.

B. The concurrency test results map is valid for the development permit application period and subsequently for the same time as the development approval.

SECTION 120. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260 are each hereby

amended to read as follows:

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

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

SECTION 121. Ordinance 15030, Section 9, as amended, and K.C.C. 14.70.285 are each hereby amended to read as follows:

The following minor developments and public and educational facilities are subject to the concurrency test using level of service standard F:

A. Short subdivisions within the Urban Growth Area;

B. Any multifamily residential structure or structures totaling eight dwelling units or less within the Urban Growth Area;

C. Any new public senior high school within the Urban Growth Area and any modification to an existing public senior high school regardless of location, including any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities, only if the school prepares and implements a transportation demand management plan. New public high schools outside the Urban Growth Area must meet the Rural Area standard level of service B in the provisions of this chapter. This high school transportation demand management plan shall be submitted to and approved by the director of the department of ~~((transportation))~~ local services or ~~((the director's))~~ designee before the issuance of the building permit. The high school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single-occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school district and department of ~~((transportation))~~ local services will cooperate in monitoring

the implementation of such measures and make adjustments as needed to achieve reduction goals. A high school may voluntarily choose to prepare and implement a transportation demand management plan for any expansion of an existing public high school facility that would not generate new trips during the peak period;

D. Parks, as defined in K.C.C. 21A.06.835;

E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban Growth Area;

F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban Growth Area;

G. Building permits for single-family structures;

H. The construction of a structure for a nonresidential use generating no more than twelve peak-period trips;

I. Any development that will not increase the traffic volumes in the peak period;

J. Any public elementary, middle or junior high school facilities, including new facilities and any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities;

K. Private elementary, middle or junior high schools. To qualify for the travel time level of service F standard, a school must prepare and implement a transportation demand management plan submitted to and approved by the director of the department of local services or (~~the director's~~) designee before the issuance of the building permit. The school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school and department of (~~transportation~~) local services will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals; and

L. Within Rural Area travel sheds that fall below the adopted level of service standards, short subdivisions, if for each lot that is created, up to four lots, one rural transferable development right under K.C.C. chapter 21A.37 is purchased from the same travel shed. However, where the short subdivision is

creating only two lots, the property has been owned by the applicant for five or more years and the property has not been subdivided in the last five years, then no purchase of a transfer of development right shall be required to satisfy the transportation concurrency requirement.

SECTION 122. Ordinance 11617, Section 61, as amended, and K.C.C. 14.80.040 are each hereby amended to read as follows:

A. Based on the identification of intersection standards being exceeded using analytical techniques and information acceptable to the director of the department of ~~((transportation))~~ local services, the owner of a proposed development shall be required to provide improvements that bring the intersection into compliance with intersection standards, or that return the intersection to its preproject condition, as may be required by the director. Approval to construct the proposed development shall not be granted until the owner has agreed to build or pay fair and equitable costs to build the improvements required by the director within the time schedule set by the director.

B. At the discretion of the director, and based on technical information regarding traffic conditions and expected traffic impacts, the county may require that the owner of a proposed development pay the full costs of required intersection standards improvements required under this title.

C. Administrative fees shall not be charged for intersection standards review, but the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the road services division.

SECTION 123. Ordinance 11617, Section 63, as amended, and K.C.C. 14.80.060 are each hereby amended to read as follows:

The procedures in this chapter do not limit the authority of King County to deny or to approve with conditions the following:

A. Any zone reclassification request, based on its expected traffic impacts;

B. Any proposed development or zone reclassification if the department of ~~((transportation))~~ local

services determines that a hazard to safety would result from its direct traffic impacts without roadway or intersection improvements, regardless of level of service standards; or

C. Any proposed development reviewed under the authority of the Washington state Environmental Policy Act.

SECTION 124. Ordinance 13019, Section 1 (part), as amended, and K.C.C. 14.85.010 are each hereby amended to read as follows:

A. There is hereby established a fee relating to the regional vector waste disposal plan. Effective January 1, 1998, all non-road services division entities using county-operated liquid and solid vector waste disposal facilities shall pay the fee in this section and K.C.C. 4A.700.880.

B. The fee shall be collected by the department of (~~transportation~~) local services, road services division, which shall establish a procedure for collecting and depositing the fee in the road services division operating fund in accordance with RCW 43.09.220.

SECTION 125. Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170 are each hereby amended to read as follows:

Section 102 of the International Building Code is supplemented with the following:

Moved buildings and temporary buildings (IBC 102.7.2).

1. Buildings or structures moved into or within the jurisdiction shall comply with the provisions for new buildings or structures of the International Building Code, chapter 51-50 WAC, the International Residential Code for One- and Two-Family Dwellings, chapter 51-51 WAC, the International Mechanical Code, chapter 51-52 WAC, the International Fire Code, chapter 51-54A WAC, the Uniform Plumbing Code and Standards, chapter 51-56 WAC, the International Energy Conservation Code, Commercial, chapter 51-11C WAC and the International Energy Conservation Code, Residential, chapter 51-11R WAC.

EXCEPTION: Group R3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed, and

2. The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

No person shall move within or into the unincorporated areas of King County, or cause to be moved, any building or structure without first obtaining, in addition to the building permit, a relocation investigation permit from the building official. The purpose of this relocation investigation permit is to determine prior to relocation the deficiencies in the building. Before a structure is relocated to a proposed site, a building permit shall be obtained.

2. The building official shall not approve for moving nor issue a building permit for a building or structure which constitutes a public nuisance or endangers the public health, safety, or general welfare, and in the building official's opinion it is physically impractical to restore such building or structure to make it comply with this code.

3. A fee shall be charged for relocation investigations and site inspection services. A building permit fee shall also be charged for all structures which are approved for relocation. Fees for permits and services provided under this section shall be paid to the department of ~~((development and environmental services))~~ local services, permitting division, as set forth in K.C.C. Title 27, Building and Constructions Fees. As a condition of securing the building permit, the owner of the building or structure shall deposit cash or its equivalent with the building official, or in an approved irrevocable escrow, in an amount up to \$5000.00.

4. Relocation investigation fees do not apply to structures having acceptable current inspections, such as factory built units.

4.1 If the building official denies a building permit for the relocation of a structure, the applicant may request, within 10 days of the date of mailing or other issuance of the denial notice, that building official refer the building permit application to the building code advisory board. The advisory board shall review the

application and make a recommendation to the building official, who may reconsider the denial in light of the advisory board's recommendation.

SECTION 126. Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040 are each hereby amended to read as follows:

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

- A. Building official or code official to the ~~((director,))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager or designee;
- B. Name of jurisdiction to unincorporated King County;
- C. The department of building and safety to King County department of ~~((permitting and environmental review))~~ local services, permitting division;
- D. Design flood elevation to base flood elevation;
- E. Mobile home to manufactured home.

SECTION 127. Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120 are each hereby amended to read as follows:

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

SECTION 128. Ordinance 14914, Section 105, as amended, and K.C.C. 16.03.130 are each hereby amended to read as follows:

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

SECTION 129. Ordinance 12560, Section 119, as amended, and K.C.C. 16.14.180 are each hereby amended to read as follows:

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

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

KING COUNTY DEPARTMENT OF ((~~PERMITTING AND ENVIRONMENTAL REVIEW~~)) LOCAL
SERVICES, PERMITTING DIVISION

[DEPARTMENT ADDRESS]

**NOTICE IS HEREBY GIVEN THAT THIS BUILDING
MUST NOT BE OCCUPIED
UNTIL INSPECTION AND APPROVAL**

For Further Information: By:

Inspector/Officer

Telephone:

Date:

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

SECTION 130. Ordinance 12560, Section 136, as amended, and K.C.C. 16.14.230 are each hereby amended to read as follows:

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

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

KING COUNTY DEPARTMENT OF ((~~PERMITTING AND ENVIRONMENTAL REVIEW~~)) LOCAL
SERVICES, PERMITTING DIVISION

[DEPARTMENT ADDRESS]

NOTICE

DO NOT ENTER

These premises have been found to be unsafe.

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

For further information: By:

Inspector/Officer

Telephone: 296-

Date:

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

SECTION 131. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are each hereby amended to read as follows:

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

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

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

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

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

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

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

G. "Department" means the department of (~~(permitting and environmental review)~~) local services or its successor.

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

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

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

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

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

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

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

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

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

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

O. "Grading" means any excavating, filling or land-disturbing activity, or combination thereof.

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

Q. "Land disturbing activity: means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

R. "Reclamation" means the final grading and restoration of a site to establish the vegetative cover, soil

surface water and groundwater conditions appropriate to accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

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

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

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

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

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

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

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

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

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

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

SECTION 132. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are each hereby amended to read as follows:

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

described in this section.

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

Activity	Wildlife Area	Wildlife Habitat Network	Wildlife Conservation Area	Wildlife Buffer	Wildlife and Habitat Network	Wildlife and Habitat Conservation Area	Wildlife and Habitat Buffer	Wildlife and Habitat Network	Wildlife and Habitat Conservation Area	Wildlife and Habitat Buffer	Wildlife and Habitat Network	Wildlife and Habitat Conservation Area	Wildlife and Habitat Buffer	Wildlife and 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	Conservation Area	Erosion Hazard	Flood Hazard	Channel Migration	Landslide Hazard and Buffer	Seismic Hazard	Volcanic Hazard	Steep Slope Hazard and Buffer	Critical Aquifer Recharge Area	Wetland Buffer	Aquatic Area and Buffer	Wildlife 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 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 2	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 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 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP	NP 1	NP 12	NP 12
Maintenance of driveway or private	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 1	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 1	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access d	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 1	NP 16	NP 16
Maintenance of farm field access d	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 1	NP 17	NP 17
Utilities													
Construction or maintenance of utility 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 19	NP 18	NP 1	NP 19
Construction or maintenance of utility 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 system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 1	NP 11	NP 11
Maintenance of existing surface water 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 1	NP 11	NP 11
Maintenance or repair of flood protection	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 2	NP 20	NP 20
Maintenance or repair of existing irrigation	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 1	NP 11	NP
Recreation areas													

Maintenance of outdoor public park or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects												
Habitat restoration or enhancement	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21
Drilling and testing for critical areas	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 22	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22
Agriculture												
Horticulture activity including tilling, seeding, harvesting, preparing soil, related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock storage facility	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 or replacement of agricultural equipment	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterways	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other												
Excavation of cemetery grave in established approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	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 lawn, landscaping for personal consumption	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 golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.
3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection

of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:

- a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- b. in a critical drainage areas established by administrative rules;
- c. subject to clearing limits included in property-specific development standards and special district

overlays under K.C.C. chapter 21A.38; or

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

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

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

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

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

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

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

b. limited to removal with hand labor.

9. When conducted as a Class I, II, III or IV-S forest practice as defined in chapter 76.09 RCW and Title 222 WAC.

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

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

to an aquatic area or wetland. For purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

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

- a. slope stabilization or vegetation removal on slopes; or
- b. ditches that are used by salmonids.

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

- a. there is no alteration of a ditch or aquatic area that is used by salmonids;
- b. the structure, condition or site maintained was constructed or created in accordance with law; and
- c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

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

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of ~~((permitting and environmental review))~~ local services, permitting division; or
- d. Washington state Department of Fish and Wildlife.

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

17. Only if consistent with a farm plan.
18. In accordance with a franchise permit.
19. Only within the roadway in accordance with a franchise permit.

20. When:

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

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

and

f. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department.

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation; and

b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally-recognized tribe, and the activity is limited to:

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

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

(3) hand labor except:

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

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

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

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

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

b. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156.

26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the:

a. King Conservation District;

b. department of natural resources and parks;

c. department of ~~((permitting and environmental review))~~ local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

SECTION 133. Ordinance 1488, Section 10, and K.C.C. 16.82.090 are each hereby amended to read as follows:

The permittee shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence, and fifty thousand dollars property damage, and shall name King County as an additional insured. EXCEPTION: Liability insurance requirements may be

waived for projects involving less than ten thousand cubic yards. Liability insurance shall not be required of ((~~other~~)) King County departments.

SECTION 134. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are each hereby amended to read as follows:

A person conducting a grading activity shall comply with the following standards:

A. Cuts and fills shall conform to the following provisions unless otherwise approved by the department:

1. A slope of cut and fill surfaces shall not be steeper than is safe for both the intended use and soil type and shall not exceed two horizontal to one vertical;

2. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with K.C.C. 16.82.095;

3. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush, car bodies and other materials as determined by the department;

4. Except in an approved sanitary landfill or as part of engineered fill, fill material shall meet the following standards:

a. Fill material shall consist of earthen material, organic material or recycled or reprocessed materials that are not categorized as dangerous waste under Title 173 WAC and that were produced originally from an earthen or organic material;

b. Fill material shall have a maximum dimension of less than twelve inches;

c. Recycled concrete shall be free of rebar and other materials that may pose a safety or health hazard;

d. Recycled asphalt shall not be used in areas subject to exposure to seasonal or continual perched ground water, in a critical aquifer recharge area or over a sole-source aquifer; and

e. Recycled materials that have not been reprocessed to meet the definition of common borrow shall

be intermixed with well-graded, natural, earthen materials in sufficient quantities and of a suitable size to assure filling of all voids and to assure that the fill can be compacted to ninety percent of the maximum density;

5. Provisions shall be made to:

a. prevent any surface water or seepage from damaging the cut face of any excavation or the sloping face of a fill; and

b. address any surface water that is or might be concentrated as a result of a fill or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the Surface Water Design Manual;

6. Benches and any swales or ditches on benches shall be designed in accordance with the King County Surface Water Design Manual;

7. The tops and the toes of cut and fill slopes shall be set back from property boundaries and structures as far as necessary:

a. for the safety of the adjacent properties;

b. for adequacy of foundation support;

c. to prevent damage resulting from water runoff or erosion of the slopes; and

d. to preserve the permitted uses on the adjacent properties; and

8. All fill shall meet the following:

a. Fill greater than three feet in depth shall be engineered and compacted to accommodate the proposed use unless a notice on title documenting the location of the fill is recorded and the fill is sufficiently stable to not pose a hazard; and

b. Any fill in the floodplain shall, from the face of the fill to a horizontal distance of six feet back from the face, meet the compaction requirements for pond embankments in the Surface Water Design Manual, unless determined by the department that inundation is not a threat to fill integrity or that other requirements necessary for compliance with the King County Guidelines for Bank Stabilization (Surface Water Management 1993) are met.

B. Access roads to grading sites shall be:

1. Maintained and located to the satisfaction of the King County department of ~~((transportation))~~ local services, road services division, to minimize problems of dust, mud and traffic circulation;

2. Located where the permanent access to the site is proposed in the permit application to minimize site disturbance; and

3. Controlled by a gate when required by the department.

C. Signs warning of hazardous conditions, if determined by the department to exist on a particular site, shall be affixed at locations as required by the department.

D. Where required by the department, to protect life, limb and property, fencing shall be installed with lockable gates that must be closed and locked when not working on the site. The fence shall be no less than six feet in height and the fence material shall have no opening larger than two inches.

E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site in the course of permitted activities shall not be spilled onto or otherwise left on public roadways or any off-site property not specifically authorized as a receiving site under a valid permit.

F. The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

G.1. Except as otherwise provided in subsection G.2. of this section, areas that have been cleared and graded shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and October 1. The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide

conditions equivalent to the soil moisture-holding capacity native to the site. The topsoil layer shall have an organic matter content of between five to ten percent dry weight and a pH suitable for the proposed landscape plants. When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of "composted materials" in WAC 173-350-220.

2. This subsection does not apply to areas that:

a. Are subject to a state surface mine reclamation permit; or

b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

SECTION 135. Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020 are each hereby amended to read as follows:

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

A. "Department" to "department of ~~((permitting and environmental review))~~ local services, permitting division."

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

C. "Fire department" to "department of ~~((permitting and environmental review))~~ local services, permitting division."

SECTION 136. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are each hereby amended to read as follows:

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

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

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

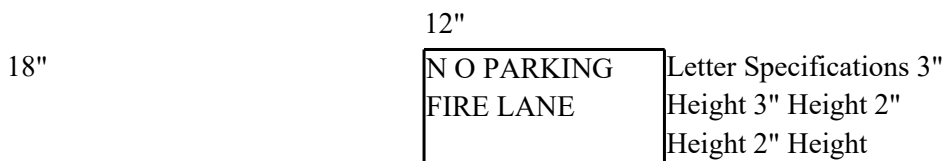
B. Definition of Fire Lanes. The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire trucks and other fire fighting or emergency equipment to use, travel upon, and park.

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

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

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

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



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

manager)) department of local services permitting division ((in the department of permitting and environmental review)) manager.

When posts are required they shall be a minimum of 2 inch galvanized steel or 4 inch x 4 inch pressure

treated wood. Signs to be placed so they face the direction of the vehicular travel.

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

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

F. Existing fire lane signs and markings.

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

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

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

H. Towing notification. At each entrance to property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

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

J. Violation - Civil infraction. Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a vehicle in, obstructs, or

allows the obstruction of a designated fire lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The penalty for failing to mark or maintain the marking of a designated fire lane shall be one hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty dollars.

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

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

SECTION 137. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010 are each hereby amended to read as follows:

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

A. "Capital project" refers to a project with a scope that includes one or more of the following elements: acquisition of a site or acquisition of an existing structure, or both; program or site master planning; environmental analysis; design; construction; major equipment acquisition; reconstruction; demolition; or major alteration of a capital asset. A capital project shall include: a project program plan; scope; budget by task; and schedule.

B. "County green building team" or "green building team" means a group that includes representatives from county agencies with capital project or building management staff including, but not limited to, ~~((the department of transportation,))~~ the Metro transit department, the department of natural resources and parks, the department of executive services, the department of ~~((permitting and environmental review))~~ local services, permitting and road services divisions, the department of public health, the historic preservation program and

the department of community and human services. The members represent staff with expertise in project management, construction management, architecture, landscape architecture, environmental planning, design, engineering, historic preservation and resource conservation, public health, building energy systems, building management, budget analysis and other skills as needed. The green building team provides assistance and helps to disseminate information to project managers in all county agencies.

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

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

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

F. "Leadership in Energy and Environmental Design" or "LEED" means a voluntary, consensus-based national standard for developing high-performance, sustainable buildings, created by the United States Green Building Council.

G. "LEED-eligible building" means a project larger than five thousand gross square feet of occupied or conditioned space that meets the minimum program requirements for LEED certifications.

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

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

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

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

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

M. "Sustainable development practices" means whole system approaches to the design, construction and operation of buildings and infrastructure that help to mitigate the negative environmental, economic, health and social impacts of construction, demolition, operation and renovation while maximizing the facilities' positive fiscal, environmental and functional contribution. Sustainable development practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water and other natural resources while providing maximum benefits and contribution to service levels to the system and the connecting infrastructures.

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

O. "Sustainable Infrastructure Scorecard" is an alternative green building and sustainable development rating system developed by the county green building team as required by K.C.C. 18.17.020.E. The Sustainable Infrastructure Scorecard was developed for capital projects that are not eligible for the LEED rating system.

SECTION 138. Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020 are each hereby

amended to read as follows:

A. The intent of this policy is to ensure that the planning, design, construction, remodeling, renovation, maintenance and operation of any King County-owned or financed capital project is consistent with the latest green building and sustainable development practices.

B. This policy applies to all King County-owned or lease-to-own capital projects, excluding projects that have already completed thirty percent of the design phase by August 1, 2014. This policy also applies to housing projects partly or totally financed by King County that are required by law to follow statewide green building standards in that it requires such projects to report on the statewide green building standards.

C. All capital projects to which this chapter applies shall utilize relevant green building and sustainable development criteria to implement sustainable development practices in planning, design, construction and operation as set forth in this chapter.

D. All LEED-eligible new construction shall be registered through the United States Green Building Council and should plan for and achieve a LEED Platinum certification, as long as a Platinum certification can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking a green building or sustainable development rating system certification. The incremental cost impact shall be determined as described in subsection G. of this section.

E. All LEED-eligible major remodels and renovations shall be registered through the United States Green Building Council and should plan for and achieve a LEED Gold certification, as long as a Gold certification can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking a green building or sustainable development rating system certification. The incremental cost impact shall be determined as described in subsection G. of this section.

F. All capital projects, where the scope of the project or type of structure limits the ability to achieve

LEED certification, shall incorporate cost-effective green building and sustainable development practices based on relevant LEED criteria and other applicable sustainable development goals and objectives. These projects shall use the King County or division-specific Sustainable Infrastructure Scorecard, along with guidelines for using the scorecard. Each Sustainable Infrastructure Scorecard project shall plan for and achieve a Platinum rating as long as a Platinum rating can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project not achieving a green building or sustainable development rating. The incremental cost impact shall be determined as described in subsection G. of this section. If a Platinum rating cannot be achieved with no incremental cost impact to the general fund and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project not achieving a green building or sustainable development rating, a Sustainable Infrastructure Scorecard project shall plan for and achieve a Gold rating. If a Gold rating cannot be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, Sustainable Infrastructure Scorecard projects shall plan for and achieve a silver rating where practicable. Silver is the lowest allowable rating for Sustainable Infrastructure Scorecard projects. For small, related capital projects that are implemented as part of a program, a project scorecard and reporting requirements may be done for the program rather than for each individual small project. For reporting purposes, county divisions may apply a single Sustainable Infrastructure Scorecard for a bundle of small capital projects in the most efficient manner as determined by the county division (~~director~~) manager to reflect the division's line of business.

G.1. For each project subject to subsections E. and F. of this section, at or before the time the project has reached thirty percent of the design phase, the project team shall conduct an analysis that determines the incremental costs for achieving the rating required in subsection D. or E. of this section as compared to a project that is not seeking a green building or sustainable development rating system certification. The analysis

shall include the up-front incremental construction costs, the up-front costs of registration and certification and the present value of operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

2. At thirty percent of the design phase and project completion, the project team shall submit to the green building team a completed LEED checklist or Sustainable Infrastructure Scorecard that documents which LEED or scorecard points that the project expects to achieve.

3. For projects achieving a LEED rating, the project team shall ensure that energy efficiency is given the highest priority. Project teams shall submit a completed LEED checklist, which documents which LEED points the project team expects to achieve, to the green building team, initially at the schematic or thirty percent design phase of the project and then at the completion of the project.

4. If it is determined that costs are too high to achieve a LEED rating required in subsection D. or E. of this section, or that the project is unable to achieve that rating for technical reasons, projects shall achieve the highest rating possible with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project that is not seeking a green building or sustainable development rating system certification. There may be extenuating circumstances for some LEED-eligible projects that make it cost prohibitive to achieve any level of LEED certification. These projects must submit a written summary to the director of the department managing the project for approval, documenting the reasons why the project is not getting a LEED certification.

H. All housing projects financed by King County and owned and managed by either a housing authority or nongovernmental agency under contract with King County that are required by RCW 39.35D.080 or other applicable authority to use a statewide green building standard for affordable housing, shall submit a copy of the green building standard checklist to the green building team. The department of community and human

services shall submit the statewide green building standard checklist to the green building team at project completion.

I. Transit oriented development initiated by the Metro transit department shall follow the same green building standards and requirements as other King County capital projects. If required by RCW 39.35D.080 and other applicable authority, transit-oriented affordable housing projects in which the affordable housing is financed in whole or in part by King County shall follow the statewide green building standards.

J. A project may request use of an alternative green building or sustainability rating system in lieu of LEED or the Sustainable Infrastructure Scorecard. Alternative green building and sustainable rating systems include: the Evergreen Sustainable Development Standard, administered by the Washington state Department of Commerce; the Built Green Four-Star administered by the Master Builders Association of King and Snohomish Counties; Sustainable Sites Initiative Program, developed by the American Society of Landscape Architects and Lady Bird Johnson Wildflower Center and United States Botanical Garden; Salmon Safe founded by the Stewardship Partners; or the Living Building Challenge administered by the International Living Future Institute. A project manager shall make a request to use an alternative green building rating system to the department director responsible for that project and to the green building team if a project elects not to use the LEED Rating System. The project's department director in consultation with the Green Building Team, shall make the final determination. All projects using an alternative green building or sustainable development rating system shall plan for and achieve the highest certification level that can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking certification.

K. For those projects that only involve making either renewable energy improvements or energy efficiency improvements, or both, at or before the project has reached thirty percent of the design phase, the project team shall conduct an analysis that determines the incremental costs of making such improvements.

The costs to be included in this analysis shall include the up-front incremental construction costs and the present value of the operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

L. To help achieve a standard level of green building operations in existing buildings, the green building team, in coordination with divisions that have capital project or building management staff and the GreenTools technical support team, shall develop a set of both mandatory and recommended green building operational guidelines for divisions to incorporate into their facility operations procedures. The guidelines shall provide direction on the use of green practices in minor remodels and renovations, water and energy conservation, waste reduction and recycling expectations, green cleaning standards and retrocommissioning to improve a facility's operating performance.

M.1. The executive shall report on the progress of implementing this section in accordance with K.C.C. 18.50.010. Reporting requirements and criteria for green building metrics shall be consistent with the annual environmental sustainability report on King County's climate, energy, green building and environmentally preferred purchasing programs and the Strategic Climate Action Plan. Required green building reporting criteria shall be included in the county's project information center database, managed by the office of performance, strategy and budget. The project information center database shall be compatible and function with all county division capital project management systems to streamline and avoid duplicative reporting efforts. The green building team's program manager shall have access to data in the project information center database. All divisions responsible for capital improvement projects or facility management shall provide information detailing the green building and sustainable development accomplishments for the previous year. The information shall be provided to the green building team, either in hard copy or electronically. Information to be submitted shall include, but not be limited to:

- a. the total number of capital projects a division is responsible for;
- b. the total number of LEED projects;
- c. the total number of Sustainable Infrastructure Scorecard projects;
- d. the total number of alternative green building or sustainable development rating system projects, and other sustainable development projects, such as historic restoration and adaptive reuse,;
- e. the additional costs associated with achieving LEED certification;
- f. the total number of projects using an integrative design process;
- g. the green building and sustainable development strategies employed;
- h. the operations and maintenance costs for all completed projects incorporating green building principles and practices and projects incorporating renewable energy or energy efficiency components, as well as the operations and maintenance costs that were projected before construction;
- i. the fiscal performance of all projects incorporating green building principles and practices including an accounting of all project costs and benefits that can be quantified, documented and verified;
- j. projected and actual energy savings measured;
- k. projected and actual water savings;
- l. a construction and demolition plan and a construction and demolition report, both of which include the diversion percentage rate and tonnage;
- m. actual environmentally preferable products used;
- n. projected and actual greenhouse gas emissions and saving based on the reporting that is required in the project information center database; at minimum, greenhouse gas calculations shall include the greenhouse gas emissions associated with energy and water usage, transportation impacts and construction and demolition diversion. When possible the calculation shall include the greenhouse gas savings associated with use of green strategies and environmentally preferable products;
- o. projected and actual transportation impacts, including the transportation-related greenhouse gas

emissions associated with the project; and

p. other reporting criteria that may be identified in the future.

2. Housing projects financed by King County and owned by either a housing authority or nongovernmental agency under contract with King County are exempted from the annual reporting requirements under subsection M.1. of this section.

3. The green building team, along with other relevant sustainability programs, and the office of performance, strategy and budget shall develop and determine consistent understandable and relevant baselines and measurement units that are applicable to diverse lines of business. Reporting criteria and performance measures shall be consistent with other related environmental requirements.

4. The process for reporting for projects grouped by program shall be determined by each division with the course of action that best captures green building performance for small projects grouped by program. Divisions may consider joint review of its small projects with the green building team program manager for assistance with scorecard and annual reporting compliance.

N. Green building requirements should be included by the procurement services section of the department of executive services, where possible and appropriate, in capital design and construction contracts, bid documents and technical specifications. The project manager responsible for the capital project shall collaborate with procurement services section staff to determine where green building requirements are appropriate. As applicable, requests for proposals and qualifications should include a list or description of LEED experience. Procurement documents that relate to construction or capital projects shall cite this chapter. The green building team shall develop minimum standards for building projects that address the monitoring of energy and water using systems that help meet energy and climate goals, and provide real time interfaces to ensure ongoing efficient operations.

O. The green building team shall coordinate and share information about the use of sustainable development practices countywide and, with assistance from the GreenTools program, develop tools and

training for project managers to implement this legislation. Its role includes:

1. Helping to assess regionally appropriate green building and sustainable development practices;
2. Developing regionally appropriate building and infrastructure design standards and guidelines;
3. Developing tools and procedures for assessing life-cycle fiscal, environmental and functional costs and benefits;
4. Convening and facilitating sustainable development planning and charrette workshops;
5. Evaluating performance of projects and facilities, including conducting post occupancy surveys, energy and water use audits and evaluating benefits realized; and
6. Tracking and reporting progress on implementation of green building and sustainable development practices.

P. Each division with capital project, operations and maintenance, building management, permitting or housing staff shall designate one or more green building team member or members. The team member is expected to regularly attend meetings and actively participate in disseminating sustainable development practices information back to the respective division. Green building team members should also receive either specialized training or additional training, or both, in green building design and should be encouraged to achieve the LEED Accredited Professional designation, as appropriate.

Q. County capital improvement project managers that are currently managing or will manage projects that fit the criteria in subsections D. and E. of this section are responsible for attending appropriate LEED and sustainable development training and annual refresher courses. Trainings shall be coordinated by the green building team.

R. The GreenTools program shall provide technical support for the county green building team and to cities and the general public in the county as appropriate, including, but not limited to, training on LEED and other green building and sustainable development technologies, research, project review, assisting with budget analysis and convening groups to develop strategies and policies relating to green buildings and sustainable

infrastructures.

S. The green building team shall work with the historic preservation program to develop a pilot format of the Sustainable Infrastructure Scorecard applicable to renovations of facilities listed under the county's historic preservation program and funded through King County. The preservation, restoration and adaptive reuse of existing buildings is an important green building strategy because historic preservation is, in itself, sustainable development. As part of the county green building strategy, the county shall preserve and restore the historic landmarks and properties eligible for landmark designation that are owned by the county, except in cases where a certificate of appropriateness is granted by the King County landmarks commission. Projects involving designated landmarks or properties that are eligible for landmark designation shall seek to maximize green building strategies such as natural daylighting and passive ventilation. However, the King County landmarks commission or other applicable regulatory body may waive requirements of this section upon issuing findings that strict compliance with this chapter would adversely affect the historic character of the resource in question, or that there are no feasible alternatives for preservation.

T. The green building and sustainable development practices in this policy are intended to ensure high performance in energy, water and waste reduction. In addition to the requirements of this chapter, the following minimum requirements shall be applied to all projects when applicable:

1. Meet energy and climate goals and performance requirements as directed in the King County Strategic Climate Action Plan, developed under K.C.C. chapter 18.25. The project team shall ensure that energy efficiency is given the highest priority;

2. Meet King County Surface Water Design Manual Standards and requirements, regardless of jurisdiction location. If a project is located in a jurisdiction where the surface water design manual standards and requirements are different than King County's, the project shall implement the more stringent requirement; and

3. By 2025, achieve an eighty-five percent diversion rate for construction and demolition materials

with an eighty percent diversion rate achieved by 2016.

U. The King County Strategic Climate Action Plan includes goals and measures related to green building. To encourage green building practices on a community wide level, King County shall implement practices that will increase the awareness, certification, and innovation in green building and sustainable development. Efforts shall include, but not be limited to, the following:

1. The department of (~~(permitting and environmental review)~~) local services, permitting division, shall develop a handbook that includes, but is not limited to: a comprehensive inventory of green building techniques and materials for relevant county customer base; a description of permitting application materials related to various green building techniques; and instructional details that inform county staff on how to review permitting applications that involve new or rarely-used green building techniques and materials;

2. The department of public health, water and land resources division of the department of natural resources and parks, and department of (~~(permitting and environmental review)~~) local services, permitting division, staff who review and approve permits related to development will receive training in green building and high performance rating systems, such as Built Green Emerald Star and the Living Building Challenge. An interagency review committee will be formed with members from permitting agencies, including the department of public health, water and land resources division of the department of natural resources and parks, department of (~~(permitting and environmental review)~~) local services, permitting division, and the Green Building Team, to facilitate review of projects that involve multiple green building systems and to facilitate approval of buildings using high performance rating systems or features;

3. The department of (~~(permitting and environmental review)~~) local services, permitting division, shall participate in the existing regional code collaboration to unify building department codes throughout King County that promote green building. The development of unified green codes encourages economic growth and environmental sustainability, and is an integral tenet of the King County Strategic Plan. Applicable code revisions will be adopted, with initial emphasis on minimum recycling requirements for construction and

demolition projects; and

4. The department of public health, water and land resources division of the department of natural resources and parks and department of ~~((permitting and environmental review))~~ local services, permitting division, shall implement a Living Building Challenge demonstration ordinance in partnership with members of the regional code collaboration to promote and encourage carbon neutral buildings and development. These departments will utilize the International Living Future Institute's guidelines to develop best management practices associated with this certification.

SECTION 139. Ordinance 13694, Section 13, as amended, and K.C.C. 19A.04.100 are each hereby amended to read as follows:

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

SECTION 140. Ordinance 13694, Section 14, as amended, and K.C.C. 19A.04.110 are each hereby amended to read as follows:

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

SECTION 141. Ordinance 13694, Section 15, as amended, and K.C.C. 19A.04.120 are each hereby amended to read as follows:

Director: the ~~((director of the King County))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager or designee.

SECTION 142. Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection B. of this section, before final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans;

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;
2. Water mains and hydrant installed and fire flow available, sewer mains, laterals and sewer maintenance holes installed, if required;
3. Roadways meeting the approved engineering plan's layout drainage, geometric and road width requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;
4. Pedestrian facilities complying with the Americans with Disabilities Act; including but not limited to, curb ramps, sidewalks and shoulders, where required;
5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion before plat recording;
6. Delineation of sensitive areas that are to remain undeveloped;
7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt;
8. Improvements without which the director determines a safety hazard would exist; and
9. All private improvements outside of the right-of-way or road easement and access tracts.

B. The director, in consultation with the department of natural resources and parks, (~~department of transportation,~~) the department of local services, road services division, the prosecuting attorney(~~(,)~~) and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:

1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before the final recording;
2. The inability to construct the improvements is due to unavoidable circumstances that in no way

resulted from the actions or inaction of the applicant;

3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and

4. Approval of the final plat or short plat before completion of the work or improvement will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A. of this section.

SECTION 143. Ordinance 13694, Section 78, as amended, and K.C.C. 19A.24.030 are each hereby amended to read as follows:

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

"Approval of the Department of (~~(Permitting and Environmental Review)~~) Local Services, Permitting Division:

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

(~~(Division Director, Land Use Services)~~) Manager, Permitting Division"

SECTION 144. Ordinance 13694, Section 81, as amended, and K.C.C. 19A.28.030 are each hereby amended to read as follows:

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

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

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

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

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

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

SECTION 145. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are each hereby amended to read as follows:

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

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in geographic information system data layers maintained by King County and is depicted on the official zoning maps, as maintained by the department of ~~((permitting and environmental review))~~ local services, permitting division. In case of a discrepancy between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended

shall be maintained by the department of (~~(permitting and environmental review)~~) local services, permitting division, in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or hereafter amended.

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

" SECTION 146. Ordinance 10293, Section 1, as amended, and K.C.C. 20.14.025 are each hereby amended to read as follows:

A. (~~(Adopted.)~~) The Covington Master Drainage Plan dated January 1992, Attachment A to Ordinance 10293, as amended by Appendix B of Ordinance 13190, is hereby adopted, augmenting and amplifying county policy established in the Soos Creek Basin Plan with regard to surface water management within the boundaries of the Covington Master Drainage Plan area as designated by Ordinance 9772.

B. (~~(Special drainage conditions authorized.)~~) The water and land resources division is hereby authorized to revise the King County Surface Water Design Manual to include a new Appendix with the following special drainage provisions for development to be applied in the Covington Master Drainage Plan area:

1. Development proposals in the Covington Master Drainage Plan area are encouraged to submit plans for shared surface water management facilities, as defined in the Covington Master Drainage Plan under regional or subregional surface water management facilities, that treat and dispose of the runoff from more than one development. These shared surface water management facilities shall provide the same level of control and

treatment of surface water as required by the King County Surface Water Design Manual and relevant sections of this section.

2. Development in the Covington Master Drainage Plan area that proposes to infiltrate stormwater generated by the project must submit a plan which includes an amendment to the off-site analysis pursuant to K.C.C. 9.04.050 identifying the location of domestic water supply wells within a one mile radius of the proposed infiltration facilities, and, if any wells are present, provides:

- a. an assessment of human health risks from infiltration, and
- b. recommendations for appropriate measures to mitigate identified health risks.

The plan shall be reviewed and approved by King County.

3. Development proposed in the areas with glacial till (Alderwood) soils identified on Attachment 2 to Ordinance 10293 shall be required to meet level two flow control when required to provide flow control under the Surface Water Design Manual.

4. All new commercial and industrial development in the Covington Master Drainage Plan Area shall be required to submit a plan identifying the appropriate source controls and best management practices in accordance with K.C.C. chapter 9.12. The plan shall be reviewed and approved by King County.

5. All commercial and industrial development proposals shall submit plans for secondary spill containment for all electrical and mechanical equipment mounted on rooftops and plans showing the use of relatively inert materials (i.e., vinyl) for roofing and gutter materials. The plan shall be reviewed and approved by King County.

6. Developments proposed in the Covington Master Drainage Plan area within one hundred feet of the edge of Jenkins Creek 25 or Soos Creek 77 wetlands shall have 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

Forests are defined as the area covered by trees greater than four inches diameter at breast height and twenty feet in height.

7. Developments in the Covington Master Drainage Plan Area within one hundred feet of the ordinary high watermark of Jenkins and Little Soos Creeks shall be required to re-establish native vegetation in stream buffers where native vegetation has been destroyed or disturbed. A plan for revegetation shall be reviewed and approved by King County. Planting shall be complete before issuance of an occupancy permit for the development. If the department of ~~((development and environmental))~~ local services, permitting division, determines that the season is inappropriate for planting, the occupancy permit can be granted, provided a bond is established for the costs of revegetation.

8. New stream or wetland crossings by roads or utilities within the Master Drainage Plan area shall not be permitted unless no practical alternative exists. Plans will be submitted to King County for review and approval. The adverse environmental effects of new crossings shall be mitigated in accordance with SEPA requirements.

9. New developments within one hundred feet of the ordinary high water mark of Jenkins and Little Soos Creek shall be required to submit plans to restrict access to the streams and their buffers using fences, barriers and other means consistent with the recommendations of the Sensitive Areas Ordinance fencing committee. The plan will be reviewed and approved by King County.

C. ~~((Conditions authorized.))~~ The water and land resources division is hereby authorized to attach such conditions of approval to any development as may be necessary to achieve the state standards for fecal coliform and copper loading, as set out in the Covington Master Drainage Plan.

SECTION 147. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each hereby

amended to read as follows:

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

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

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

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

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant; and
3. Property owner concurrence, including signature, telephone number and address.

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

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

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

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

F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to

the department of ~~((permitting and environmental review))~~ local services, permitting division, to proceed with review of the proposed amendment.

G. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of ~~((permitting and environmental review))~~ local services, permitting division, to proceed with review of the proposed amendment.

H. Following the submittal of the information required by subsection E., F. or G. of this section, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department ~~((permitting and environmental review))~~ of local services, permitting division, shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to

implement the potential zoning.

J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next appropriate review cycle following issuance of the examiner's recommendation.

K.1. An amendment to a land use designation or shoreline environment designation for a property may not be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

L. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

SECTION 148. Ordinance 13147, Section 25, as amended, and K.C.C. 20.18.090 are each hereby amended to read as follows:

The department of (~~permitting and environmental review~~) local services, permitting division, shall prepare implementing development regulations to accompany any proposed comprehensive plan amendments.

In addition, from time to time, the department of ((permitting and environmental review)) local services, permitting division, may propose development regulations to further implement the comprehensive plan, consistent with the requirements of the Washington State Growth Management Act. Notice of proposed amendments to development regulations shall be provided to the state and to the public pursuant to K.C.C. 20.18.150.

SECTION 149. Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120 are each hereby amended to read as follows:

A. Notice of the time, place and purpose of a public hearing before the council to consider changes to area zoning shall, at a minimum, include publication in the official county newspaper and another newspaper of general circulation in the area for which the area zoning is proposed at least thirty days before the hearing. The county shall endeavor to provide such notice in nontechnical language. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public.

B. Notice of the hearing shall also be given by mail to affected property owners, appropriate to the scope of the proposal, whose names appear on the rolls of the King County assessor and shall at a minimum include owners of properties within five hundred feet of affected property, at least twenty property owners in the vicinity of the property, and to any individuals or organizations that have formally requested to the department ((or department)) of ((development environmental)) local services, permitting division, to be kept informed of applications in an identified area. Notice shall also be posted on the county's web site. The county shall endeavor to provide such notice in nontechnical language. The mailed notice required in this section shall be postmarked at least thirty days before the hearing. If the county sends the mailed notice by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify any specific property owner shall not invalidate an area zoning proceeding or any resulting reclassification of land.

SECTION 150. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

1. Type 1 decisions are made by the ~~((director,))~~ permitting division manager or designee~~((;))~~ ("director") of the department of ~~((permitting and environmental review))~~ local services ("department"). Type 1 decisions are nonappealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ["DNS"] or determination of significance ["DS"]). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 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 hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.
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1 See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

2 When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the decision.

3 A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

4 Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section.

SECTION 151. Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035 are each hereby amended to read as follows:

When an applicant is required by K.C.C. chapter 21A.08 to conduct a community meeting, under this section, before filing of an application, notice of the meeting shall be given and the meeting shall be conducted as follows:

A. At least two weeks in advance, the applicant shall:

1. Publish notice of the meeting in the local paper and mail and email to the department; and
2. Mail notice of the meeting to all property owners within five hundred feet or at least twenty of the

nearest property owners, whichever is greater, as provided in K.C.C. 21A.26.170 of any potential sites,

identified by the applicant for possible development, to be discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief description and purpose of the proposal, approximate location noted on an assessor map with address and parcel number, photograph or sketch of any existing or proposed structures, a statement that alternative sites proposed by citizens can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by the department of ~~((permitting and environmental review))~~ local services, permitting division. Because the purpose of the community meeting is to promote early discussion, applicants shall to note any changes to the conceptual information presented in the mailed notice when they submit an application;

B. At the community meeting at which at least one employee of the department of ~~((permitting and environmental review))~~ local services, permitting division, assigned by the ~~((director of the department))~~ permitting division manager or designee, shall be in attendance, the applicant shall provide information relative to the proposal and any modifications proposed to existing structures or any new structures and how the proposal is compatible with the character of the surrounding neighborhood. An applicant shall also provide with the applicant's application a list of meeting attendees, those receiving mailed notice of the meeting and a record of the published meeting notice; and

C. The applicant shall, in the notice required under subsection A.2. of this section, and at the community meeting required under subsection B. of this section, advise that persons interested in the applicant's proposal may monitor the progress of the permitting of that proposal by contacting the department or by viewing the department's website, the address of which will be provided in the notice and at the community meeting.

SECTION 152. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are each hereby amended to read as follows:

A. The department shall not commence review of any application as provided in this chapter until the

applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in subsection B. of this section, all land use permit applications described in K.C.C. 20.20.020.E. shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating who the applicant is submitted to the department before permit approval;

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by the Seattle-King County department of public health, as required by K.C.C. Title 13; or

b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive Plan policies for a public school located on a RA zoned site, a certificate of sewer availability and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water

availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by the Seattle-King County department of public health;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;
6. A site plan, prepared in a form prescribed by the director;
7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;
8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27;
11. A list of any permits or decisions applicable to the development proposal that have been obtained before filing the application or that are pending before the county or any other governmental entity;
12. Certificate of transportation concurrency from the department of ~~((transportation))~~ local services if required by K.C.C. chapter 14.70. The certificate of transportation concurrency may be for less than the total number of lots proposed by a preliminary plat application only if:
 - a. at least seventy-five percent of the lots proposed have a certificate of transportation concurrency at the time of application for the preliminary plat;
 - b. a certificate of transportation concurrency is provided for any remaining lots proposed for the preliminary plat application before the expiration of the preliminary plat and final recording of the additional lots; and
 - c. the applicant signs a statement that the applicant assumes the risk that the remaining lots proposed might not be granted.
13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area that are proposed to be served by on-site or community sewage system and group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and to the extent known at the time of application and when determined necessary by the director, copies of any required storm water adjustments;

15. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent known at the date of application or when deemed necessary by the director; and

18. For site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

B. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

C. Additional complete application requirements for the following land use permits are in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060.

2. Construction permits, K.C.C. 16.04.052.

3. Mobile home permits, K.C.C. 16.04.093.

4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C. 19A.08.150.

D. The director may;

1. Specify the requirements of the site plan required to be submitted for various permits;
2. Require additional materials not listed in this section when determined to be necessary for review of

the project; and

3. Waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

E. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 153. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are each hereby amended to read as follows:

The examiner shall issue final decisions in the following cases:

A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C. chapter 1.07;

B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;

C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;

D. Appeals of electric vehicle recharging station penalties of the Metro transit department under K.C.C. 4A.700.700;

E. Appeals of notice and orders of the manager of records and licensing services or the ~~((director of permitting and environmental review))~~ the department of local services permitting division manager under K.C.C. chapter 6.01;

F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter

6.09;

G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;

H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;

I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services involving K.C.C. chapter 12.16;

O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of ~~((permitting and environmental review))~~ local services, permitting division, under K.C.C. chapter 12.86;

Q. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

R. Appeals of decisions regarding mitigation payment system, commute trip reduction and intersection standards under K.C.C. Title 14;

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37;

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of permit fee estimates and billings by the department of ~~((permitting and environmental review))~~ local services, permitting division, as provided in K.C.C. chapter 27.50;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

DD. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505; and

EE. Other applications or appeals that are prescribed by ordinance.

SECTION 154. Ordinance 4461, Section 1, as amended, and K.C.C. 20.22.060 are each hereby amended to read as follows;

The examiner shall issue recommendations in the following cases:

- A. Proposals for establishment or modification of cable system rates under K.C.C. 6.27A.140;
- B. Vacation of county roads under K.C.C. chapter 14.40;
- C. All Type 4 decisions under K.C.C. chapter 20.20;
- D. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands under K.C.C. chapter 20.36, except as provided in K.C.C. 20.36.090;
- E. Appeals of decisions to designate or reject a nomination for designation for a landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter 20.62;
- F. Creation of a lake or beach management district and a special assessment roll under chapter 36.61 RCW;
- G. Appeals from decisions of the county road engineer in the road services division of the department of ~~((transportation))~~ local services related to changes in speed limits under K.C.C. 14.06.030; and
- H. Other applications or appeals that are prescribed by ordinance.

SECTION 155. Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200 are each hereby amended to read as follows:

If the examiner determines that the public schools in the district where the development is proposed would not meet the standards in K.C.C. 21A.28.160 if the development were approved, the examiner either shall remand the matter to the department of ~~((permitting and environmental review))~~ local services, permitting division, or shall require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency or shall deny the proposal. The examiner shall prepare findings to document the facts that support the action taken. Payment of a school impact fee as required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall recommend a fee payment schedule to coordinate that payment with any phasing, if the provision or payment satisfies the district and any deferral requirements. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.

SECTION 156. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are each hereby

amended to read as follows:

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

A. The optional provision of WAC 197-11-060(3)(c) is adopted.

B. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

C. The department of (~~(permitting and environmental review)~~) local services, permitting division, may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees.

SECTION 157. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050 are each hereby amended to read as follows:

The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410 (1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county department acting as lead agency shall be responsible for preparation and content of EIS's and other environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The

department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or subconsultants selected by King County to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D. The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. The department director may waive these requirements as provided for in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of ((~~permitting and environmental review~~)) local services shall adopt public rules that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter on any basis provided by K.C.C. chapter ((~~4.16~~)) 2.93.

E. All costs of preparing the environment document shall be borne by the applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. chapter 2.98, the department of ((~~permitting and environmental review~~)) local services shall promulgate administrative rules which establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.

F. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G. The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within ~~((270))~~ two hundred seventy days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety days unless agreed to by the applicant.

H. The following periods shall be excluded from the two hundred seventy day time period for issuing a final environmental impact statement:

1. Any time period during which the applicant has failed to pay required environmental review fees to the department;
2. Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and
3. Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement.

SECTION 158. Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100 are each hereby

amended to read as follows:

All requests from other agencies that King County consult on threshold investigations, the scope process, EIS's or other environmental documents shall be submitted to the department of (~~permitting and environmental review~~) local services, permitting division. The department shall be responsible for coordination with other affected county departments and for compiling and transmitting King County's response to such requests for consultation.

SECTION 159. Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130 are each hereby amended to read as follows:

A. County departments which administer activities subject to SEPA may prepare rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA, WAC chapter 197-11 and this chapter.

B. The rules and regulations prepared by the department of (~~permitting and environmental review~~) local services, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by the council by motion.

SECTION 160. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are each hereby amended to read as follows:

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a (~~an~~) historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the (~~director of the King County~~) department of (~~permitting and environmental review~~) local services permitting division manager or designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040.A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council,

or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association that notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.070.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a

building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter.

SECTION 161. Ordinance 11620, Section 12, and K.C.C. 20.62.150 are each hereby amended to read as follows:

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. chapter 21A.12, Development Standards - Density and Dimensions and K.C.C. chapter 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

- a. a vicinity map;
- b. a site plan showing the location of all buildings, structures, and landscape features;
- c. a brief description of the proposed project together with architectural drawings showing the

existing condition of all buildings, structures, landscape features and any proposed alteration to them;

d. photographs of all buildings, structures, or landscape features on the site; and

e. an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

a. suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation;

b. recommend approval, or approval with conditions to the director (~~of the department of development and environmental services~~); or

c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4. The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic

Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020_V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate.

SECTION 162. Ordinance 10870, Section 40, as amended, and K.C.C. 21A.04.190 are each hereby amended to read as follows:

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.

C. Zoning maps are available for public review at the department of (~~permitting and environmental review~~) local services, permitting division, permit center during business hours.

SECTION 163. Ordinance 10870, Section 96, as amended, and K.C.C. 21A.06.280 are each hereby amended to read as follows:

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

SECTION 164. Ordinance 10870, Section 105, as amended, and K.C.C. 21A.06.325 are each hereby

amended to read as follows:

Director: the ((director of King County)) department of ((permitting and environmental review)) local services permitting division manager or designee.

SECTION 165. Ordinance 10870, Section 177, as amended, and K.C.C. 21A.06.685 are each hereby amended to read as follows:

Level of service ("LOS") traffic: a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the department of ((transportation)) local services. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay.

SECTION 166. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060 are each hereby amended to read as follows:

A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special		RESOURCE			R U R A L		RESIDENTIAL		COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency				P27	P27	P27	P27			P		P
*	Public agency										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 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vector Waste Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P

	BUSINESS													
*	Construction				P34						P	P9	P	
*	Individual Tr Taxi									P25	P	P10	P	
421	Trucking and									P11	P12	P13	P	
*	Warehousing Wholesale Tr												P	
*	Self-service S							P14	P37	P	P	P	P	
4221 4222	Farm Produc Refrigeration (38)												P	
*	Log Storage		P		P26 and 33								P	
47	Transportati												P	
473	Freight and C										P	P	P	
472	Passenger Tr Service									P	P	P		
48	Communicat										P	P	P	
482	Telegraph an Communicat									P	P	P	P	
*	General Busi							P	P	P	P	P	P16	
*	Professional							P	P	P	P	P	P16	
7312	Outdoor Adv										P	P17	P	
735	Miscellaneou Rental									P17	P	P17	P	
751	Automotive L Leasing									P	P		P	
752	Automotive L									P20a	P20b	P21	P20a	P
*	Off-Street Re Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32	
7941	Professional Teams/Prom										P	P		
873	Research, De Testing										P2	P2	P2	
*	Heavy Equip Repair												P	
	ACCESSOR													
*	Commercial/ Accessory U		P		P22					P22	P22	P	P	P
*	Helistop					C23	C233	C23	C23	C23	C24	C23	C24	

B. Development conditions.

1. Except self-service storage.
2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see

general business service/office.

3.a. Only as a reuse of a public school facility or a surplus nonresidential facility subject to K.C.C. chapter 21A.32; or

b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.

4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a designated unincorporated Rural Town.

6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining rural area and residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;

c. No outdoor storage; and

d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no feasible alternative location is possible.

7. Limited to storefront police offices. Such offices shall not have:

a. holding cells;

b. suspect interview rooms (except in the NB zone); or

c. long-term storage of stolen properties.

8. Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated urban

in the King County Comprehensive Plan shall only be located in the urban area.

9. No outdoor storage of materials.

10. Limited to office uses.

11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

13. Limited to SIC Industry No. 4215-Courier Services, except by air.

14. Accessory to an apartment development of at least twelve units provided:

- a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; and
- h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- i. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

15. Repealed.

16. Only as an accessory use to another permitted use.

17. No outdoor storage.

18. Only as an accessory use to a public agency or utility yard, or to a transfer station.

19. Limited to new commuter parking lots designed for thirty or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses that have excess capacity available during commuting; provided that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of ~~((transportation))~~ local services;

20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,

and

b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall be:

(1) permitted only on parcels located within Vashon Town Center;

(2) accessory to a gas or automotive service use; and

(3) limited to no more than ten vehicles.

21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility. Helistops are prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

24. Allowed as accessory to an allowed use.

25. Limited to private road ambulance services with no outside storage of vehicles.

26. Limited to two acres or less.

27a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

28. Limited to bulk gas storage tanks that pipe to individual residences but excluding liquefied natural gas storage tanks.

29. Excluding bulk gas storage tanks.

30. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

31. Vector waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.

32. Provided:

a. Off-street required parking for a land use located in the urban area must be located in the urban area;

b. Off-street required parking for a land use located in the rural area must be located in the rural area; and

c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street required parking must be located on a lot that would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.

(2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to be located on a site in the NB zone, off-street required parking may be located on a site within three hundred feet of the social service agency, regardless of zoning classification of the site on which the parking is located.

33. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

34. Limited to landscape and horticultural services (SIC 078) that are accessory to a retail nursery, garden center and farm supply store. Construction equipment for the accessory use shall not be stored on the premises.

35. Allowed as a primary or accessory use to an allowed industrial-zoned land use.

36. Repealed.

37. Use shall be limited to the NB zone on parcels outside of the Urban Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such use shall not exceed ten thousand square feet.

38. If the farm product warehousing, refrigeration and storage, or log storage, is associated with agriculture activities it will be reviewed in accordance with K.C.C. 21A.08.090.

SECTION 167. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use	SIC#	SPECIFIC LAND USE	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
			A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O
*		Building Materials and Hardware Stores		P23						P2	P	P		
*		Retail Nurseries, Garden Centers and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*		Forest Product 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 Markets	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 Pla				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana re									P26 C27	P26 C27		
592	Liquor Stores	P13			P13	P13			P13	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting God and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Station Video and A Supply Store						C15a	P15	P	P	P		
*	Jewelry Store									P	P		
*	Monuments, Tombstones, Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic Electronic Sh								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Med Supply Store									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Hou										P12		P
*	Livestock Sa (28)												P

B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

- b. The site area shall be at least four and one-half acres;
 - c. Sales may include locally made arts and crafts; and
 - d. Outside lighting is permitted if no off-site glare is allowed.
2. Only hardware stores.
 - 3.a. Limited to products grown on site.
 - b. Covered sales areas shall not exceed a total area of five hundred square feet.
 4. No permanent structures or signs.
 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
 6. Limited to a maximum of five thousand square feet of gross floor area.
 7. Repealed.
 8. Excluding retail sale of trucks exceeding one-ton capacity.
 9. Only the sale of new or reconditioned automobile supplies is permitted.
 10. Excluding SIC Industry No. 5813-Drinking Places.
 11. No outside storage of fuel trucks and equipment.
 12. Excluding vehicle and livestock auctions.
 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.
 - 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and
 - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
 - 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area

and subject to K.C.C. 21A.12.230; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Repealed.

18. Repealed.

19. Only as:

a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or

b. an accessory use to a recreation or multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory use to a recreation or multiuse park; or

b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.

21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.

22. Only as an accessory use to:

a. a large active recreation and multiuse park in the urban growth area; or

b. a park, or a recreation or multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork and;

a. limited to lumber milled on site; and

b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

24. Requires at least five farmers selling their own products at each market and the annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

25. Limited to sites located within the urban growth area and:

a. The sales area shall be limited to three hundred square feet and must be removed each evening;

b. There must be legal parking that is easily available for customers; and

c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana may be increased to up to three thousand square feet if the retail outlet devotes at least five hundred square feet to the sale, and the support of the sale, of medical marijuana, and the operator maintains a current medical marijuana endorsement issued by the Washington state Liquor and Cannabis Board.

c. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity.

d. Whether a new retail marijuana activity complies with this locational requirement shall be

determined based on the date a conditional use permit application submitted to the department of ~~((permitting and environmental review))~~ local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

e. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 2016, and that King County did not object to within the Washington state Liquor and Cannabis

Board marijuana license application process, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.26.a. and B.26.b. of this section.

27. Per lot, limited to a maximum aggregated total of five thousand square feet gross floor area devoted to, and in support of, the retail sale of marijuana, and;

a. Any lot line of a lot having any area devoted to retail marijuana activity must be one thousand feet or more from any lot line of any other lot having any area devoted to retail marijuana activity; and any lot line of a lot having any area devoted to new retail marijuana activity may not be within one thousand feet of any lot line of any lot having any area devoted to existing retail marijuana activity; and

b. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of ~~((permitting and environmental review))~~ local services, permitting division, became or was deemed complete, and:

(1) if a complete conditional use permit application for the proposed retail marijuana use was not submitted, or if more than one conditional use permit application became or was deemed complete on the same date, then the director shall determine compliance based on the date the Washington state Liquor and Cannabis Board issues a Notice of Marijuana Application to King County;

(2) if the Washington state Liquor and Cannabis Board issues more than one Notice of Marijuana Application on the same date, then the director shall determine compliance based on the date either any complete building permit or change of use permit application, or both, were submitted to the department declaring retail marijuana activity as an intended use;

(3) if more than one building permit or change of use permit application was submitted on the same

date, or if no building permit or change of use permit application was submitted, then the director shall determine compliance based on the date a complete business license application was submitted; and

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

c. Retail marijuana businesses licensed by the Washington state Liquor and Cannabis Board and operating within one thousand feet of each other as of August 14, 2016, and retail marijuana businesses that do not require a permit issued by King County, that received a Washington state Liquor and Cannabis Board license to operate in a location within one thousand feet of another licensed retail marijuana business prior to August 14, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

(1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and

(2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

28. If the agricultural product sales or livestock sales is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

SECTION 168. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are each hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARD	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density Dwelling Units (15) (28)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Dwelling Units (20)	10.4 du/ac						6 du/ac (22) 8 du/ac (27)	9 du/ac (12) (27)	12 du/ac (16) (27)	18 du/ac (24) (27)	27 du/ac (36) (27)	36 du/ac (48) (27)	72 du/ac (96) (27)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac			85% (12) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Rear Setback (3)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft (25)	35 ft (25)	60 ft	60 ft (14)	60 ft (14)	60 ft (14)
Maximum Surface: Percent (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (1) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.
2. Also see K.C.C. 21A.12.060.
3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.
4. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation

or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

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

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

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

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

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

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

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

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

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

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

10.a. For developments consisting of three or more single-detached dwellings located on a single

parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

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

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

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

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

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

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

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

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

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

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

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

community plan.

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

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

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper

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

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

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

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

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

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

25. For cottage housing developments only:

a. The base height is eighteen feet.

b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to twenty-five feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.

SECTION 169. Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370 are each hereby amended to read as follows:

The department of natural resources and parks may accept a grant of easement for the preservation or relocation of a rural equestrian community trail as follows:

A. The department of natural resources and parks makes a determination in writing that:

1. The rural equestrian community trail is listed or mapped on an inventory of equestrian community trails maintained by the department of natural resources and parks. The department of natural resources and parks shall field verify the presence of a trail where an inventory indicates the general location of a trail that has not yet been field verified;

2. The rural equestrian community trail connects to a state, county or other trail open to the public;

3. The rural equestrian community trail, following a site inspection by the department of natural resources and parks, is reasonably fit for use as a rural equestrian community trail;

4. A rural equestrian community trail that traverses or impacts an environmentally sensitive area can be modified to meet code requirements for trails in critical areas; and

5. Permanent protection or relocation of a rural equestrian community trail can be accomplished without interference with allowed uses and development of the subject property, and the site can be developed without interference with the trail and allows for future owners of the property to access historically existing or public trails in the vicinity of the site; or

B. If the rural equestrian community trail is proposed to be granted as part of a mitigation package for a development proposal, the department of ~~((permitting and environmental review))~~ local services, permitting division:

1. Determines that permanent protection or relocation of the rural equestrian community trail can be accomplished without interference with the proposed use and development of the subject property;

2. Determines that the site can be developed without interference with the trail and in a manner that allows future owners of the property to access historically existing or public trails in the vicinity that are linked to the subject site; and

3. Reports its findings in writing to the department of natural resources and parks.

SECTION 170. Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380 are each hereby amended to read as follows:

The following design standards apply to rural equestrian community trails:

A. An on-site rural equestrian community trail should be retained at its existing location unless that location impairs the use of the property as intended by the applicant. A rural equestrian community trail retained in the existing location shall not require any upgrades or improvements, except for maintenance required by this section. The trail may be relocated to a location within the street right-of-way or to another corridor separate from a street right-of-way, provided that whatever alternative is used preserves the same connections as the original trail to an existing public park or trail in the vicinity of the subject property. The preferred place for a relocated trail is out of the right-of-way or separated from the paved surface and road shoulder by a berm, ditch or other separation. Trails may only be relocated to a street right-of-way when

meeting the standards in subsection E. of this section. A tax credit under the Public Benefit Rating System may only be given for trails relocated off the road right-of-way. The trail location shall be preserved by appropriate easements or dedications.

B. Corridors for trails located outside a street right-of-way shall be ten feet wide, or six feet wide if the trail will be located along a property line and additional corridor space can reasonably be expected to be preserved on the abutting property and the corridor is not encumbered by any structures adjacent to the corridor.

C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural equestrian community trail may be located in a designated critical area buffer.

D. Rural equestrian community trails that are not located within street rights-of-way, should be natural, visually and functionally unobtrusive, and as low-impact as possible.

E. Relocated or new rural equestrian community trails within public or private road rights-of-way shall be designed consistent with adopted King County Road Standards, KCRS Section 3.11, as supplemented by the following standards:

1. The trail shall be located to provide access to a local equestrian travel corridor through the project site and adjacent properties, as determined by the King County department of ((transportation)) local services in cooperation with the local equestrian community;
2. The preferred design is a trail separated from the paved roadway by a berm, ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least eight feet of horizontal distance from the paved roadway edge;
3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-wide roadway shoulder path shall be installed on all roads other than local access streets, where a forty-eight inches shoulder path shall be sufficient;
4. All trails shall have an all-weather tread of thirty-six to forty-eight inches;
5. The roadway shall include appropriate surface treatment to reduce slippage at roadway and trail

crossings; and

6. Appropriate signs shall be provided to indicate the location of street crossings for trails, with emphasis on arterials and subcollector streets.

F. Relocated or new rural equestrian community trails not located in a right-of-way shall be designed to the King County Road Standards, KCRS Section 3.11.A.2. SECTION 171. Ordinance 14045, Section 40, as amended, and K.C.C. 21A.14.390 are each hereby amended as follows:

A. Once a trail easement has been granted to the county as provided by this chapter, it shall remain free from structural obstructions or other permanent or temporary obstacles. A rural equestrian community trail((s)) shall be open to the public for recreational use by equestrians and pedestrians. Equestrian and pedestrian use does not include use by motor vehicles, bicycles, roller skates, skateboards or other mechanized modes of transportation. However, the department of natural resources and parks may authorize use by motor vehicles in limited circumstances, such as for maintenance, emergencies or trail crossings.

B. The trail easement shall set forth the responsibility for trail maintenance. Trails within dedicated street rights-of-way shall be maintained by the department of ~~((transportation))~~ local services or its successor ~~((agency))~~. Trails within easements granted to King County shall be maintained by the department of natural resources and parks. The county may contract with a local user group or parks district for maintenance of the trail.

C. Trails established under this section are subject to the rules and enforcement measures for use of facilities for King County parks in K.C.C. chapter 7.12.

D. An easement governing the use and operation of a rural equestrian community trail being granted under Ordinance 14259 shall be granted by the property owner to the county. In preparing the easement, the department of natural resources and parks is authorized to negotiate the terms of the easement on matters such as the allowed use of the easement, whether the easement includes indemnification requirements, the maintenance of the easement, the relocation of the easement, and whether the easement is permanent or for a

term of years, depending on the value of the property as a rural equestrian community trail. The easement shall be consistent with Ordinance 14259.

SECTION 172. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

A. Within the following seven critical areas and their buffers all alterations are allowed if the alteration complies with the development standards, impact avoidance and mitigation requirements and other applicable requirements established in this chapter:

1. Critical aquifer recharge area;
2. Coal mine hazard area;
3. Erosion hazard area;
4. Flood hazard area except in the severe channel migration hazard area;
5. Landslide hazard area under forty percent slope;
6. Seismic hazard area; and
7. Volcanic hazard areas.

B. Within the following seven critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C. of this section are allowed if the alteration complies with conditions in subsection D. of this section and the development standards, impact avoidance and mitigation requirements and other applicable requirements established in this chapter:

1. Severe channel migration hazard area;
2. Landslide hazard area over forty percent slope;
3. Steep slope hazard area;
4. Wetland;
5. Aquatic area;
6. Wildlife habitat conservation area; and

7. Wildlife habitat network.

C. In the following table where an activity is included in more than one activity category, the numbered conditions applicable to the most specific description of the activity governs. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies. For alterations involving more than one critical area, compliance with the 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
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					
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
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

D. The following alteration conditions apply:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.
2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:

a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;

b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;

c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;

d. access is located to have the least adverse impact on the critical area and critical area buffer;

e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;

f. the alteration is no closer than:

(1) on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;

(2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark the lake shoreline; and

(3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and

g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.

3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers of wetlands or aquatic areas where:

- a. the site is predominantly used for the practice of agriculture;
 - b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;
 - c. the structure is either:
 - (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas and the area was not used for crop production;
 - (2) higher in elevation and no closer to the critical area than its existing position; or
 - (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;
 - d. all best management practices associated with the structure specified in the farm management plan are installed and maintained;
 - e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and
 - f. in a severe channel migration hazard area portion of an aquatic buffer only if:
 - (1) there is no feasible alternative location on-site;
 - (2) the structure is located where it is least subject to risk from channel migration;
 - (3) the structure is not used to house animals or store hazardous substances; and
 - (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.
4. No clearing, external construction or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for structures when:

- a. the landslide hazard poses little or no risk of injury;
- b. the risk of landsliding is low; and
- c. there is not an expansion of the structure.

6. Within a severe channel migration hazard area allowed for:

a. existing legally established primary structures if:

- (1) there is not an increase of the footprint of any existing structure; and
- (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

b. existing legally established accessory structures if:

- (1) additions to the footprint will not make the total footprint of all existing structures more than one-thousand square feet; and
- (2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:

a. the expansion or replacement does not increase the footprint of a nonresidential structure;

b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and its buffer;

(2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not result in a cumulative increase in the footprint of the

accessory structure and the dwelling unit by more than one thousand square feet;

(3) the location of the expansion has the least adverse impact on the critical area; and

(4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative plants and replacement with native vegetation in accordance with an approved landscaping plan;

c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception;

d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area; and

e. The expansion of a residential structure in the buffer of a Type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:

(1) the expansion is within thirty-five feet of the ordinary high water mark; or

(2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet.

8. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if:

a. except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area;

b. except as otherwise allowed under subsection D.7. of this section, the existing impervious surface within the critical area or buffer is not expanded; and

c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation in accordance with an approved landscaping plan.

9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or its buffer or along a lake shoreline or its buffer where:

a. the vegetation where the alteration is proposed does not consist of dominant native wetland

herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law;

- b. the wetland or lake shoreline is not a salmonid spawning area;
- c. hazardous substances or toxic materials are not used; and
- d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C.

21A.25.180.

10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.

11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180.

12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity.

14. The following are allowed in the severe channel migration hazard area if conducted more than one hundred sixty-five feet from the ordinary high water mark in the rural area and natural resource lands and one-hundred fifteen feet from the ordinary high water mark in the urban area:

- a. grading of up to fifty cubic yards on lot less than five acres; and
- b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe

channel migration hazard area.

15. Only where erosion or landsliding threatens a structure, utility facility, roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

16. Allowed when performed by, at the direction of or authorized by a government agency in accordance with regional road maintenance guidelines.

17. Allowed when not performed under the direction of a government agency only if:

- a. the maintenance or expansion does not involve the use of herbicides, hazardous substances,

sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

b. when maintenance, expansion or replacement of bridges or culverts involves water used by salmonids:

(1) the work is in compliance with ditch standards in public rule; and

(2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

19. The limited trimming, pruning or removal of vegetation under a vegetation management plan approved by the department:

a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and

b. in all critical areas for habitat enhancement, invasive species control or forest management activities.

20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for restoration and enhancement projects is allowed.

21. Cutting of firewood is subject to the following:

a. within a wildlife habitat conservation area, cutting firewood is not allowed;

b. within a wildlife network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386; and

c. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan.

22. Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal.

23. Allowed as follows:

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

b. without an approved forest management plan, farm management plan or rural stewardship plan, only if:

(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or herbicides or biological control methods;

(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

(3) the cleared area is revegetated with native vegetation and stabilized against erosion; and

(4) herbicide use is in accordance with federal and state law;

24. Allowed to repair or replace existing on site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by the Seattle King County board of health and:

a. there is no alternative location available with less impact on the critical area;

b. impacts to the critical area are minimized to the maximum extent practicable;

c. the alterations will not subject the critical area to increased risk of landslide or erosion;

d. vegetation removal is the minimum necessary to accommodate the septic system; and

e. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

a. there is not another feasible location with less adverse impact on the critical area and its buffer;

b. the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site.

c. the corridor width is minimized to the maximum extent practical;

d. the construction occurs during approved periods for instream work;

e. the corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity; and

f. no new public right-of-way is established within a severe channel migration hazard area.

27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are not operated within a wildlife habitat conservation area.

28. Allowed only if:

a. an alternative access is not available;

b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;

c. the risk associated with landslide and erosion is minimized;

d. access is located where it is least subject to risk from channel migration; and

e. construction occurs during approved periods for instream work.

29. Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.

30. Allowed only if:

a. the new construction or replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

b. the site is restored with appropriate native vegetation.

31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

a. there is not another feasible alternative available with less impact on the aquatic area and its buffer; and

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and its buffer(s).

32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines.

33. Allowed outside the roadway if:

a. the alterations will not subject the critical area to an increased risk of landslide or erosion;

b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and

c. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

34. Limited to the pipelines, cables, wires and support structures of utility facilities within utility corridors if:

a. there is no alternative location with less adverse impact on the critical area and critical area buffer;

b. new utility corridors meet the all of the following to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) the mean annual flow rate is less than twenty cubic feet per second; and

(3) paralleling the channel or following a down-valley route near the channel is avoided;

c. to the maximum extent practical utility corridors are located so that:

(1) the width is the minimized;

(2) the removal of trees greater than twelve inches diameter at breast height is minimized;

(3) an additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;

d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:

(1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;

f. the construction occurs during approved periods for instream work;

g. the utility corridor serves multiple purposes and properties to the maximum extent practical;

h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;

i. bored, drilled or other trenchless crossing is laterally constructed at least four feet below the maximum depth of scour for the base flood;

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

38. Allowed if:

a. conveying the surface water into the wetland or aquatic area buffer and discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer than if the surface water were discharged at the buffer's edge and allowed to naturally drain through the buffer;

b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the King County Surface Water Design Manual;

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

e. the outfall is designed to minimize adverse impacts to critical areas.

39. Allowed only if:

a. there is no feasible alternative with less impact on the critical area and its buffer;

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and its buffer;

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site;

d. construction occurs during approved periods for in-stream work; and

e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area or waterward of the ordinary high water mark.

40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if:

a. fish habitat features necessary for feeding, cover and reproduction are included when appropriate;

b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments or shade the water; and

c. bioengineering techniques are used to the maximum extent practical.

41. Allowed for a closed, tightlined conveyance system and outfall structure if:

a. necessary to avoid erosion of slopes; and

b. bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area or an aquatic area buffer to prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical areas report, the department determines that the new flood protection facility will not cause significant impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

(1) public roadways;

(2) sole access routes in existence before February 16, 1995;

(3) new primary dwelling units, accessory dwelling units or accessory living quarters and

residential accessory structures located outside the severe channel migration hazard area if:

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and

(b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures on abutting or adjacent properties; or

(4) existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures if:

(a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists;

(b) the structure is in imminent danger, as determined by a geologist, engineering geologist or geotechnical engineer;

(c) the applicant has demonstrated that the existing structure is at risk, and the structure and supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

c. the footprint of the facility is not expanded waterward;

d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic

Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;

- e. the site is restored with appropriate native vegetation and erosion protection materials; and
- f. based on a critical areas report, the department determines that the maintenance, repair,

replacement or construction will not cause significant impacts to upstream or downstream properties.

44. Allowed in type N and O aquatic areas if done in least impacting way at least impacting time of year, in conformance with applicable best management practices, and all affected instream and buffer features are restored.

45. Allowed in a type S or F water when such work is:

- a. included as part of a project to evaluate, restore or improve habitat, and
- b. sponsored or cosponsored by a public agency that has natural resource management as a function

or by a federally recognized tribe.

46. Allowed as long as the trail is not constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons.

47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

- a. the trail surface is made of pervious materials, except that public multipurpose trails may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;

- b. to the maximum extent practical, buffers are expanded equal to the width of the trail corridor including disturbed areas;

- c. there is not another feasible location with less adverse impact on the critical area and its buffer;

- d. the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no

other feasible crossing site;

- e. the trail width is minimized to the maximum extent practical;
- f. the construction occurs during approved periods for instream work; and
- g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or

volume or the flood storage capacity.

h. the trail may be located across a critical area buffer for access to a viewing platform or to a permitted dock or pier;

i. A private viewing platform may be allowed if it is:

- (1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;
- (2) located where it will not be detrimental to the functions of the wetland or aquatic area and will

have the least adverse environmental impact on the critical area or its buffer;

- (3) limited to fifty square feet in size;
- (4) constructed of materials that are nontoxic; and
- (5) on footings located outside of the wetland or aquatic area.

48. Only if the maintenance:

a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;

b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and

c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.

49. Limited to alterations to restore habitat forming processes or directly restore habitat function and value, including access for construction, as follows:

a. projects sponsored or cosponsored by a public agency that has natural resource management as a

primary function or by a federally recognized tribe;

b. restoration and enhancement plans prepared by a qualified biologist; or

c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan.

50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

51. Allowed for the minimal clearing and grading, including site access, necessary to prepare critical area reports.

52. The following are allowed if associated spoils are contained:

a. data collection and research if carried out to the maximum extent practical by nonmechanical or hand-held equipment;

b. survey monument placement;

c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities.

54. Allowed for expansion of existing or new agricultural activities where:

a. the site is predominantly involved in the practice of agriculture;

b. there is no expansion into an area that:

(1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest practice permit; or

(2) is more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;

c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and

d. all best management practices associated with the activities specified in the farm management plan are installed and maintained.

55. Only allowed in grazed or tilled wet meadows or their buffers if:

a. the facilities are designed to the standards of an approved farm management plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with K.C.C. chapter 21A.30;

b. there is not a feasible alternative location available on the site; and

c. the facilities are located close to the outside edge of the buffer to the maximum extent practical.

56. Only allowed in: 1) a severe channel migration hazard area located outside of the shorelines jurisdiction area, 2) grazed or tilled wet meadow or wet meadow buffer or 3) aquatic area buffer and only if:

a. the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;

b. there is not another feasible location available on the site that is located outside of the critical area or critical area buffer;

c. the farm pad is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and

d. for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.

57. Allowed for new agricultural drainage in compliance with an approved farm management plan in

accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained.

58. If the agricultural drainage is used by salmonids, maintenance shall be in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed within existing landscaped areas or other previously disturbed areas.

60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;

b. the residential utility service distribution lines meet the all of the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is minimized;

(6) an additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally constructed at

least four feet below the maximum depth of scour for the base flood; and

(10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry.

61. Allowed if sponsored or cosponsored by the countywide flood control zone district and the department determines that the project and its location:

- a. is the best flood risk reduction alternative practicable;
- b. is part of a comprehensive, long-term flood management strategy;
- c. is consistent with the King County Flood Hazard Management Plan policies;
- d. will have the least adverse impact on the ecological functions of the critical area or its buffer,

including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

- e. has been subject to public notice in accordance with K.C.C. 20.44.060.

62.a. Not allowed in wildlife habitat conservation areas;

b. Only allowed if:

(1) the project is sponsored or cosponsored by a public agency whose primary function deals with natural resources management;

(2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function deals with natural resources management;

(3) there is not a feasible alternative location available on the site with less impact to the critical area or its associated buffer;

(4) the aquatic area or wetland is not for salmonid rearing or spawning;

(5) the project minimizes the footprint of structures and the number of access points to any critical areas; and

(6) the project meets the following design criteria:

- (a) to the maximum extent practical size of platform shall not exceed one hundred square feet;
- (b) all construction materials for any structures, including the platform, pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;
- (c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;
- (d) structures shall be located outside of the wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if applicable) to the maximum extent practical on the site;
- (e) construction occurs during approved periods for work inside the Ordinary High Water Mark;
- (f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting and rearing seasons;
- (g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;
- (h) trail access is designed in accordance with public rules adopted by the department;
- (i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is allowed; and
- (j) disturbed bare ground areas around the structure must be replanted with native vegetation approved by the department.

63. Not allowed in the severe channel migration zone, there is no alternative location with less adverse impact on the critical area and buffer and clearing is minimized to the maximum extent practical.

64. Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

- a. not allowed in wildlife habitat conservation areas or severe channel migration hazard areas;
- b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;
- c. the structure shall be located as far from the critical area as practical, but in no case closer than seventy-five feet from the critical area;
- d. only one tree-supported structure within a critical area buffer is allowed on a lot;
- e. all construction materials for the structure, including the platform, pilings, exterior and interior walls and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;
- f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;
- g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:
 - (1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;
 - (2) the attachments shall be constructed using the best available tree anchor bolt technology; and
 - (3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;
- h. exterior lighting shall meet the following criteria:
 - (1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and

(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;

i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting and rearing seasons;

j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;

k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer that are temporarily impacted by construction of the structure shall be restored by planting native vegetation according to a vegetation management plan approved by the department.

65. Shoreline water dependent and shoreline water oriented uses are allowed in the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

66. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100B.14., and only as follows:

a. there is not another feasible location within the aquatic area with less adverse impact on the critical area and its buffer;

b. the facility and corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score 30 points or greater

- d. the corridor width is minimized to the maximum extent practical;
- e. paralleling the channel or following a down-valley route within an aquatic area buffer is avoided to the maximum extent practical;
- f. the construction occurs during approved periods for instream work;
- g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;
- h. the facility and corridor is not located within a severe channel migration hazard area;
- i. to the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;
- j. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:
 - (1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and
 - (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;
- k. the facility does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
 - l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

67. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows:

- a. there is not another feasible location with less adverse impact on the critical area and its buffer;

b. the alterations will not subject the critical area to an increased risk of landslide or erosion;

c. the corridor width is minimized to the maximum extent practical;

d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. the facility and corridor do not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury is eliminated or minimized in the landslide hazard area;

and

f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger must be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. Only for maintenance of agricultural waterways if:

a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;

b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife pursuant to chapter 77.55 RCW;

c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of ((permitting and

environmental review)) local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;

d. the person performing the maintenance and the land owner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and

e. the maintenance project complies with K.C.C. chapter 16.82.

SECTION 173. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are each hereby amended to read as follows:

A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.

B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads and agricultural drainage.

D. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;
2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner;
3. To the maximum extent practical in accordance with the site specific goals of the landowner, maintain and enhance natural hydrologic systems on the site;
4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and
5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;
2. Consider the priorities of the King County shoreline protection and restoration plan; and
3. Ensure no net loss of shoreline ecological functions.

F. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. The plan shall include, but is not limited to, the following elements:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;
2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;
3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm management plan if adverse impacts occur.

G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section.

I. Once approved, activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 174. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055 are each hereby amended to read as follows:

A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section.

B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan.

C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors:

1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map;
2. The existing condition of wetland and aquatic area buffers;
3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state department of ecology publication number 04-06-025, published August 2004;
4. The location of the site in the drainage basin;
5. The percentage of impervious surfaces and clearing on the site; and
6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred.

D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan.

E. Modifications of critical area buffers shall be based on the following prioritized goals:

1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction;
2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;

3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;
 4. To maintain, restore or enhance native vegetation;
 5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site;
 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;
 7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and
 8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.
- F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall:
1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program;
 2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and
 3. Ensure no net loss of shoreline ecological functions.
- G. A rural stewardship plan may include, but is not limited to, the following elements:
1. Critical areas designation under K.C.C. 21A.24.500;
 2. Identification of structures, cleared and forested areas and other significant features on the site;
 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;
 4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development;
 5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site;
 6. A schedule for implementation of the elements of the rural stewardship plan; and

7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur.

H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section.

I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100.

J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply:

1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and

2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter.

K. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section.

L. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall consult with the department of

natural resources and parks to determine whether the activity is consistent with the rural stewardship plan.

SECTION 175. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are each hereby amended to read as follows:

A. The King County council recognizes that rural stewardship plans and farm management plans are key elements of this chapter that provide flexibility to rural area residents to establish and maintain a rural lifestyle that includes activities such as farming and forestry while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks and department of ~~((permitting and environmental review))~~ local services shall adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051 relating to rural stewardship plans and farm management plans, consistent with the provisions of this section. The rules shall not compromise the King Conservation District's mandate or standards for farm management planning.

C. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals and classroom workshops. When possible, the assistance shall be provided at little or no cost to landowners. In addition, the department of natural resources and parks shall develop, in consultation as necessary with the department of ~~((permitting and environmental review))~~ local services, permitting division, and the King Conservation District, and make available to the public, model farm management, forest management and rural stewardship plans illustrating examples of plan application content, drawings and site plans, to assist landowners in their development of site-specific plans for their property.

D. The department of natural resources and parks is the primary county agency responsible for rural stewardship plans and farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of ~~((permitting and environmental review))~~ local services, permitting division, in carrying out its responsibilities under this chapter relating to rural stewardship plans and farm management plans. The department of natural resources and parks, the

department of ~~((permitting and environmental review))~~ local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to rural stewardship plans and farm management plans.

E. ~~((Not later than March 1, 2005, the department of natural resources and parks and department of permitting and environmental review shall prepare and submit to the chair of the growth management and unincorporated areas committee, or its successor, a report summarizing the public rules adopted to implement the provisions of this chapter related to farm management plans and rural stewardship plans and how the rules implement the requirements of this section.~~

F.)) The department of natural resources and parks and department of ~~((permitting and environmental review))~~ local services, permitting division, shall monitor and evaluate the effectiveness of rural stewardship and farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 176. Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290 are each hereby amended to read as follows:

A. Development within the shoreline jurisdiction, including preferred uses and uses that are exempt from permit requirements, shall be undertaken only if that development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County shoreline master program and will not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.

B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any

proposed uses and modifications if:

1. WAC 173-27-050 applies; or

2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur waterward of the ordinary high water mark.

C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations.

D. As necessary to ensure consistency of the project with the shoreline master program and this chapter, the department may attach conditions of approval to a substantial development permit or a statement of exemption or to the approval of a development proposal that does not require either.

E. The department may issue a programmatic statement of exemption as follows:

1. For an activity for which a statement of exemption is required, the activity shall:

a. be repetitive and part of a maintenance program or other similar program;

b. have the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the programmatic statement of exemption; and

c. be suitable to having standard conditions that will apply to any and all sites;

2. The department shall uniformly apply conditions to each activity authorized under the programmatic statement of exemption at all locations covered by the statement of exemption. The department may require that the applicant develop and propose the uniformly applicable conditions as part of the statement of exemption application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic statement of exemption until applicable conditions are developed and approved;

3. Activities authorized under a programmatic statement of exemption shall be subject to inspection by

the department. The applicant may be required to notify the department each time work subject to the programmatic statement of exemption is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions in the programmatic statement of exemption;

4. The department may require revisions, impose new conditions or otherwise modify the programmatic statement of exemption or withdraw the programmatic statement of exemption and require that the applicant apply for a standard statement of exemption, if the department determines that:

- a. The programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
- b. The programmatic statement of exemption does not provide adequate regulation of the activity;
- c. The programmatic statement of exemption conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
- d. A site requires site-specific regulation; and

5. If an activity covered by a programmatic statement of exemption also requires other county, state and federal approvals, to the extent feasible, the department shall attempt to incorporate conditions that comply with those other approvals into the programmatic statement of exemption.

F. A statement of exemption is not required for maintenance of agricultural drainage or agricultural waterways used by salmonids if:

1. The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW;

2. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife, the department of ~~((permitting and environmental review))~~ local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington Department of Ecology;

3. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;
4. The maintenance project complies with the requirements of K.C.C. chapter 16.82; and
5. The project is not subject to federal permitting related to the U.S. Army Corps of Engineers Section 10 or Section 404 permits.

SECTION 177. Ordinance 13129, Section 2, as amended, and K.C.C. 21A.27.010 are each hereby amended to read as follows:

When a new transmission support structure is proposed, a community meeting shall be convened by the applicant prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided as follows:

1. Published in the local paper and mailed to the department, and
2. Mailed notice shall be provided to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater, as required by K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. When the proposed transmission support structure exceeds a height of one hundred twenty feet, the mailed notice shall be provided to all property owners within one thousand feet. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative sites proposed by citizens can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by King County. Because the purpose of the community meeting is to promote early discussion, applicants are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit an application.

B. At the community meeting at which at least one employee of the department of ~~((permitting and~~

~~environmental review~~) local services, permitting division, assigned by the (~~director of the department~~) permitting division manager or designee, shall be in attendance, the applicant shall provide information relative to existing transmission support structures and other nonresidential structures, such as water towers and electrical transmission lines, within one-quarter mile of potential sites, and shall discuss reasons why those existing structures are unfeasible. Furthermore, any alternative sites within one-quarter mile, identified by community members and provided to the applicant in writing at least five days in advance of the meeting, shall be evaluated by the applicant to the extent possible given the timeframe, and discussed at the meeting. A listing of the sites, identified in writing and provided to the applicant at or before the community meetings, shall be submitted to the department with the proposed application. Applicants shall also provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal.

SECTION 178. Ordinance 13129, Section 22, as amended, and K.C.C. 21A.27.160 are each hereby amended to read as follows:

The department of (~~permitting and environmental review~~) local services, permitting division, shall retain the services of a registered professional electrical engineer accredited by the state of Washington who holds a Federal Communications General Radio telephone Operator License. The engineer will provide technical evaluation of permit applications for minor communications facilities. The department is authorized to charge the applicant for these services. The specifications for an RFP to retain a consulting engineer shall specify at least the qualifications noted above, the capacity to provide a three week turnaround on data review, a request for a proposed fixed fee for services and shall state a preference for a qualified professional with a balance of experience in both the private and public sectors. Such a review shall be performed in a timely manner, be limited to the data necessary to establish findings pursuant to K.C.C. 21A.27.130.C. and 21A.27.130.D, and avoid any conflicts with the department's duty to review permit applications within one hundred twenty days of acceptance pursuant to RCW 36.70B.090. This review shall be performed when

requested by affected residents pursuant to K.C.C. 21A.27.090.

SECTION 179. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154 are each hereby amended to read as follows:

A. There is hereby created a school technical review committee within King County. The committee shall consist of three county staff persons, one each from the department of ~~((permitting and environmental review))~~ local services, permitting division, the office of financial management and the county council.

B. The committee shall be charged with reviewing each school district's capital facilities plan, enrollment projections, standard of service, the district's overall capacity for the next six years to ensure consistency with the Growth Management Act, King County Comprehensive Plan and adopted community plans, and the district's calculation and rationale for proposed impact fees.

C. Notice of the time and place of the committee meeting where the district's documents will be considered shall be provided to the district.

D. At the meeting where the committee will review or act upon the district's documents, the district shall have the right to attend or to be represented, and shall be permitted to present testimony to the committee. Meetings shall also be open to the public.

E. In its review, the committee shall consider the following factors:

1. Whether the district's forecasting system for enrollment projections has been demonstrated to be reliable and reasonable.

2. The historic levels of funding and voter support for bond issues in the district;

3. The inability of the district to obtain the anticipated state funding or to receive voter approval for district bond issues;

4. An emergency or emergencies in the district which required the closing of a school facility or facilities resulting in a sudden and unanticipated decline in districtwide capacity; and

5. The standards of service set by school districts in similar types of communities. While community

differences will be permitted, the standard established by the district should be reasonably consistent with the standards set by other school districts in communities of similar socioeconomic profile; and

6. The standards identified by the state concerning the ratios of certificated instructional staff to students.

F. In the event that the district's standard of service reveals a deficiency in its current facilities, the committee shall review the district's capital facilities plan to determine whether the district has identified all sources of funding necessary to achieve the standard of service.

G. The district in developing the financing plan component of the capital facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

2. Apply to the state for funding, and comply with the state requirement for eligibility to the best of the district's ability.

H. The committee is authorized to request the school district to review and to resubmit its capital facilities plan, or to establish a different standard of service, or to review its capacity for accommodating new students, under the following circumstances:

1. The standard of service established by the district is not reasonable in light of the factors set forth in subsection E. of this section.

2. The committee finds that the district's standard of service cannot reasonably be achieved in light of the secured financial commitments and the historic levels of support in the district; or

3. Any other basis that is consistent with this section.

I. If a school district fails to submit its capital facilities plan for review by the committee, King County shall assume the district has adequate capacity to accommodate growth for the following six years.

J. The committee shall submit copies of its recommendation of concurrency for each school district to the director, to the hearing examiner and to the district.

K. The committee shall recommend to the council a Comprehensive Plan amendment adopting the district's capital facilities plan as part of the Comprehensive Plan, for any plan which the committee concludes accurately reflects the district's facilities status.

L. In the event that after reviewing the district's capital facilities plan and other documents, the committee is unable to recommend certifying concurrency in a school district, the committee shall submit a statement to the council, the director and the hearing examiner stating that the committee is unable to recommend certifying concurrency in a specific school district. The committee shall recommend to the executive that the executive propose to the council, amendments to the land use element of the King County Comprehensive Plan or amendments to the development regulations implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations.

SECTION 180. Ordinance 11168, Section 9, as amended, and K.C.C. 21A.30.066 are each hereby amended to read as follows:

A. (~~Education.~~) Enforcement of these livestock standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions, and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in K.C.C. 9.12.025, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.

B. Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock

operator," shall be held responsible for compliance with these standards.

C. ~~((Prima facie evidence.))~~ Establishment and adherence to a farm management plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C. 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of K.C.C. 9.12.035.

D. ~~((Violations of specific standards.))~~ The department of ~~((permitting and environmental review))~~ local services, permitting division, shall be responsible for enforcement of the standards set out in this chapter. The surface water management division shall be responsible for enforcement of water quality violations pursuant to K.C.C. ~~((€))~~chapter 9.12 for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of non-compliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given ~~((45))~~ forty-five days in which to adhere to the management standards of K.C.C. 21A.30.060, or establish a farm management plan pursuant to K.C.C. 21A.30.050 as the owner and/or livestock operator may elect for the purpose of compliance. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the county, after notice, may commence abatement proceedings and impose civil fines ~~((30))~~ thirty days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and K.C.C. Title 23 ~~((Enforcement))~~.

SECTION 181. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation

easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C.

21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of (~~permitting and environmental review~~) local services, permitting division, shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres.

Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional

TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres.

Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated on additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report and shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid unless conditions on the sending site property that would affect the number of development rights the sending site has available for transfer have changed.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

SECTION 182. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. Prior to issuing a certificate for transferable development rights to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights that have been removed from the property and shall place a notice on the title of the sending site. The department of (~~permitting and environmental review~~) local services, permitting division, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency and that meets the requirements of K.C.C. 21A.37.050 shall be required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify limitations in perpetuity on future residential and nonresidential development consistent with this chapter, as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program.

The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a rural sending site the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall serve as a present conditions

report documenting the baseline conditions of the property and shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 183. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the ~~((directors of the))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager and the director of the department of natural resources and parks, or ~~((their))~~ designees, shall be responsible for qualification of sending sites.

Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.22.040. The department of natural resources and parks shall be responsible for preparing a TDR qualification report, which shall be signed by the director of the department of natural resources and parks or ~~((the director's))~~ designee, documenting the review and decision of the committee. The qualification report shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;
2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with K.C.C. 21A.37.050.A.; and

3. Be issued a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant.

Application for sending site certification shall include:

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;
5. Assessors map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;
7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:
 - a. a wildlife habitat conservation plan;
 - b. a wildlife habitat restoration plan; or
 - c. a wildlife present conditions report;
8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;
9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E.;
10. A completed density calculation worksheet for estimating the number of available development rights; and
11. The application fee consistent with K.C.C. 27.36.020.

SECTION 184. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR qualification report,

agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the county, the sending site owner may market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR qualification report may be transferred to the new owner if requested in writing to the department of natural resources and parks by the person or persons that owned the property when the TDR qualification report was issued, if documents evidencing the transfer of ownership are also provided to the department of natural resources and parks;

2. In applying for receiving site approval, the applicant shall provide the department of (~~permitting and environmental review~~) local services, permitting division, with one of the following:

- a. a TDR qualification report issued in the name of the applicant,
- b. a TDR qualification report issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,
- c. a TDR certificate issued in the name of the applicant, or
- d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of (~~permitting and environmental review~~) local services, permitting division, or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C.

Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor (~~agency~~).

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 185. Ordinance 13733, Section 15, as amended, and K.C.C. 21A.37.160 are each hereby amended as follows:

A. The TDR executive board is hereby established. The TDR executive board shall be composed of the director of the budget office, the director of the department of natural resources and parks, the director of the department of (~~transportation~~) local services and the director of finance, or their designees. A representative from the King County council staff, designated by the council chair, may participate as an ex officio, nonvoting member of the TDR executive board. The TDR executive board shall be chaired by the director of the department of natural resources and parks or (~~that director's~~) designee.

B. The issues that may be addressed by the executive board include, but are not limited to, using site

evaluation criteria established by administrative rules, ranking and selecting sending sites to be purchased by the TDR bank, recommending interlocal agreements and the provision of TDR amenities, if any, to be forwarded to the executive, identifying future funding for amenities in the annual budget process, enter into other written agreements necessary to facilitate density transfers by the TDR bank and otherwise oversee the operation of the TDR bank to measure the effectiveness in achieving the policy goals of the TDR program.

C. The department of natural resources and parks shall provide lead staff support to the TDR executive board. Staff duties include, but are not limited to:

1. Making recommendations to the TDR executive board on TDR program and TDR bank issues on which the TDR executive board must take action;
 2. Facilitating development rights transfers through marketing and outreach to the public, community organizations, developers and cities;
 3. Identifying potential receiving sites;
 4. Developing proposed interlocal agreements with cities;
 5. Assisting in the implementation of TDR executive board policy in cooperation with other departments;
 6. Ranking certified sending sites for consideration by the TDR executive board;
 7. Negotiating with cities to establish city receiving areas with the provision of amenities;
 8. Preparing agendas for TDR executive board meetings;
 9. Recording TDR executive board meeting summaries;
 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to implement this chapter;
- and
11. Preparing periodic reports on the progress of the TDR program to the council with assistance from other departments.

SECTION 186. Ordinance 10870, Section 576, as amended, and K.C.C. 21A.38.030 are each hereby

amended to read as follows:

A. Property-specific development standards, denoted by the zoning map symbol -P after the zone's map symbol or a notation in the geographic information system data layers, shall be established on individual properties through either reclassifications or area zoning. All property-specific development standards are contained in Appendix of Ordinance 12824 as currently in effect or hereinafter amended and shall be maintained by the department of ~~((permitting and environmental review))~~ local services, permitting division, in the Property Specific Development Conditions notebook. Upon the effective date of reclassification of a property to a zone with a "-P" suffix, the property-specific development standards adopted thereby shall apply to any development proposal on the subject property subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance and special use permit.

B. Property-specific development standards shall address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such a condition or conditions, and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property-specific development standards are limited to:

1. Limiting the range of permitted land uses;
2. Requiring special development standards for property with physical constraints (e.g. environmental hazards, view corridors);
3. Requiring specific site design features (e.g. building orientation, lot layout, clustering, trails or access location);
4. Specifying the phasing of the development of a site;

5. Requiring public facility site dedications or improvements (e.g. roads, utilities, parks, open space, trails, school sites); or

6. Designating sending and receiving sites for transferring density credits as provided in K.C.C. chapter 21A.36.

D. Property-specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title.

SECTION 187. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are each hereby amended to read as follows:

Special district overlays shall be designated on official area zoning maps and as a notation in the department's electronic parcel record, as follows:

A. A special district overlay shall be designated through the area zoning process as provided in K.C.C. chapters 20.12 and 20.18. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of ~~((permitting and environmental review))~~ local services, permitting division, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other

county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 188. Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020, are each amended as follows:

A. King County shall accept an application for an UPD permit only in areas designated urban by the comprehensive plan and contained within the boundaries of UPD Special District Overlays designated by a community plan or comprehensive plan, provided that density transfer from adjacent rural lands is allowed as provided for in K.C.C. chapter 21A.36.

B. A UPD permit application, or modifications of an approved UPD permit that requires council review, shall be reviewed pursuant to the hearing examiner process outlined in K.C.C. chapter 21A.42, provided that:

1. ~~((€))~~The review of the UPD permit application shall not be completed until applicable sewer and/or water comprehensive utility plans or plan amendments are identified;

2. A UPD permit may be processed concurrently with any application for a subsequent development approval implementing the UPD permit.

C. A processing memorandum of understanding (MOU) shall be adopted containing any of the following elements:

1. Schedule for processing including timelines for EIS, drainage master plan, UPD permit hearings, plats or other permits or approvals;

2. Budget for permit processing and review;

3. Establishment of a core UPD review team with one representative from each county department having a principal UPD permit review role. The department responsible for coordinating review of the UPD shall enter into memorandums of understanding with other county departments specifying special tasks and timetables consistent with the schedule for performance by each department and/or independent consulting;

4. Retention of a third-party facilitator at the applicant's cost to assist the county's review;

5. Establishment of baseline monitoring requirements and design parameters that are to apply under existing law during the UPD application and review process;

6. Final scope for EIS, that shall be adjusted for adopted county substantive environmental or mitigation requirements that will apply to the UPD permit such as K.C.C. chapter 21A.24, the SWM Manual, road and school adequacy standards, impact fee or mitigation programs or other adopted standards.

D. The processing MOU shall be completed initially within ninety days after the request by a UPD permit applicant, unless the county and applicant agree to a different time. If the county and applicant have not reached agreement within ninety days, then either may request final resolution of the processing MOU by a committee consisting of the ~~((directors of the))~~ department~~((s))~~ of ~~((transportation, permitting and environmental review,))~~ local services permitting division manager and the director of the department of natural resources and parks or designees;

E. The county shall prepare a UPD application form consistent with the information required under K.C.C. 21A.39.030, that shall take into account that detailed information that may not be available at the time of the application will be developed through the environmental impact statement and review process.

SECTION 189. Ordinance 18626, Section 15, and K.C.C. 21A.42.300 are each hereby amended to read as follows:

A. There is hereby established an agricultural technical review committee consisting of representatives of the department of ~~((permitting and environmental review))~~ local services, permitting division, natural resources and parks and public health and the King County Conservation District.

B. The agricultural technical review committee is authorized to review proposals to expand or modify agricultural activities and to site agricultural support services, as identified in K.C.C. 21A.08.090, and to make a recommendation to the director((§)) or designee. The agricultural technical review committee's recommendation will be based on the applicant's submission of a business plan that establishes satisfaction of the relevant criteria set forth in this section.

C. The director((§)) or ((~~the director's~~)) designee((§)) shall sit on the committee and shall make a final decision on proposals to expand or modify agricultural activities or to site agricultural support services. This decision shall be a Type 1 decision under K.C.C. chapter 20.20. The Director's decision will require the property owner to sign and record on title, at the owner's sole expense, a covenant in a form acceptable to the ((€))county ((~~which~~)) that informs subsequent owners of the conditions and limitations under which the use must be maintained.

D. The director, after a recommendation from the agricultural technical review committee established by this section, may modify development standards for agricultural activities as identified in K.C.C. 21A.08.090, subject to the following criteria. The proposed modification or expansion must:

1. Be located on existing impervious surface or lands not otherwise suitable for direct agricultural production based upon soil conditions or other factors and cannot be returned to productivity by drainage maintenance;
2. Be allowed under any Farmland Preservation Program conservation easement and zoning development standards;
3. Be supported by adequate utilities, parking, internal circulation and other infrastructure;
4. Not interfere with neighborhood circulation or interfere with existing or permitted development or use on neighboring properties;
5. Be designed in a manner that is compatible with the character and appearance of existing or proposed development in the vicinity of the subject property;

6. Not be in conflict with the health and safety of the community and is such that pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

7. Be supported by adequate public facilities or services and must not adversely affect public services to the surrounding area; and

8. Not be in conflict with the policies of the Comprehensive Plan or the basic purposes of K.C.C. Title 21A.

E. Siting of agricultural support services as provided in K.C.C. 21A.08.090 may be authorized by the director, after a recommendation from the agricultural technical review committee established by this section, subject to the following criteria. The proposed use must:

1.a. Be limited to processing, warehousing and storage, including refrigeration, retail sales and other similar support services of locally produced agricultural products. Sixty percent or more of the products must be grown or raised in the agricultural production district. At the time of initial application, the applicant shall submit a projection of the source of products to be produced;

b. Be limited to farmworker housing to support agricultural operations located in the agricultural production district; or

c. Be limited to farm operations, including equipment repair, and other similar services primarily supporting agricultural operations located in the agricultural production district. Sixty percent or more of the services business must be to support agricultural operations in the agricultural production district. At the time of initial application, the applicant shall submit a projection of the source of products to be produced;

2. Meet the setback and size limitation in K.C.C. 21A.08.090.B.24. for structures and areas used for agricultural support services, including walls, fences and screening vegetation, and not interfere with neighborhood circulation or interfere with existing or permitted development or use on neighboring properties;

3. Be designed in a manner which is compatible with the character and appearance of existing, or

proposed development in the vicinity of the subject property, and provide sufficient screening vegetation;

4. Not be in conflict with the health and safety of the community and must be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

5. Be supported by adequate public facilities or services, will not adversely affect public services to the surrounding area and shall not depend on urban services; and

6. Not be in conflict with the policies of the Comprehensive Plan or the basic purposes of K.C.C. Title 21A.

SECTION 190. Ordinance 11621, Section 113, as amended, and K.C.C. 21A.43.040 are each hereby amended to read as follows:

Fees shall be collected by the department of (~~(permitting and environmental review)~~) local services, permitting division, and maintained in a separate account for each school district, pursuant to K.C.C.

21A.43.070. Fees shall be paid to the district pursuant to administrative rules of an interlocal agreement between the county and the district.

SECTION 191. Ordinance 11621, Section 114, as amended, and K.C.C. 21A.43.050 are each hereby amended to read as follows:

A. In school districts where impact fees have been adopted by county ordinance and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based on the schedules set forth in each ordinance establishing the fee to be collected for the district, from any applicant seeking development approval from the county where such development activity requires final plat, PUD or UPD approval or the issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid. No approval shall be granted and no permit shall be issued until the required school impact fees set forth in the district's impact fee schedule contained in K.C.C. Title 27 have been paid.

B. For a plat, PUD or UPD applied for on or after the effective date of the ordinance adopting the fee

for the district in question receiving final approval, fifty percent of the impact fees due on the plat, PUD or UPD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedules in effect when the plat, PUD or UPD was approved. The balance of the assessed fee shall be allocated to the dwelling units in the project, and shall be collected when the building permits are issued. Residential developments proposed for short plats shall be governed by subsection D₂ of this section.

C. If on the effective date of an ordinance adopting an impact fee for a district, a plat, PUD or UPD has already received preliminary approval, such plat, PUD or UPD shall not be required to pay fifty percent of the impact fees at the time of final approval, but the impact fees shall be assessed and collected from the lot owner at the time the building permits are issued, using the impact fee schedules in effect at the time of building permit application. If on the effective date of a district's ordinance, an applicant has applied for preliminary plat, PUD or UPD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection B of this section.

D. For existing lots or lots not covered by subsection B of this section, application for single family and multifamily residential building permits, mobile home permits, and site plan approval for mobile home parks, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of permit application.

E. Any application for preliminary plat, PUD or UPD approval or multifamily zoning which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter, shall be required to pay the fee in accordance with the condition of approval.

F. In lieu of impact fee payment pursuant to subsections A. through E. of this section, each applicant for a single-family residential construction permit may request deferral of impact fee collection for up to the first twenty single-family residential construction building permits per year. Applicants shall be identified by their contractor registration number. Deferred payment of impact fees shall occur either at the time of final permit inspection by the department of ~~((permitting and environmental review))~~ local services, permitting division, or

eighteen months after the building permit is issued, whichever is earlier.

SECTION 192. Ordinance 11621, Section 117, as amended, and K.C.C. 21A.43.080 are each hereby amended to read as follows:

A. Low or moderate income housing projects being developed by public housing agencies or private (~~non-profit~~) nonprofit housing developers shall be exempt from the payment of school impact fees. The amount of the school impact fees not collected from low or moderate income household development shall be paid from public funds other than impact fee accounts. The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The planning and community development division shall review proposed developments of low or moderate income housing by such public or (~~non-profit~~) nonprofit developers pursuant to criteria and procedures adopted by administrative rule, and shall advise the department of (~~permitting and environmental review~~) local services, permitting division, as to whether the project qualifies for the exemption.

B. Private developers who dedicate residential units for occupancy by low or moderate income households may apply to the division for reductions in school impact fees pursuant to the criteria established for public housing agencies and private non-profit housing developers pursuant to subsection A. of this section, and subject to the provisions of subsection A. of this section. The division shall review proposed developments of low or moderate income housing by such private developers pursuant to criteria and procedures adopted by administrative rule, and shall advise the department of (~~permitting and environmental review~~) local services, permitting division, as to whether the project qualifies for the exemption. If the division recommends the exemption, the department of (~~permitting and environmental review~~) local services, permitting division, shall reduce the calculated school impact fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Individual low or moderate income home purchasers (as defined pursuant to the King County

Comprehensive Housing Affordability Strategy (CHAS) who are purchasing homes at prices within their eligibility limits based on standard lending criteria and meet other means tests established by rule by the division are exempted from payment of the impact fee, provided that at such time as the property in question is transferred to another owner who does not qualify for the exemption, at which time the fee shall be due and payable.

D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C. ~~((€))~~chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low or moderate income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size; and

4. Ensure that developers who obtain an exemption from or reduction of school impact fees will in fact build the proposed low or moderate cost housing and make it available to low or moderate income households for a minimum of fifteen ~~((15))~~ years.

5. Ensure that individual low or moderate income purchasers meet appropriate eligibility standards based on income and other financial means tests.

E. As a condition of receiving an exemption under ~~((paragraph))~~ subsection B. or C. of this section, the owner must execute and record a county-drafted lien, covenant, and/or other contractual provision against the property for a period of ten ~~((10))~~ years for individual owners, and fifteen ~~((15))~~ years for private developers, guaranteeing that the proposed development will continue to be used for low or moderate income

housing. In the event that the pattern of development or the use of the development is no longer for low or moderate income housing, then the owner shall pay the impact fee amount from which the owner or any prior owner was exempt. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners.

SECTION 193. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020 are each hereby amended to read as follows:

A. In establishing any demonstration project, the council shall specify the following:

1. The purpose of the demonstration project;
2. The location or locations of the demonstration project;
3. The scope of authority to modify standards and the lead agency (~~((or))~~), department or division with authority to administer the demonstration project;
4. The development standards established by this title or other titles of the King County Code that affect the development of property that are subject to administrative modifications or waivers;
5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;
6. The criteria for modification or waiver approval;
7. The effective period for the demonstration project and any limitations on extensions of the effective period;
8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and
9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

B. A demonstration project shall be designated by the Metropolitan King County Council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project

shall be indicated on the zoning map or a notation in the geographic information system data layers maintained by the department of (~~permitting and environmental review~~) local services, permitting division, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones.

Within a designated demonstration project area, approved alternative development regulations may be applied to development applications.

SECTION 194. Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050 are each hereby amended to read as follows:

A. The purpose of the rural forest demonstration project is to test techniques to maintain long-term forest uses in areas with a predominant parcel size of significantly less than eighty acres that are located in proximity to residential development. The demonstration project will also provide information and data to assist in the development of King County Comprehensive Plan policies to guide application and refinement of forest protection regulations.

B. The rural forest demonstration project will be implemented on the five-hundred-ten-acre site located east of the Rattlesnake Mountain Scenic Area, as shown in Attachment A to Ordinance 13275.

C. The rural forest demonstration project shall include:

1. Preparation of a forest management plan for the entire demonstration project site. The forest management plan shall be developed jointly by the department of natural resources and parks and the property owner with input from the Washington state Department of Natural Resources, local tribes and citizens, and shall be approved by the director of the department of natural resources and parks. The forest management plan shall include:

a. an inventory of existing conditions, including current tree species and respective size ranges, understory composition, critical areas, natural and human induced disturbance regimes and history of ecosystem changes;

b. objectives for forest management including water quality protection, habitat enhancement,

maintenance of scenic areas, surface water management and minimal impacts to neighbors.

c. a reforestation element consistent with these management objectives including establishment of stream buffers of one hundred eighty-three feet for Class II streams with salmonids and one hundred feet for Class III streams; and

d. an operation and maintenance element including anticipated harvest activities;

2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners Association the proceeds of which may be expended solely to implement and monitor the forest management plan. The net proceeds of any harvest of forest products from the common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the extent necessary to bring the aggregate amount of money in such fund to an amount reasonably anticipated to be needed to pay the cost of implementing and monitoring the forest management plan for the current and next two calendar years;

3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to implement the forest management plan. The stewardship committee shall, in consultation with King County and Washington state Department of Natural Resources: ensure sufficient funding is available for implementation of the forest management plan, hire a qualified forester or foresters to implement the forest management plan and hire qualified staff to monitor implementation of the forest management plan and prepare required reports. King County and the Washington state Department of Natural Resources shall annually inspect the property for compliance with the forest management plan consistent with the terms of the conservation easement and King County shall offer training to the members of the stewardship committee on forestry techniques and issues;

4. Application and review of a formal subdivision of forty-one lots, exclusive of common tracts, on the five hundred-ten-acre site. The subdivision and infrastructure shall be designed to integrate with the forest landscape, including pavement widths no wider than needed to meet safety considerations. A goal of the demonstration project is to test the marketability of these forest lots in a timely manner; to that end, it is a goal

of King County to render a decision on the subdivision application within six months of submittal of the application. A priority review process shall be implemented as permitted by K.C.C. 21A.55.010. The department of ~~((permitting and environmental review))~~ local services, permitting division, shall assign a permit coordinator and a project review team to complete review of all aspects of the application, and shall negotiate appropriate fees for the review process with the applicant. Neither the designation of the site as a demonstration project nor approval of the forest management plan constitute approval of the subdivision application or in any way limit King County discretion in SEPA review or application of regulations to the subdivision application;

5. Dedication or conveyance, upon final plat approval, to King County or a qualified nonprofit conservation organization of a conservation easement in perpetuity upon the demonstration project site that: prohibits any future subdivision activity; prohibits all development of the site other than residential development of no more than forty-one lots; restricts such residential development and associated lawn, landscaped areas, driveways and fenced areas to an area not to exceed two acres within each lot; restricts the uses of the remaining nonresidential portion of the site to open space and forest practices and incidental uses necessary for the residential use on the forty-one lots such as for roads, access drives (not including on-site driveways) utilities and storm detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2; requires the owner to exercise its reasonable best efforts to implement the forest management plan and provides for enforcement of the terms of the conservation easement first through nonbinding mediation. Adoption of this demonstration project shall be subject to council review of the conservation easement, a copy of which shall be provided to the council by August 20, 1998; and

6. An inventory of properties within King County with similar characteristics to the rural forest demonstration project site and an analysis of the potential effects of development of those properties under the same requirements as the demonstration project.

D. Application to modify or waive development standards of K.C.C. Title 21A for this individual

development proposal shall be administratively approved by the director (~~(of the department of permitting and environmental review)~~) and shall be consistent with an approved forest management plan developed for the entire five-hundred-ten acre site.

E. The application to modify or waive development standards for this development proposal shall be evaluated on the merits of the specific proposal. Approval or denial of a proposed modification or waiver shall not be construed as precedent setting for elsewhere in the county.

F. Modification or waivers approved pursuant to the rural forest demonstration project shall be in addition to those modifications or waivers that are currently allowed by K.C.C. Title 21A. The range of proposed modifications to development regulations that may be considered pursuant to the rural forest demonstration project shall only include the following zoning code regulations:

1. Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.16, limited to the following sections:

- a. landscaping - street frontages, K.C.C. 21A.16.050;
- b. landscaping - interior lot lines, K.C.C. 21A.16.060; and
- c. landscaping - additional standards for required landscape areas, K.C.C. 21A.16.090.

2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18, limited to the following sections:

- a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and
- b. off-street parking plan design standards, K.C.C. 21A.18.110.

G. The modification or waiver review process is as follows:

1. Requests for modifications or waivers may only be submitted in relation to a formal subdivision proposal;

2. Requests shall be:

- a. submitted to the department of (~~(permitting and environmental review)~~) local services, permitting

division, prior to or in conjunction with the subdivision application for preliminary approval of a formal subdivision on the project site; and

b. in writing, along with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of K.C.C. 21A.55.050.H;

3. Notice of application, review and approval of proposed modifications or waivers submitted in conjunction with a formal subdivision application shall be treated as a Type 2 land use decision. In approving a proposed modification or waiver, the director must conclude that the criteria for approval in K.C.C. 21A.55.050.H have been met;

4. A preapplication meeting to determine the need for, and the likely scope of, a proposed modification or modifications or waiver or waivers shall be required prior to submittal of a modification request; and

5. Administrative appeals of director approved modifications or waivers shall be combined with consideration of the underlying application for preliminary subdivision approval.

H. The application for a rural forest demonstration project must, for modification or waiver approval, demonstrate how the proposed project, with modifications or waivers to the code, will be consistent with and implement the approved forest management plan. This shall be demonstrated by documenting that the development with modifications or waivers:

1. Enhances the preservation of forestry for resource value, open space, scenic views and wildlife habitat;
2. Reduces impacts on the natural environment or restores natural functions; and
3. Supports the integration of forest uses and homesites.

I. The forest management plan for a rural forest demonstration project shall be developed and a decision on its approval or denial shall be reached no more than thirty days after designation of the site as a rural forest demonstration project. If the forest management plan is not approved thirty days after designation

as a rural forest demonstration project, the executive shall propose restoring the site to its prior land use designations and zoning classifications as part of the 1999 amendments to the King County Comprehensive Plan. Regulatory modification or waiver applications authorized by Ordinance 13275 shall not be accepted by the department of ~~((permitting and environmental review))~~ local services, permitting division, after March 1, 1999. Modifications or waivers to the King County Code contained within an approved development proposal shall be valid as long as the underlying permit. The rural forest demonstration project shall continue for a period of five years from the final approval of the subdivision application, with reporting periods specific to measuring the goals of the forest management plan.

J. The director of the department of natural resources and parks shall submit a report on the rural forest demonstration project to the council following approval of the forest management plan evaluating the process used to prepare the forest management plan, an inventory of other properties that have similar characteristics to the demonstration project site, the applicability and potential effects of allowing these other properties to develop under the same requirements as the demonstration project and recommending any changes that should be made to county policy or regulations to maintain long-term forestry in areas no longer managed for large-scale commercial forestry. In addition, a report shall be prepared annually by qualified staff retained by the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or subsequent management entity of the forest management plan and submitted to the Rural Forest Commission. The annual reporting shall commence six months following final approval of the subdivision. The first two annual reports shall describe the annual work program and budget for implementation of the forest management plan, progress made in implementing the work program, and success in marketing the homesites. Annual reports for the subsequent three years shall document the annual budget and continued progress in implementing the forest management plan, the level of involvement by homeowners in forest management and any problems in implementation generated by homeowners. The Rural Forest Commission shall review the annual reports and shall inform the director of the department of natural resources and parks if it has found that necessary

implementation measures of the forest management plan have not been followed. If so, and if the director of the department of natural resources and parks determines it is necessary, the director shall request the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory action is not taken, the director may invoke the enforcement mechanism of the conservation easement. The annual reports will also provide information for further consideration of changes to county policies or regulations for maintenance of long-term forestry.

SECTION 195. Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060 are each hereby amended as follows:

A. The purpose of the low-impact development and Built Green demonstration projects is to determine whether innovative permit processing, site development and building construction techniques based on low-impact development and building construction practices result in environmental benefits, affordable housing and lead to administrative and development cost savings for project applicants and King County. The demonstration projects will provide information on application of these techniques to an urban infill mixed-use redevelopment project, an urban single family residential project, a Vashon Town housing project and an urban infill residential redevelopment project. The demonstration projects will also provide information to assist in the development of King County Comprehensive Plan policies to guide application and refinement of regulations such as zoning, subdivision, roads and stormwater regulations. Expected benefits from the demonstration projects include: improved conditions of habitat, ground and surface waters within a watershed; reduced impervious surface areas for new site infrastructure in developed and redeveloped projects; greater use of recycled-content building materials and more efficient use of energy and natural resources; and the opportunity to identify and evaluate potential substantive changes to land use development regulations that support and improve natural functions of watersheds. The demonstration projects will also evaluate whether consolidated administrative approval of modifications or waivers and any subsequent hearings, if required, effectively speeds the development review process while maintaining land use coordination and environmental

protection, and whether that leads to administrative costs savings for project applicants and King County.

B. The department shall implement the low-impact development and Built Green demonstration projects in all or a portion of each of the following: the White Center neighborhood of the Greenbridge Project as described in Attachment A to Ordinance 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake Homes II as described in Attachment A to Ordinance 16099 the unincorporated Urban Area east of Renton at approximately 148th Avenue Southeast and Southeast 128th Street as described in Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are expanded, the provisions of Ordinance 14662 may apply provided the criteria in subsection L. of this section are met.

C. A request by the applicant to modify or waive development standards for the development proposals shall be evaluated by the department based on the criteria in subsection L. of this section. A request shall first be either approved or denied administratively and may be further reviewed as described in subsection H.3. of this section. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

D. A modification or waiver approved by the department in accordance with the low-impact development and Built Green demonstration projects shall be in addition to those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title. The range of proposed modifications or waivers to development regulations that may be considered pursuant to the low-impact development and Built Green demonstration projects shall include only the following King County code regulations and related public rules:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. 14.42.010 and the King County road design and construction standards;
3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of the zone applied to

the entire demonstration project and if the minimum density is not less than the minimum residential density of the zone calculated for the portion of the site to be used for residential purposes, in accordance with K.C.C.

21A.12.060. However, if a demonstration project provides fifty-one percent or more of the housing to households that, at the time of initial occupancy, have incomes of eighty percent or less of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor ((agency)), or if fifty-one percent or more of the rental housing is permanently priced to serve low-income senior citizens, then the director may approve:

a. less than the minimum density; and

b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the Greenbridge Project, greater than the maximum density, up to a maximum of R-48 (Residential forty-eight dwelling units per acre);

4. Design requirements: K.C.C. chapter 21A.14;

5. Landscaping and water use: K.C.C. chapter 21A.16;

6. Parking and circulation: K.C.C. chapter 21A.18;

7. Signs: K.C.C. chapter 21A.20; and

8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the sensitive area.

E. A demonstration project authorized by this section and located in the R-12 through R-48 zones may contain residential and limited nonresidential uses subject to the following provisions:

1. The demonstration project may request a modification or waiver of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process described in subsection H. of this section and the criteria described in subsection L. of this section.

2. The demonstration project may include single family detached residential dwelling units as a

permitted use, subject to the review process described in subsection H. of this section and the criteria described in subsection L. of this section.

3. The demonstration project may include any nonresidential use allowed as a permitted use in the NB zone, subject to any development conditions contained in K.C.C. 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without the need to request a modification or waiver as described in subsection H. of this section. The applicant may request a modification or waiver of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a nonresidential use is permitted in the R-12 through R-48 zones, subject to development conditions, and is permitted in the NB zone without development conditions, the use shall be permitted in the demonstration project without development conditions and without the need to request a modification or waiver.

4. If a nonresidential use is subject to a conditional use permit in the R-12 through R-48 zones and not subject to a conditional use permit in the NB zone, the use shall be permitted in the demonstration project without requiring a conditional use permit.

5. If a use is subject to a conditional use permit in both the R-12 through R-48 zones and the NB zone or only in the NB zone, the use may be permitted in the demonstration project if the demonstration project applies for and obtains a conditional use permit and satisfies the conditional use permit criteria.

6. Uses authorized by this subsection shall be allowed only as part of a demonstration project under this section. All such uses shall be subject to the development standards in KCC 21A.12.030, except as may be modified or waived under subsection D. of this section and this subsection E.

F. A site in the NB and R-12 through R-48 zones located in a demonstration project authorized by this section may contain residential uses subject to the following:

1. The demonstration project may request a modification or waiver for the site of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070,

21A.08.080 and 21A.08.100, subject to the review process described in subsection H. of this section and the criteria described in subsection M. of this section;

2. The site may include single family detached residential dwelling units as a permitted use, subject to the review process under subsection H. of this section and the criteria described in subsection M of this section;

3. The site may include any residential use allowed as a permitted use in the R-12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver under subsection H. of this section. The applicant may request a modification or waiver of the development conditions in K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential use is permitted, subject to development conditions, in the NB zone and is permitted without conditions in the R-12 through R-48 zones, the use shall be permitted without development conditions and without the need to request a modification or waiver;

4. If a residential use is a conditional use in the NB zone and is a permitted use in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the conditions that apply in the R12 through R-48 zones;

5. If a use is subject to a conditional use permit in both the R-12 through R-48 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted in the demonstration project if the demonstration project applies for and obtains a conditional use permit and satisfies the conditional use permit criteria; and

6. Uses authorized by this subsection shall be allowed only as part of a demonstration project under this section. All such uses shall be subject to the development standards in K.C.C. 21A.12.040, except as may be modified or waived under subsection D. of this section and this subsection F.

G. This subsection authorizes a residential basics program for townhouse and apartment building types if such housing are located in a demonstration project located in the R-12 through R-48 zones, even if not otherwise authorized by the department of ~~((permitting and environmental review))~~ local services public rules

chapter 16-04: residential basics program.

H.1. Requests for a modification or waiver made in accordance with this section may only be submitted in writing in relation to the following types of applications:

- a. a site development permit;
- b. a binding site plan;
- c. a building permit;
- d. a short subdivision;
- e. a subdivision;
- f. a conditional use permit; or
- g. a clearing and grading permit.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in this subsection, together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of subsection L. of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. The department of natural resources and parks and the department of ~~((transportation))~~ local services, road services division, shall be invited to participate in the preapplication meeting, if necessary.

5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the Surface Water Design

Manual, the director shall consult with the department of natural resources and parks before granting the modification or waiver.

6. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under KCC 14.42.060, with the right to appeal within the department of ~~((transportation))~~ local services, road services division, as provided in K.C.C. ~~((14.42.062))~~ 14.42.060. The purposes of this demonstration ordinance are intended as a factor to be considered relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

7. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision, if the underlying permit is subject to appeal.

I. The hearing examiner may consider an environmental impact statement adequacy appeal in conjunction with a demonstration project plat appeal if the environmental impact statement is prepared by a lead agency other than the department and if its adequacy has not previously been adjudicated, even if not otherwise authorized by K.C.C. 20.44.120.

J. An approved development proposal for any of the applications listed in subsection H.1. of this section, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved development proposal. Modifications that result in major changes as determined by the department or as defined by the approval conditions, shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units above the maximum number set forth in the development proposal permit or approval shall be deemed a major modification. The county, through the applicable development proposal permit or approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16, Title 19A and this title.

K.1. The preliminary subdivision approval of a subdivision with more than four hundred units that is part of a demonstration project under this section shall be effective for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The director may administratively grant a one-time extension, extending the preliminary subdivision approval an additional five years, only if the applicant has shown substantial progress towards development of the demonstration project. Before granting the extension, the director will assess the applicant's compliance with the demonstration project conditions and may modify or impose new standards deemed necessary for the public health or safety.

2. A code modification or waiver approved under this section is effective during the validity of the underlying development permit or for forty-eight months, whichever is longer.

L.1. To be eligible to use the provisions of the demonstration project, development proposals must be located within the boundaries of the Greenbridge Project as described in Attachment A to Ordinance 15654, or as may be modified as described in subsection B. of this section; in the unincorporated urban area north of Burien at approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake Homes II as described in Attachment A to Ordinance 16099; in the area east of Renton at approximately 148th Avenue Southeast and Southeast 128th Street as described in Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment C to Ordinance 14662.

2. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

3.a. Applications must demonstrate how the proposed project, when considered as a whole with the proposed modifications or waivers to the code, will meet all of the criteria listed in this subsection, as compared to development without the modification or waiver, and achieves higher quality urban development; enhances infill, redevelopment and greenfield development; optimizes site utilization; stimulates neighborhood redevelopment; and enhances pedestrian experiences and sense of place and community.

b. Any individual request for a modification or waiver must meet two or more of the following

criteria:

- (1) uses the natural site characteristics to protect the natural systems;
- (2) addresses stormwater and drainage safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment;
- (3) contributes to achievement of a two-star or a three-star rating for the project site under the Built Green "Green Communities" program recognized by the Master Builders Association of King and Snohomish counties; or
- (4) where applicable, reduces housing costs for future project residents or tenants without decreasing environmental protection.

4. The criteria of this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

M.1. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department by December 31, 2007, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department by December 31, 2010, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions.

2. Modifications or waivers contained within an approved development proposal shall be valid as long as the underlying permit or development application approval is valid. A permit or approval that implements an approved code modification or waiver shall be considered under the zoning and other land use control

ordinances in effect on the date the applicable complete code modification or waiver application is filed.

3. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, modifications or waivers that are approved as separate applications must be incorporated into a valid permit or development application that must be filed by December 31, 2007. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, modifications or waivers that are approved as separate applications must be incorporated into a valid permit or development application that must be filed by December 31, 2010.

4. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months.

5. Except for Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, the ability to establish the location and maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E. of this section expires December 31, 2007. For Park Lake Homes II and the part of Greenbridge that was added to the demonstration project by Ordinance 15654, the ability to establish the location and the maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E. of this section expires December 31, 2010. The ability to establish the location and maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone as set forth in subsection F. of this section expires at the end of the effective period established in subsection K. of this section.

6. Any deadline set forth in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.

N.1. By December 31, 2006, the director shall prepare and submit to the council a report on the pilot programs that:

- a. describes and evaluates the pertinent preliminary results from the demonstration projects; and
- b. recommends changes, based on the evaluation, which should be made to the county processes and

ordinances.

2. If only insufficient or inconclusive data are available when this report is due, the director shall provide an interim status report and indicate the date a subsequent report or reports will be transmitted to fully evaluate outcomes of the demonstration projects.

SECTION 196. Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101 are each hereby amended as follows:

A.1. The purpose of the sustainable communities and housing demonstration projects is to provide affordable housing and workforce housing integrated into developments containing market rate housing and maximize sustainable development, which includes bike, pedestrian and transit connections, a mix of housing types, and the use of recyclable materials. The demonstration projects will provide information on the application of these techniques to urban infill redevelopment and urban single family residential development, some of which may include mixed use. The demonstration projects will also assist the county in refining regulations relating to zoning, subdivision, roads and stormwater as they relate to sustainable development.

2. The demonstration projects will also enable the county to evaluate whether consolidated administrative approval of zoning and subdivision-related modifications or waivers and any subsequent hearings, if required, effectively speeds the development review process while maintaining land use coordination and environmental protection and whether that leads to administrative costs savings for project applicants and King County.

B. The expected benefits from the demonstration projects include: the use of innovative design and development techniques to promote sustainable communities, reduced impervious surface areas for site infrastructure; a greater use of recycled-content building materials and more efficient use of energy and natural resources; and the opportunity to identify and evaluate potential substantive changes to land use development regulations that support the development of sustainable and affordable housing.

C. A request by the applicant to modify or waive development standards for the development proposals shall be evaluated by the department of (~~permitting and environmental review~~) local services, permitting

division, based on the criteria in subsection J. of this section. A request shall first be either approved or denied administratively and may be further reviewed as described in subsection H.3. of this section. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

D. A modification or waiver approved by the department of (~~(permitting and environmental review)~~) local services, permitting division, in accordance with this section shall be in addition to those modifications or waivers that are currently allowed by this title. The proposed modifications or waivers to development regulations that may be considered regarding sustainable communities and housing demonstration projects shall include only the following chapters and related public rules:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. chapter 14.42 and the county road standards, 2007 update;
3. Density and dimensions: K.C.C. chapter 21A.12;
4. Design requirements: K.C.C. chapter 21A.14;
5. Landscaping and water use: K.C.C. chapter 21A.16;
6. Parking and circulation: K.C.C. chapter 21A.18;
7. Signs: K.C.C. chapter 21A.20;
8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the critical area; and
9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

E. A demonstration project authorized by this section may contain residential and limited nonresidential uses subject to the following:

1. The demonstration project may include any residential uses as allowed as a permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver as described in subsection H. of this section. The applicant may request a modification or waiver of any

of the development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section;

2. The demonstration project may include, as part of a residential project, any nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development conditions contained in those sections without the need to request a modification or waiver as described in subsection H. of this section, except the following uses are not allowed:

- a. automotive parking;
- b. automotive repair and automotive service, K. C.C. 21A.08.050;
- c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-oriented development. For the purposes of this subsection E.2.c., "transit-oriented development" means a development that is designated as a transit-oriented development in an agreement with the county and that includes the construction of new housing units at or within one quarter mile of a county transit center or park and ride lot;
- d. gasoline service stations as defined in K.C.C. 21A.08.070;
- e. off-street required parking lot commercial and industrial accessory uses;
- f. private stormwater management facility;
- g. self-service storage; and
- h. vector waste receiving facility.

3. The nonresidential uses shall be no greater than three thousand square feet per use, with a total maximum of all nonresidential uses not to exceed ten percent of the area of the demonstration project site or twenty thousand square feet, whichever is smaller. The applicant may request a modification or waiver of the development conditions for nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section.

F. A demonstration project authorized by this section allows a residential basics program for townhouse and

apartment building types, consistent with the department of ~~((permitting and environmental review))~~ local services public rules chapter 16-04: residential basics program.

G. All related review processes such as subdivision, building permit, inspection and similar processes for a demonstration project shall be expedited if:

1. ~~((f))~~Fifty percent or more of all residential units proposed for the demonstration project are affordable to households at eighty percent of area median income, as defined by Department of Housing and Urban Development income guidelines for King County and below; or

2. ~~((s))~~Seventy percent or more of all residential units for the demonstration project are affordable to households at eighty to one hundred fifteen percent of area median income, as defined by Department of Housing and Urban Development income guidelines for King County.

H.1. Requests for a modification or waiver made in accordance with this section may only be submitted in writing in relation to the following types of applications:

- a. a site development permit;
- b. a binding site plan;
- c. a building permit;
- d. a short subdivision; or
- e. a subdivision.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in subsection H.1. of this section, together with any supporting documentation.

The supporting documentation must illustrate how the proposed modification meets the criteria in subsection J. of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification

or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department of (~~permitting and environmental review~~) local services, permitting division, to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. If a modification or waiver requires approval of the department of natural resources and parks or the department of (~~transportation~~) local services, road services division, that department or division shall be invited to participate in the preapplication meeting.

5. If the applicant requests an adjustment from the county drainage standards, the director (~~of the department of permitting and environmental review~~) shall refer the request to the department of natural resources and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural resources and parks shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for drainage adjustments described in K.C.C.9.04.050.C.

6. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with the right to appeal within the department of (~~transportation~~) local services, road services division, as provided in K.C.C. 14.42.060 and the associated public rule. The department of (~~transportation~~) local services, road services division, shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

7. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision, if the underlying permit is subject to appeal.

I. An approved development proposal for any of the applications listed in subsection H.1. of this section, including site plan elements or conditions of approval may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively

approve minor modifications to an approved development proposal. Modifications that result in major changes as determined by the department or as defined by the approval conditions shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units above the maximum number set forth in the development proposal permit or approval shall be deemed a major modification. The county, through the applicable development proposal permit or approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16 and Title 19A and this title.

J.1. To be eligible to use the provisions of this section, a demonstration project must be located on a demonstration project site identified in Ordinance 16650, ((s))Section 2, and the applicant has accepted the site as a King County sustainable communities and housing demonstration project.

2. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety and public welfare standards, and must not violate state or federal law.

3.a. Applications must demonstrate how the proposed project, when considered as a whole with the proposed modifications or waivers to the code, will meet all of the criteria in this subsection J., as compared to development without the modification or waiver, and:

- (1) achieves higher quality urban development;
- (2) provides quality infill development;
- (3) optimizes site utilization; and
- (4) enhances pedestrian experiences and sense of place and community.

b. Any individual request for a modification or waiver must meet two or more of the following criteria:

(1) contributes to the creation of a sustainable community, which includes features such as a connected street network, a mix of housing types, pedestrian or bike routes throughout the development, direct bus connections, no front garages, and front porches.

- (2) uses the natural site characteristics to protect the natural systems;

(3)(a) contributes to achievement of a three-star rating for the project site under the Built Green Communities program administered by the Master Builders Association of King and Snohomish Counties;

(b) contributes to achievement of a four-star or higher rating for the single family units under the Built Green program administered by the Master Builders Association of King and Snohomish Counties or achieve a gold certification under the U.S. Green Building Council, LEED program or equivalent program; or

(c) contributes to achievement of a four-star or higher rating for the multifamily units under the Built Green program administered by the Master Builders Association of King and Snohomish Counties or achieve a gold certification under the U.S. Green Building Council, LEED program or other equivalent program; and

(4) provides attractive, well-designed development that will assist in improving safety and preventing crime in the development and surrounding area, including adequate outdoor lighting along walkways/trails, walkways/trails 5' or wider and low vegetation along walkways/trails.

4. The criteria in this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 21A.

K. Regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department of (~~(permitting and environmental review)~~) local services, permitting division, within three years of the approval of the development proposal, which includes issuance of a building permit or site development permit, recording of a plat, short plat or binding site plan, or by such a later date as may be specified in the conditions of any development approval for any type of modification or waiver for which the opportunity for future application is expressly granted in those conditions. Modifications or waivers contained within an approved development proposal are valid as long as the underlying permit or development application approval is valid. If modifications or waivers are approved as separate applications, they must be incorporated into a valid permit or development application within three years of approval of the development proposal. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months. Any deadline in this subsection shall be adjusted to include the time for appeal of all or any portion of the project

approval.

SECTION 197. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010 are each hereby amended to read as follows:

The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. "Civil code violation" means and includes one or more of the following:

1. Any act or omission contrary to any ordinance, resolution, regulation or public rule of the county that regulates or protects public health, the environment or the use and development of land or water, whether or not the ordinance, resolution or regulation is codified; and

2. Any act or omission contrary to the conditions of any permit, notice and order or stop work order issued pursuant to any such an ordinance, resolution, regulation or public rule.

C. "Contested hearing" means a hearing requested in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation.

D. "Director" means, depending on the code violated:

1. The ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager;

2. The director of the Seattle-King County department of public health, or "local health officer" as that term is used in chapter 70.05 RCW;

3. The director of the department of natural resources and parks;

4. The director of any other county department authorized to enforce civil code compliance;

5. Authorized representatives of a director, including compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; or

6. Such other person as the council by ordinance authorizes to use this title.

E. "Found in violation" means that:

1. A citation, notice and order or stop work order has been issued and not timely appealed;

2. A voluntary compliance agreement has been entered into; or

3. The hearing examiner has determined that the violation has occurred and the hearing examiner's determination has not been stayed or reversed on appeal.

F. "Hearing examiner" means the office of the King County hearing examiner, as provided in K.C.C. chapter 20.22.

G. "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

H. "Mitigation hearing" means a hearing requested in response to a citation to explain mitigating circumstances surrounding the commission of a violation.

I. "Permit" means any form of certificate, approval, registration, license or any other written permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

J. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation or legal entity.

K. "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, or the owner, lessor, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation occurs, or both.

L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement code provisions.

M. "Remediate" means to restore a site to a condition that complies with critical area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare.

N. "Resolution" means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

SECTION 198. Ordinance 13263, Section 5 as amended, and K.C.C. 23.02.040 are each hereby amended to read as follows:

A. In order to discourage public nuisances, make efficient use of public resources and otherwise promote compliance with applicable code provisions, a director may, in response to field observations or reliable complaints, determine that civil code violations have occurred or are occurring and may:

1. Enter into voluntary compliance agreements with persons responsible for code compliance, and issue notices of noncompliance if the persons responsible fail to comply with the terms of the voluntary compliance agreement;
2. Issue citations and assess civil penalties as authorized by K.C.C. chapter 23.20;
3. Issue notice and orders, assess civil penalties and fines and recover costs as authorized by K.C.C. chapter 23.24;
4. Order abatement by means of a notice and order, and if abatement is not completed in a timely manner by the person responsible for code compliance, undertake the abatement and charge the reasonable costs of such work as authorized by K.C.C. chapter 23.24;
5. Allow a person responsible for code compliance to perform community service in lieu of paying civil penalties as authorized by K.C.C. chapter 23.24;
6. Order work stopped at a site by means of a stop work order, and if such order is not complied with,

assess civil penalties, as authorized by K.C.C. chapter 23.28;

7. Suspend, revoke or modify any permit previously issued by a director or deny a permit application as authorized by K.C.C. chapter 23.24 when other efforts to achieve compliance have failed; and

8. For de minimis violations, decide not to take enforcement action.

B. Should violations occur involving multiple agencies, a lead agency shall be designated by the executive to coordinate the county's response. Unless otherwise determined by the directors of the affected departments, the department of ~~((permitting and environmental review))~~ local services, permitting division, shall serve as the lead agency.

C. The procedures set forth in this title are not exclusive. These procedures shall not in any manner limit or restrict the county from remedying civil code violations or abating civil code violations in any other manner authorized by law. This title shall not be construed to affect the authority of the King County board of health in enforcement of the King County board of health code or regulations.

D. In addition or as an alternative to using the procedures set forth in this title, a director may seek legal or equitable relief to abate any conditions or enjoin any acts or practices which constitute a civil code violation.

E. In addition or as an alternative to utilizing the procedures set forth in this title, a director may assess or recover civil penalties accruing under this title by legal action filed in King County superior court by the prosecuting attorney on behalf of King County.

F. The provisions of this title shall in no way adversely affect the rights of the owner, lessee or occupant of any property to recover all costs and expenses incurred and required by this title from any person causing such violation.

G. A director may use the services of a collection agency in order to collect any fines, penalties, fees or costs owing under this title.

H. In administering the provisions for code enforcement, the director shall have the authority to waive any one or more such provisions so as to avoid substantial injustice by application thereof to the acts or

omissions of a public or private entity or individual, or acts or omissions on public or private property including, for example, property belonging to public or private utilities, where no apparent benefit has accrued to such entity or individual from a code violation and any necessary remediation is being promptly provided. For purposes of this clause, substantial injustice cannot be based on economic hardship.

I. The provisions of this title detailing county department administration of code compliance procedures are not to be construed as creating a substantive basis for appeal or a defense of any kind to an alleged violation.

J. The provisions of this title authorizing the enforcement of non-codified ordinances are intended to assure compliance with conditions of approval on plats, unclassified use permits, zone reclassifications and other similar permits or approvals which may have been granted by ordinances which have not been codified, and to enforce new regulatory ordinances which are not yet codified. Departments should be sensitive to the possibility that citizens may not be aware of these ordinances, and should give warnings prior to enforcing such ordinances, except in high risk cases.

K. The director of a King County agency that owns property, or is the custodian of public property, is authorized to enforce K.C.C. 23.02.140 and any public rules adopted under this title to implement that section for properties that the director's agency owns or is custodian.

SECTION 199. Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120 are each hereby amended to read as follows:

A. In order to ensure strict conformity with the constraints on entry imposed by state and federal law and to ensure that county employees deal with the public in a manner that respects the rights of private property owners, the directors of the department of ~~((permitting and environmental review))~~ local services or designee, natural resources and parks and other departments, as needed, shall adopt internal procedures, protocols and training programs governing the conduct of searches by county staff responsible for code compliance.

B. Each department operating under this title may approve public rules under K.C.C. chapter 2.98 and

procedures to implement the provisions of this title. Each department shall approve procedures to implement the guidelines set out in this chapter for investigating code violations.

SECTION 200. Ordinance 12024, Section 4, as amended, and K.C.C. 23.10.030 are each hereby amended to read as follows:

Any enforcement officer of the department of ~~((permitting and environmental review))~~ local services, permitting division, may inspect and certify that a vehicle is a "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are defined in K.C.C. Title 21A. The certification shall be made in writing.

SECTION 201. Ordinance 10662, Section 42, as amended, and K.C.C. 27.02.010 are each hereby amended to read as follows:

The purpose of this title is: to prescribe equitable fees and fee collection for all permitting and environmental review services provided by the department of ~~((permitting and environmental review;))~~ local services, permitting division, and to prescribe school impact fees to cover the proportionate share of the cost of new school facilities needed to serve new growth and development.

SECTION 202. Ordinance 14238, Section 32, as amended, and K.C.C. 27.02.220 are each hereby amended to read as follows:

Expenditures drawn from the permitting ~~((and environmental review (DES)))~~ division fund for disaster response, which are not recovered through the assessment of fees or reimbursement from the Federal Emergency Management Administration (FEMA), shall be reimbursed to the ~~((DES))~~ permitting division fund by the current expense fund within twelve months of when the expenses were incurred.

SECTION 203. Ordinance 13332, Section 14, as amended, and K.C.C. 27.04.003 are each hereby amended to read as follows:

"Building official" means the ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services permitting division manager or ~~((the director's))~~ designee.

SECTION 204. Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005 are each hereby amended to read as follows:

"Department" means the department of (~~((permitting and environmental review))~~) local services or its successor.

SECTION 205. Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010 are each hereby amended to read as follows:

"Development permits" mean all permits, reviews, and approvals administered by the department of (~~((permitting and environmental review))~~) local services, permitting division, including, but not limited to, right-of-way use permits, grading permits, building permits, fire code permits, subdivisions, short subdivisions, binding site plans, planned unit developments, zoning permits, master plan development permits, current use permits, boundary line adjustments, and environmental review and shoreline permits.

SECTION 206. Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015 are each hereby amended to read as follows:

"Director" means the (~~((director of the))~~) department of (~~((permitting and environmental review))~~) local services permitting division manager or designee.

SECTION 207. Ordinance 13332, Section 4, as amended, and K.C.C. 27.06.010 are each hereby amended to read as follows:

A. A nonrefundable fee shall be charged for preapplication conferences as follows:

1. Already built construction for residential use: \$690.00
2. Already built construction for commercial use: \$2,760.00
3. Other - per staff participant from the department of local services, permitting (~~((and environmental review))~~) division: \$690.00
4. Other - per staff participant from the department of (~~((transportation))~~) local services, road services division: \$727.00

- 5. Other - per staff attendee from the department of natural resources and parks: \$727.00
- 6. Cancellation of a conference without notification before its scheduled start time or failure to attend: \$50.00

B. The preapplication conference fee under subsection A. of this section shall be credited against any required application or permit fees for a subsequent permit application to address work commenced without permits, but only if the subsequent permit application is filed within one hundred eighty days of the preapplication conference or within sixty days of public health department or other agency approval required for a complete development permit application.

C. A nonrefundable fee of four hundred sixty dollars shall be charged for presubmittal project review. If the application fees are paid within one hundred eighty days after payment of the presubmittal project review fee, the nonrefundable fee for presubmittal project review shall be credited against fees due at submittal of an application.

D. The fee for a zoning certification letter confirming an existing zoning designation or development rights is two hundred thirty dollars. The fee for zoning certification requiring historic research or review of other information is six hundred ninety dollars.

E. A fee of three hundred seventy-nine dollars shall be charged for each inspection of structures for housing code compliance, damage from flood, storm, fire or other natural disaster, or for each site visit conducted prior to permit application.

SECTION 208. Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070 are each hereby amended to read as follows:

Review of variance requests shall be charged fees as follows:

- A. Road variance review
 - 1. Department of ~~((transportation))~~ local services,

	<u>road services division</u> (if required):	\$1,819.00
2.	Department of <u>local services</u> , permitting (and environmental review) <u>division</u> :	\$1,472.00
3.	Plan resubmittal:	\$460.00
B.	Surface Water Design Manual adjustment review	
1.	Standard	\$2,162.00
2.	Complex or criteria exception	\$4,692.00
3.	Experimental	Actual Cost

SECTION 209. Ordinance 17682, Section 47, as amended, and K.C.C. 27.10.570 are each hereby amended to read as follows:

Fees shall be charged as follows for processing, monitoring, extending and administering the default of financial guarantees:

A. Standard monitoring of maintenance and defect guarantees for completed installation

1.	Department of (permitting and environmental review) <u>local services, permitting division</u> , administration	\$2,205.00
2.	Inspection of stormwater facilities - small	\$3,777.00
3.	Inspection of stormwater facilities - medium	\$4,595.00
4.	Inspection of stormwater facilities - large	\$7,034.00
5.	Reinspection of stormwater facilities, each	\$708.00
6.	Inspection of road improvements - small	\$3,777.00
7.	Inspection of road improvements - medium	\$4,595.00
8.	Inspection of road improvements - large	\$7,034.00
9.	Reinspection of road improvements, each	\$708.00
10.	Inspection of critical area mitigation, landscaping, street or	

	significant trees, per year required	\$506.00
11.	Reinspection of critical area mitigation, landscaping, street or significant trees, each	\$506.00
B.	Extended monitoring of maintenance and defect guarantees - additional year	
1.	Inspection of stormwater facilities	\$1,810.00
2.	Inspection of road improvements	\$1,810.00
3.	Department of ((permitting and environmental review)) <u>local services, permitting division</u> administration	\$1,103.00
C.	Administering default of financial guarantees - annual fee	
1.	Department of <u>local services, permitting</u> ((and environmental review)) <u>division</u>	\$2,646.00
2.	Department of ((transportation)) <u>local services, road services division</u>	\$4,068.00
3.	Department of natural resources and parks	\$4,068.00

NEW SECTION. SECTION 210. There is hereby added to K.C.C. chapter 27A.20 a new section to read as follows:

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

SECTION 211. Ordinance 12020, Section 5, as amended, and K.C.C. 27A.20.030 are each hereby amended to read as follows:

"Department" means the ~~((King County))~~ department of ~~((permitting and environmental review))~~ local services or its successor ~~((organization))~~.

SECTION 212. Ordinance 12020, Section 6, as amended, and K.C.C. 27A.20.040 are each hereby amended to read as follows:

"Director" means the ~~((director of the King County))~~ department of ~~((permitting and environmental~~

~~review~~) local services permitting division manager or designee.

SECTION 213. Ordinance 12020, Section 13, as amended, and K.C.C. 27A.30.020 are each hereby amended to read as follows:

Financial guarantees shall be in a form approved by the director, in consultation with the department of natural resources and parks, department of ~~((transportation,))~~ local services, road services division, the prosecuting attorney's office, and other affected agencies. The amounts of the financial guarantees shall be based on the schedules appropriate to the required work which are updated on a periodic and frequent basis to ensure that the amount fully captures likely costs. Financial guarantees shall also require a contingency in an amount to be determined by the director.

SECTION 214. Ordinance 12020, Section 16, as amended, and K.C.C. 27A.30.050 are each hereby amended to read as follows:

The department shall be responsible for scheduling final performance, and maintenance and defects inspections. The department should schedule such inspections approximately forty-five days prior to expiration of the performance or maintenance period. If necessary to determine completion of performance, additional inspections should also be made after the expiration of the performance period. Periodic inspections may also be made at the discretion of the ~~((director of the))~~ department of ~~((permitting and environmental review))~~ local services permitting division or road services division manager, or the director of the department of natural resources and parks ~~((or the director of the department of transportation)),~~ or designees.

SECTION 215. In accordance with K.C.C. 20.12.200, the executive shall submit this ordinance to the state Department of Ecology for its approval of the standards in sections 147, 172, 173, 174 and 176 of this ordinance, as provided in RCW 90.58.090.

SECTION 216. Sections 147, 172, 173, 174 and 176 of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating

that the proposal is approved, in accordance with RCW 90.58.909. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 217. A. During the council's review of this ordinance, the council and executive identified instances where moving the department of permitting and environmental review to the permitting division of the department of local services creates unintended substantive policy changes, which may alter the authority vested in the department of permitting and environmental review prior to the effective date of this ordinance and may create confusion for residents who use or receive county services. A responsibility of the department of local services will be to evaluate processes, procedures, and policies to identify areas of improvement in the delivery of unincorporated services.

B. As part of this evaluation, the executive and the department of local services shall review the King County Code to:

1. Determine where the term "department" was used throughout the code prior to the effectiveness of this ordinance, was the term "department" referring to the department of permitting and environmental review;
2. Evaluate whether this ordinance made the appropriate change to give the department of local services or the permitting division the decision making or implementation authority, and if not, to recommend updated code language;
3. Evaluate whether other sections of the code that were not included in this ordinance need to be updated to give appropriate decision making or implementation authority; and
4. Evaluate whether consistent terminology is used throughout the code, so that the head of a department is a director and the head of a division is a manager.

C. Following this evaluation, the executive shall transmit a final evaluation report that includes the information required by subsection B. of this section, and a proposed ordinance that updates the King County Code to make recommended changes from this evaluation. The proposed ordinance may include amendments

to section 3 of this ordinance to remove subsection B. of section 3 of this ordinance.

D. The evaluation report and ordinance required by this section shall be transmitted to the council by January 1, 2020, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the planning, rural service and environment committee, or its successor.

SECTION 218. This ordinance takes effect only if Ordinance 18777 takes effect, and in that event, this ordinance takes effect immediately after Ordinance 18777 takes effect.