Legislation Details (With Text)

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On agenda:		**Final action:**	7/11/2023
Enactment date:	7/20/2023	**Enactment #:**	19648

Title: AN ORDINANCE relating to the permit review processes; and amending Ordinance 18230, as amended, and K.C.C. 4A.780.010, Ordinance 18754, Section 23, as amended, and K.C.C.14.06.030, Ordinance 129, Section 1, as amended, and K.C.C. 14.40.010, Ordinance 18420, Section 60, and K.C.C. 14.40.0102, Ordinance 18420, Section 61, and K.C.C. 14.40.0104, Ordinance 18420, Section 62, and K.C.C. 14.40.0106, Ordinance 8766, Section 3, as amended, and K.C.C. 16.08.020, Ordinance 13694, Section 69, as amended, and K.C.C. 19A.16.090, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 18230, Section 4, and K.C.C. 20.22.010, Ordinance 263, Article 5, Section 2, as amended, and K.C.C. 20.22.020, Ordinance 18230, Section 8, and K.C.C. 20.22.030, 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 18230, Section 16, as amended, and K.C.C. 20.22.070, Ordinance 4461, Section 3, as amended, and K.C.C. 20.22.080, Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.090, Ordinance 18230, Section 21, and K.C.C. 20.22.100, Ordinance 4461, Section 5, as amended, and K.C.C. 20.22.110, Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.120, Ordinance 263, Article 5, Section 11, as amended, and K.C.C. 20.22.130, Ordinance 4461, Section 9, as amended, and K.C.C. 20.22.140, Ordinance 4461, Section 10, as amended and K.C.C. 20.22.150, Ordinance 13687, Section 7, as amended, and K.C.C. 20.22.160, Ordinance 13147, Section 34, and K.C.C. 20.22.170, Ordinance 9544, Section 16, as amended, and K.C.C. 20.22.180, Ordinance 17287, Section 4, and K.C.C. 20.22.190, Ordinance 18709, Section 4, as amended, and K.C.C. 20.22.195, Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200, Ordinance 18754, Section 31, and K.C.C. 20.22.205, Ordinance 18230, Section 43, and K.C.C. 20.22.210, Ordinance 4461, Section 11, as amended, and K.C.C. 20.22.220, Ordinance 18230, Section 46, and K.C.C. 20.22.230, Ordinance 4461, Section 12, as amended, and K.C.C. 20.22.240, Ordinance 263, Article 5, Section 18, as amended, and K.C.C. 20.22.250, Ordinance 4461, Section 15, as amended, and K.C.C. 20.22.270, Ordinance 4461, Section 14, as amended, and K.C.C. 20.22.280, Ordinance 11502, Section 17, as amended, and K.C.C. 20.22.290, Ordinance 11502, Section 18, as amended, and K.C.C. 20.22.300, Ordinance 11502, Section 19, as amended, and K.C.C. 20.22.310, Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320, Ordinance 263, Article 5, Section 13, as amended, and K.C.C. 20.22.330, Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120, Ordinance 4828, Section 11, and K.C.C. 20.62.110, Ordinance 10870, Section 101, and K.C.C. 21A.06.305, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 11621, Section 118, and K.C.C. 21A.43.090, Ordinance 10870, Section 632, as amended and K.C.C. 21A.50.040 and Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 and repealing Ordinance 12196, Section 25, as amended, and K.C.C. 20.22.050.

Sponsors: Claudia Balducci

Indexes: Permits

Code sections: 14.06.030 - *, 14.40.010 - *, 14.40.0102 - *, 14.40.0104 - *, 14.40.0106 - *, 16.08.020 - *, 19A.16.090 - ., 20.12.200 -, 20.20.020 -, 20.20.100 -, 20.22.010 - *, 20.22.020 - *, 20.22.030 - *, 20.22.040 - ., 20.22.050 - *, 20.22.060 - ., 20.22.070 - ., 20.22.080 - *, 20.22.090 - *, 20.22.100 - *, 20.22.110 - *, 20.22.120 - *, 20.22.130 - *, 20.22.140 - *, 20.22.150 - *, 20.22.160 - *, 20.22.170 - ., 20.22.180 - *, 20.22.190 - *, 20.22.195 - *, 20.22.200 - ., 20.22.205 - *, 20.22.210 - *, 20.22.220 - *, 20.22.230 - *, 20.22.240 - *, 20.22.250 - *, 20.22.270 - *, 20.22.280 - *, 20.22.290 - *, 20.22.300 - *, 20.22.310 - *, 20.22.320 - *, 20.22.330 - *, 20.44.120 -, 20.62.110 - ., 21A.06.305 - *, 21A.42.090 -, 21A.43.090 - *, 21A.50.040 - *, 4A.780.010 - .

Attachments: 1. Ordinance 19648, 2. FinAppLtr, 3. 2023-0099 Amendment 3, 4. 2023-0099 Amendment 2, 5. 2023-0099 Amendment 1, 6. Acknowledge-Letter-2023-S-4840, 7. 2023-0099 SEPA Memo for PO, 8. 2023-0099 S1, 9. 2023-0099 POSummary, 10. 2023-0099_SR_CouncilPermitRole, 11. 2023-0099_RevisedSR_CouncilPermitRole, 12. 2023-0099--Seattle Times - Invoice #56525 - $206.44, 13. Acknowledge-Letter-2023-S-6679, 14. 2023-0099 - 19648 - ST - I&A - Order #68193 - $98.12

Date	Ver.	Action By	Action	Result
7/11/2023	2	Metropolitan King County Council	Passed as Amended	Pass
6/27/2023	2	Metropolitan King County Council	Deferred	
5/23/2023	1	Local Services and Land Use Committee	Recommended Do Pass Substitute	Pass
3/14/2023	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to the permit review processes; and amending Ordinance 18230, as amended, and K.C.C. 4A.780.010, Ordinance 18754, Section 23, as amended, and K.C.C.14.06.030, Ordinance 129, Section 1, as amended, and K.C.C. 14.40.010, Ordinance 18420, Section 60, and K.C.C. 14.40.0102, Ordinance 18420, Section 61, and K.C.C. 14.40.0104, Ordinance 18420, Section 62, and K.C.C. 14.40.0106, Ordinance 8766, Section 3, as amended, and K.C.C. 16.08.020, Ordinance 13694, Section 69, as amended, and K.C.C. 19A.16.090, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 18230, Section 4, and K.C.C. 20.22.010, Ordinance 263, Article 5, Section 2, as amended, and K.C.C. 20.22.020, Ordinance 18230, Section 8, and K.C.C. 20.22.030, 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 18230, Section 16, as amended, and K.C.C. 20.22.070, Ordinance 4461, Section 3, as amended, and K.C.C. 20.22.080, Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.090, Ordinance 18230, Section 21, and K.C.C. 20.22.100, Ordinance 4461, Section 5, as amended, and K.C.C. 20.22.110, Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.120, Ordinance 263,

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Article 5, Section 11, as amended, and K.C.C. 20.22.130, Ordinance 4461, Section 9, as amended, and K.C.C. 20.22.140, Ordinance 4461, Section 10, as amended and K.C.C. 20.22.150, Ordinance 13687, Section 7, as amended, and K.C.C. 20.22.160, Ordinance 13147, Section 34, and K.C.C. 20.22.170, Ordinance 9544, Section 16, as amended, and K.C.C. 20.22.180, Ordinance 17287, Section 4, and K.C.C. 20.22.190, Ordinance 18709, Section 4, as amended, and K.C.C. 20.22.195, Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200, Ordinance 18754, Section 31, and K.C.C. 20.22.205, Ordinance 18230, Section 43, and K.C.C. 20.22.210, Ordinance 4461, Section 11, as amended, and K.C.C. 20.22.220, Ordinance 18230, Section 46, and K.C.C. 20.22.230, Ordinance 4461, Section 12, as amended, and K.C.C. 20.22.240, Ordinance 263, Article 5, Section 18, as amended, and K.C.C. 20.22.250, Ordinance 4461, Section 15, as amended, and K.C.C. 20.22.270, Ordinance 4461, Section 14, as amended, and K.C.C. 20.22.280, Ordinance 11502, Section 17, as amended, and K.C.C. 20.22.290, Ordinance 11502, Section 18, as amended, and K.C.C. 20.22.300, Ordinance 11502, Section 19, as amended, and K.C.C. 20.22.310, Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320, Ordinance 263, Article 5, Section 13, as amended, and K.C.C. 20.22.330, Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120, Ordinance 4828, Section 11, and K.C.C. 20.62.110, Ordinance 10870, Section 101, and K.C.C. 21A.06.305, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 11621, Section 118, and K.C.C. 21A.43.090, Ordinance 10870, Section 632, as amended and K.C.C. 21A.50.040 and Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 and repealing Ordinance 12196, Section 25,

as amended, and K.C.C. 20.22.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 18230, as amended, and K.C.C. 4A.780.010 are hereby amended as follows:

A. Except as otherwise provided in subsection B. of this section, the fee for filing an appeal to the office of the hearing examiner under K.C.C. 20.22.080((~~,~~)) is two hundred fifty dollars.

B.1. The fee for filing an appeal to the office of the hearing examiner under K.C.C. 20.22.080, of a permit fee estimate and billing under K.C.C. ((~~chapter 27.50~~)) 27.02.040.D., is fifty dollars.

2. There is no fee for filing an appeal to the office of the hearing examiner of an enforcement or penalty action under K.C.C. Title 6, K.C.C. Title 11, or K.C.C. Title 23, ((~~or~~)) a transit rider suspension under K.C.C. 28.96.130((~~.~~

~~C. The fee for filing~~)) or an appeal to the council under ((~~section~~)) K.C.C. 20.22.230.D. ((~~is two hundred fifty dollars.~~))

SECTION 2. Ordinance 18754, Section 23, as amended, and K.C.C. 14.06.030, are hereby amended as follows:

A. The council has determined that after the county road engineer has conducted an engineering and traffic investigation of a county road that establishes the maximum speed permitted under state law is greater or less than is reasonable and safe under the conditions found to exist thereon, the county road engineer is authorized to change the maximum limit to:

1. Decrease the limit at intersections;

2. Increase the limit but not to more than sixty miles per hour; or

3. Decrease the limit but not to less than twenty miles per hour.

B. At the direction of the county road engineer, the traffic engineer shall perform the engineering and traffic investigation to determine if the existing maximum speed limit permitted is appropriate and safe under the conditions found to exist upon a county road. A member of the public may request the county road engineer

to direct that an engineering and traffic investigation be conducted. An engineering and traffic investigation shall be based upon the following factors:

1. Road surface characteristics, shoulder conditions, grade, alignment, and sight distance;
2. The eighty-fifth percentile speed and pace speed;
3. Roadside development and land use;
4. Safe speed for curves within the speed zone;
5. Parking practices and pedestrian activity; and
6. Most-recently reported collision history for the preceding thirty-six months.

C. If the traffic engineer, after consideration of the findings of the engineering and traffic investigations, determines that a change in the existing speed limit is appropriate, based on current engineering standards and guidelines, the traffic engineer shall ((~~transmit an electronic notice of the proposed change to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, before initiating~~)) hold a public comment period of at least fourteen calendar days and may hold a public meeting to solicit public input on the proposed change. The public may submit its testimony to the traffic engineer by letter or email during the comment period. The traffic engineer shall publish notice of the public comment period in a newspaper of general circulation in the area where the change in the existing speed limit is proposed.

D. If the traffic engineer concludes that there should be a change in the speed limit, based on the engineering and traffic investigations results and public comments, the traffic engineer may propose the speed limit revision to the county road engineer.

E. If the county road engineer concurs with the traffic engineer's proposed revision, a speed limit change shall be final unless ((~~within thirty business days from the date when signs giving notice of the speed limit change are erected, a person files a written appeal to the speed limit change, including why the engineering and traffic investigations do not support the proposed speed limit change, with the clerk of the~~

~~council~~)) appealed under subsection F. of this section.

F. ((~~The council designates the hearing examiner to hear on its behalf all appeals from d~~))Decisions of the county road engineer related to changes in speed limits ((~~and make a recommendation to the council whether the appeal should be granted~~)) may be appealed to the hearing examiner. An appeal must be initiated in accordance with K.C.C. 20.22.080.

G. The county road engineer shall report all speed limit changes to the council by electronically filing a report with the clerk of the council, who shall ((~~distribute copies of the report to~~)) retain the original and provide an electronic copy to all councilmembers. The county road engineer shall also file a report of speed limit changes with the sheriff and the records and licensing services division of the department of executive services. The county road engineer shall also maintain a copy of the speed limit change report and make the report electronically available to the public ((~~during regular business hours~~)). Speed limit revisions take effect when signs with the new speed limit are erected.

SECTION 3. Ordinance 129, Section 1, as amended, and K.C.C. 14.40.010 are hereby amended as follows:

Proposed vacation of a county right of way may be initiated:

A. By the council, which by ordinance declares its intent to vacate and abandon a county right of way or portion thereof that is considered useless and directs the county road engineer to prepare a report on such vacation and abandonment: or

B. By a petition for vacation of a county right of way filed with the ((~~clerk of the council~~)) department of local services, road services division.

SECTION 4. Ordinance 18420, Section 60, and K.C.C. 14.40.0102 are hereby amended as follows:

A. Property owners of the majority of the frontage on any county right of way or portion of the right of way they seek to vacate may petition the ((~~council~~)) county to vacate and abandon the right of way or portion of the right of way by submitting a vacation petition to the ((~~clerk of the council~~)) department of local services,

road services division.

B. The petition must include the name, address, and land owned for each petitioner, and set forth that the right of way is useless as part of the county road system and that the public will be benefited by its vacation. A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.

C. The petition must be signed by owners of a majority of the lineal footage of the right of way the petition seeks to vacate.

D. The petition shall be accompanied by:

1. Payment of the administrative fee in the amount specified in K.C.C. 4A.700.770; and

2. A legal description of the right of way proposed to be vacated and of the property owned by each petitioner, including the square footage of the area of vacation and a drawing, for both the area of right of way proposed to be vacated and the property adjacent to the proposed vacation owned by each petitioner. The county road engineer may require a drawing prepared by a surveyor licensed by the state of Washington.

((~~E. After receipt of a petition and payment of the administrative fee, the clerk of the council shall transmit the petition to the county road engineer, who shall evaluate the proposed vacation for compliance with requirements of this section.~~))

SECTION 5. Ordinance 18420, Section 61, and K.C.C. 14.40.0104 are hereby amended as follows:

A. Upon receipt of a petition, the county road engineer shall determine whether owners of the majority of the lineal footage of the frontage of the right of way proposed for vacation have signed the petition. If the county road engineer determines the signatories of the petition own less than the majority of the lineal footage of the frontage of the right of way proposed for vacation, the county road engineer shall notify the petitioners ((~~and the clerk of the council~~)) that the petition does not have sufficient signatories. The petitioners shall have thirty days from the date of that notice to supplement the petition by filing with the ((~~clerk of the council, with a copy of the county road engineer,~~)) department of local services, road services division, a sufficient number of

additional petition signatures to establish that a majority of owners of the lineal footage of the frontage of the right of way proposed for vacation support the petition. Failure to include the signature of a majority the owners of the lineal footage of the frontage of the right of way proposed for vacation is grounds for the county road engineer to ((~~report in writing to the council clerk~~)) find that the petition is deficient. In that event, no further action will be taken on the petition and the county road engineer shall inform the petitioners of the determination.

B. If either directed by the council in accordance with K.C.C. 14.40.010.A., or if under subsection A. of this section the county road engineer determines that ((~~the~~)) a petition is valid, then the county road engineer shall examine the right of way proposed to be vacated and abandoned and complete a report that complies with the requirements in RCW 36.87.040, including the county road engineer's opinion of whether the right of way should be vacated. The report should address:

1. Whether the county right of way should be vacated and abandoned;

2. Whether the county right of way is in use or has been in use;

3. The condition of the right of way;

4. Whether it is advisable to preserve all or a portion of the right of way for the county transportation system of the future;

5. Whether the public will be benefited by the vacation of the county right of way;

6. The appraised value of the county right of way or portion thereof proposed for vacation as well as the county road engineer's recommendation for compensation to be determined in accordance with the factors listed in K.C.C. 14.40.020.A.;

7.a. Whether the proposed county right of way to be vacated serves as access to property abutting the county right of way that is subject of the vacation request; and

b. a recommendation for requiring access easements for all abutting properties as a condition of granting the vacation;

8.a. Whether the proposed county right of way to be vacated contains utilities; and

b. a recommendation for retaining an easement for the construction, repair, and maintenance of public utilities and services that are authorized at the time the ordinance is adopted or are physically located on a portion of the right of way being vacated;

9. Other matters that may be of interest, including any fees charged under K.C.C. 14.40.0106.B.;

10. Whether the proposed area to be vacated abuts a body of salt or fresh water as set forth in RCW 36.87.130;

11. A list of the property owners whose property abuts the county right of way or any portion thereof proposed for vacation who are not petitioners; and

12. If not waived in accordance with K.C.C. 14.40.106.C. a list of all costs incurred in preparing the report.

C. Upon completion of the report by the county road engineer, the executive shall transmit the report, any petition, and a proposed ordinance to the council. The hearing examiner is appointed by the council to conduct the public hearing of any proposed vacation of a county right of way.

SECTION 6. Ordinance 18420, Section 62, and K.C.C. 14.40.0106 are hereby amended as follows:

A. Petitioners shall pay to the ((~~clerk of the council~~)) road services division an administrative fee set forth in K.C.C. 4A.700.770.

B. In addition to the administrative fee required in subsection A. of this section, the county road engineer may charge petitioners additional fees for costs associated with the petition, including costs for processing, investigation, determination of value, appraisals, and the ((~~cost of the~~)) public hearing ((~~pertaining to the petition~~)). The county road engineer shall provide petitioners with an estimate of these costs prior to the county road engineer preparing the report on the proposed vacation.

C. The director of the road services division has the discretion to waive all or a portion of any additional fee assessed under subsection B. of this section and required by this chapter. The waiver must be in

writing and shall state a compelling need or public purpose that is served by the waiver.

SECTION 7. Ordinance 8766, Section 3, as amended, and K.C.C. 16.08.020 are hereby amended as follows:

A. Public or private roads shall be designated within the guidelines of the grid system as determined by the department. Named roads can only be assigned when the numbered grid is determined infeasible by the department. The department may redesignate existing private and county roads if such roads are determined to be inconsistent with the surrounding road designation system.

B. All roads shall carry a geographic suffix or prefix. Roads designated as avenues shall carry a geographic suffix and be in a north-south direction, and roads designated as streets shall carry a geographic prefix and be in an east-west direction. Diagonal roads are treated as being either north-south or east-west roads. Names such as lane, place, way, court, and drive may be used on a road running either direction.

C. Only entire street lengths or distinct major portions of streets, as defined in K.C.C. 16.08.060, shall be separately ((~~redisignated~~)) redesignated.

D. In determining the need for redesignation, the department shall consider consistency with the provisions of K.C.C. 16.08.020 A., the impact on existing businesses and residences, and emergency services responsiveness.

E. Redesignations of county roads shall be accomplished by the adoption of an ordinance directing such redesignation.

F. Notice of county road redesignations shall be mailed by the department at least twenty days prior to the public hearing on the ordinance to all property owners whose addresses would be affected.

G. Appeals of designations and redesignations are limited to those initiated under K.C.C. 14.40.0102, and shall be heard directly by the ((~~council~~)) hearing examiner. An appeal must be initiated in accordance with K.C.C. 20.22.080.

SECTION 8. Ordinance 13694, Section 69, as amended, and K.C.C. 19A.16.090 are hereby amended

as follows:

A. Plat ((~~and short plat~~)) vacations shall be processed as follows and in accordance with RCW 58.17.212. ((~~B.~~)) All plat ((~~and short plat~~)) vacation applications shall be ((~~referred to the hearing examiner for public hearing and consideration in accordance with K.C.C. 20.22.060. Following the public hearing the~~)) reviewed as Type 3 decisions in accordance with K.C.C. 20.20.020. The hearing examiner ((~~shall~~)) must determine ((~~if~~)) that the proposed vacation is consistent with the required findings of K.C.C. 20.22.180((~~. If the proposal is found to serve such purposes, the hearing examiner may recommend that the county council~~)) to approve the ((~~application~~)) vacation.

B. Short plat vacations shall be processed in accordance with RCW 58.17.060. All short plat vacation applications shall be reviewed as Type 2 decisions in accordance with K.C.C. 20.20.020.

C. Applications for vacations of county roads may be processed under this chapter only when such road vacations are proposed in conjunction with the vacation of the plat. Vacations limited to county roads shall be processed in accordance with chapter 36.87 RCW and K.C.C. chapter 14.40.

SECTION 9. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, are hereby amended 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 permitting division manager or designee ("the director") of the department of local services ("the 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~~

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~~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. 20.44.120.A.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 follows:

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TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. chapter 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; decisions to approve, condition, or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; 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; critical area determination.
TYPE 2[1,2]	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; short plat vacation; 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 or variances to floodplain development regulations 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; sea level rise risk area variance adopted in K.C.C. chapter 21A.23.

TYPE 3[1]	(Recommendation by director, hearing and decision by hearing examiner, ((~~appealable to county council on the record~~)) no further administrative appeal)	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; special use.
TYPE 4[1,4]	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; ((~~special use;~~)) amendment or deletion of P suffix conditions; ((~~plat vacations; short plat vacations;~~)) deletion of special district overlay.

[1] See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 2, 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 10. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, are hereby amended as follows:

A. The department shall issue its Type 3 or Type 4 recommendation to the office of the hearing examiner within one hundred fifty days from the date the department notifies the applicant that the application is complete. The periods for action by ((~~an~~)) the examiner shall be governed by K.C.C. chapter 20.22 and the rules ((~~of the office of the hearing examiner~~)) for conducting the examiner process adopted under K.C.C.

20.22.330.

B.1. Except as otherwise provided in subsection B.2. of this section, the department shall issue its final decision on a Type 1 or Type 2 decision within one hundred twenty days from the date the department notified the applicant that the application is complete.

2. The following periods apply to the type of land use permit indicated:

a.	New residential building permits	90 days
b.	Residential remodels	40 days
c.	Residential appurtenances, such as decks and garages	15 days
d.	Residential appurtenances, such as decks and garages that require substantial review	40 days
e.	Clearing and grading	90 days
f.	Department of public health review	40 days
g.	Type 1 temporary use permit for a homeless encampment	30 days
h.	Type 2 temporary use permit for a homeless encampment	40 days

C. The following periods shall be excluded from the times specified in subsections A., B., and H. of this section:

1. Any period during which the applicant has been requested by the department, the examiner, or the council to correct plans, perform required studies or provide additional information, including road variances and variances required under K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request or fourteen days after the date the information has been provided. If the county determines that corrections, studies, or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The department shall set a reasonable deadline for the submittal of corrections, studies, or other information, and shall provide written notification to the applicant. The department may extend the deadline upon receipt of a written request from an applicant providing satisfactory justification for an extension.

b. When granting a request for a deadline extension, the department shall give consideration to the number of days between the department receiving the request for a deadline extension and the department

mailing its decision regarding that request;

2. The period during which an environmental impact statement is being prepared following a determination of significance under chapter 43.21C RCW, as set forth in K.C.C. 20.44.050;

3. The period during which an appeal is pending that prohibits issuing the permit;

4. Any period during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant;

5. Any time extension mutually agreed upon by the applicant and the department; and

6. Any time during which there is an outstanding fee balance that is sixty days or more past due.

D. Failure by the applicant to submit corrections, studies, or other information acceptable to the department after two written requests under subsection C. of this section shall be cause for the department to cancel or deny the application.

E. The time limits established in this section shall not apply if a proposed development:

1. Requires either: an amendment to the Comprehensive Plan or a development regulation; or modification or waiver of a development regulation as part of a demonstration project;

2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

3. Is revised by the applicant, when the revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the period shall start from the date at which the revised project application is determined to be complete.

F. The time limits established in this section may be exceeded on more complex projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3 or Type 4 recommendation within the time limits established by this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of

the notice of a Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.

G. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits, or fully contained community permits, issued for development activities on or within five hundred feet of designated agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands, on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

H. To the greatest extent practicable, the department shall make a final determination on all permits required for a Washington state Department of Transportation project on a state highway as defined in RCW 46.04.560 with an estimated cost of less than five hundred million dollars no later than ninety days after receipt of a complete permit application.

SECTION 11. Ordinance 18230, Section 4, and K.C.C. 20.22.010 are hereby amended to read as follows:

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

A. "Agency" means the executive branch, including departments, divisions, sections, and offices, the assessor, the King County board of health, and any board, commission, or other body subject to examiner determinations under this chapter.

B. "Council" means the metropolitan King County council.

((~~B.~~)) C. "Decision" means a ruling by an examiner that is ((~~appealable to the Council~~)) the county's final administrative action.

((~~C.~~)) D. "Determination" means a ((~~final decision,~~)) decision or ((~~a~~)) recommendation by an examiner.

((~~D.~~)) E. "Examiner" means the hearing examiner, a deputy examiner, or an examiner pro tempore.

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((~~D.~~)) F. "Filing" means submitting documents to the examiner ((~~or to the appropriate reviewing body~~)) by physical delivery, including first class, registered, or certified mail, hand-delivery, or courier, or ((~~electronic means if~~)) electronically as allowed by the rules for conducting the examiner process adopted under K.C.C. 20.22.330.

((~~F. "Final decision" means a ruling by an examiner that is appealable only to the appropriate court or tribunal.~~))

G.1. "Interested person" means a person who is not a party but:

a. has requested in writing, including by email, from the ((~~department, division~~)) agency or examiner, notice of a proceeding or determination((~~, who~~));

b. has submitted comments as referred to in K.C.C. 20.20.090.((~~A.~~))C.4. or the rules ((~~of the office of the hearing examiner~~)) for conducting the examiner process adopted under K.C.C. 20.22.330; or ((~~who~~))

c. has participate((~~s~~))d in a hearing by providing evidence, comment, or argument, except as provided in the definition of party.

2. "Interested person" would not include a person:

((~~1. A person~~)) a. whose only communication is a signature on a petition or a mechanically or electronically reproduced form; or

((~~2. A person~~)) b. who made a standing request for notices or documents encompassing a type of case or ((~~hearing that relates to a~~)) geographic area.

H. "Party" means:

1. An applicant, proponent, petitioner, or appellant;

2. The owner or owners of property subject to a hearing;

3. The responsible ((~~county department~~)) agency;

4. Another ((~~county department or division~~)) agency with jurisdiction or review authority over a proposal or proceeding that has notified the office of the hearing examiner in writing of its request to be a party

((~~to the proceeding~~));

5. The entity issuing a ruling that is appealed to the examiner; ((~~and~~))

6. A person participating substantively in the hearing, by providing comment, evidence, or argument, is considered a party only for purposes of a motion for reconsideration to the examiner determination or appeal of the examiner recommendation; and

7. Another entity to whom the examiner grants party status.

I. "Recommendation" means a ruling by an examiner that goes to the council for final action.

J. "Transmit" refers to documents the examiner sends ((~~out~~)) to all parties and interested persons by physical delivery, including first class, registered, or certified mail, hand-delivery, or courier, or ((~~electronic means~~)) electronically.

SECTION 12. Ordinance 263, Article 5, Section 2, as amended, and K.C.C. 20.22.020 are hereby amended to read as follows:

A. The office of hearing examiner is created and shall act on behalf of the council in considering and applying adopted county policies and regulations ((~~as provided in this chapter~~)). The ((~~hearing~~)) examiner shall separate the application of regulatory controls from the legislative planning process, protect, and promote the public and private interests of the community, and expand the principles of fairness, ((~~and~~)) due process, openness, and equity in public hearings.

B.1. The council shall appoint the hearing examiner to serve for a term of four years.

2. The council may authorize the hearing examiner to hire a deputy examiner to assist the hearing examiner with the powers and duties described in subsection D. of this section.

3. The council may ((~~approve~~)) authorize the hearing examiner to create a roster of qualified persons to serve as examiner pro tempore, with the powers and duties described in subsection E. of this section.

C. Examiners shall be appointed solely based on their qualifications for the duties of their offices and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings

on regulatory enactments and to discharge ((~~the~~)) their other functions ((~~conferred upon them~~)). They shall not hold another appointive or elective public office or position in county government except as authorized by the council by motion.

D. A deputy examiner shall assist the hearing examiner in performing the duties conferred upon the hearing examiner by ordinance and, in the event of the absence or the inability of the hearing examiner to act, has all the duties and powers of the hearing examiner.

E. The hearing examiner may appoint an examiner pro tempore to a case from the roster ((~~approved under~~)) created in accordance with subsection B.3. of this section. Once appointed to a case, an examiner pro tempore has the same duties and powers as the hearing examiner.

F. The hearing examiner may be removed from office for just cause at any time by the affirmative vote of at least six members of the council.

G. Individual councilmembers, county officials, or any other persons, shall not interfere with, or attempt to interfere with, the performance of the designated duties of ((~~an~~)) the examiner.

SECTION 13. Ordinance 18230, Section 8, and K.C.C. 20.22.030 are hereby amended to read as follows:

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

1. ((~~Issue final~~)) Make decisions, as set forth in K.C.C. 20.22.040;

2. ((~~Issue decisions, as set forth in K.C.C. 20.22.050;~~

~~3.~~)) ((~~Issue~~)) Make recommendations to the council, as set forth in K.C.C. 20.22.060;

((~~4.~~)) 3. Take other actions as prescribed by this chapter; and

((~~5.~~)) 4. Take other actions as directed by ordinance or council motion.

B. The examiner's determination may ((~~be to~~)) grant, remand, or deny the application or appeal, and may include any conditions, modifications, and restrictions ((~~as the examiner finds~~)) necessary to carry out

applicable laws, regulations, and adopted policies.

C. For the purposes of proceedings identified in K.C.C. ((~~20.22.050 and 20.24.060~~)) 20.22.060, the public hearing by the examiner shall constitute the hearing required by the King County Charter by the council.

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

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

F. ((~~Any w~~))Written submittals ((~~shall~~)) may only be admitted ((~~only~~)) when authorized by the examiner.

G. The examiner shall use reasonable case management techniques, ((~~to the extent reasonable~~)) including:

1. Limiting testimony and argument to relevant issues and to matters identified in the prehearing order or appeal;

2. Prehearing identification and submission of exhibits, if applicable;

3. Stipulated testimony or facts;

4. Prehearing dispositive motions, if applicable;

5. Prehearing conferences;

6. Voluntary mediation; and

7. Other methods to promote efficiency and to avoid delay.

SECTION 14. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, are hereby amended to

read as follows:

The examiner shall ((~~issue final~~)) make decisions ((~~in the following cases~~)) on:

A. Appeals of orders of the ombuds under the lobbyist disclosure code((~~,~~)) under 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~~)) by 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 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 notice((~~s~~)) 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 surface and stormwater management 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 notice((~~s~~)) and orders of the manager of ((~~animal control~~)) regional animal services under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services ((~~involving~~)) under K.C.C. chapter 12.16;

O. Appeals of orders of the office of equity and racial and social justice 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 local services, permitting division, under K.C.C. chapter 12.86;

Q. A decision on a request for exemption under K.C.C. 12.xx.xxx.F. (Ordinance 19639, Section 4.F.).

R. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

((~~R.~~)) S. Appeals of decisions regarding mitigation payment system, commute trip reduction, and intersection standards under K.C.C. Title 14;

((~~S.~~)) T. Appeals of changes to speed limits under K.C.C. chapter 14.06;

U. Appeals related to road designations and redesignations under K.C.C. chapter 16.08;

V. Appeals of suspensions, revocations, or limitations of plumbing permits under K.C.C. chapter 16.32;

((~~T.~~)) W. Appeals from denials of C-PACER applications under K.C.C. chapter 18.19;

((~~U.~~)) X. 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;

((~~V.~~)) Y. Type 3 decisions under K.C.C. chapter 20.20;

Z. Appeals of SEPA decisions((~~, in accordance with~~)) under K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

((~~W.~~)) AA. Appeals of completed farm management plans under K.C.C. 21A.30.045;

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((~~X.~~)) BB. 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;

((~~Y.~~)) CC. Appeals of citations, notices and orders, notices of noncompliance, and stop work orders issued ((~~in accordance with~~)) under K.C.C. Title 23 or ((~~Title~~)) chapter 1.08 of the ((~~rules and regulations of the King County~~)) code of the King County board of health;

((~~Z.~~)) DD. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance ((~~in accordance with~~)) under K.C.C. Title 21A and K.C.C. chapter 23.10;

((~~AA.~~)) EE. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010((~~.A.2~~));

((~~BB.~~)) FF. Appeals of fee waiver decisions by the department of local services, permitting division((~~, in accordance with~~)) under K.C.C. 27.02.040;

((~~CC.~~)) GG. 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;

((~~DD.~~)) HH. Appeals of transit rider suspensions under K.C.C. 28.96.430;

((~~EE.~~)) II. 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 ((~~in accordance with~~)) under RCW 69.50.505; ((~~and~~))

((~~FF.~~)) JJ. Other applications or appeals ((~~that are~~)) prescribed by ordinance.

SECTION 15. Ordinance 12196, Section 25, as amended, and K.C.C. 20.22.050 are hereby repealed.

SECTION 16. Ordinance 4461, Section 1, as amended, and K.C.C. 20.22.060 are hereby amended to read as follows:

The examiner shall ((~~issue~~)) make recommendations((~~, in the following cases~~)) on:

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;

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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 under K.C.C. chapter 20.36;

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; and

G. ((~~Appeals from decisions of the county road engineer in the road services division of the department of 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 17. Ordinance 18230, Section 16, as amended, and K.C.C. 20.22.070, are hereby amended as follows:

A. K.C.C. 20.22.080 applies to all appeals to the office of the hearing examiner. If there is a direct conflict between the appeal provisions in K.C.C. 20.22.080((~~,~~)) and the appeal provisions found in subsection B. of this section, the appeal provisions found in subsection B. of this section shall control.

B. The provisions for appealing the following decisions are found in the following chapters of the King County Code:

1. Career service review, K.C.C. chapter 3.12A;

2. Appeals under K.C.C. Title 6, except for for-hire transportation, K.C.C. chapter 6.64, shall follow ((~~this chapter~~)) K.C.C. 20.22.080;

3. Discrimination and equal employment opportunity in employment by contractors, subcontractors, and vendors, K.C.C. chapter 12.16;

4. Unfair housing practices, K.C.C. chapter 12.20;

5. Denial of C-PACER applications, K.C.C. chapter 18.19;

6. Regional motor sports facility, K.C.C. 21A.55.105;

7. Abandoned, wrecked, dismantled, or inoperative vehicles, K.C.C. chapter 23.10;

8. Citations, K.C.C. chapter 23.20;

9. Penalty appeals, K.C.C. chapter 23.32;

10. Transit ((~~R~~))rider suspension appeals, K.C.C. 28.96.430;

11. Other appeals ((~~that are~~)) prescribed by ordinance.

SECTION 18. Ordinance 4461, Section 3, as amended, and K.C.C. 20.22.080, are hereby amended as follows:

A. Unless K.C.C. 20.22.070 applies, a person initiates an appeal from a decision of an ((~~department or division~~)) agency by delivering an appeal ((~~statement~~)) to the issuing ((~~department or division~~)) agency.

B. The appeal ((~~statement~~)) must be received by the ((~~department or division~~)) agency within twenty-four days of the date of issuance of the decision by the ((~~department or division~~)) agency.

C. The ((~~statement appealing the decision of a department or division to the office of the hearing examiner~~)) appeal shall:

1. Include a copy of, or clearly identify, the decision being appealed;

2. Identify the location of the property subject to the appeal, if any;

3. Identify the legal interest of the appellant;

4. Identify the alleged errors in the decision;

5. State specific reasons why the decision should be reversed or modified;

6. State the harm suffered or anticipated by the appellant; and

7. Identify the relief sought.

D. The appellant shall pay a fee as provided in K.C.C. 4A.780.010.A. The fee shall be paid at the time the appeal ((~~statement~~)) is delivered and is not refundable.

E. In order that a person contemplating an appeal has the necessary information on which to base the

appeal, during the time between the issuance of the decision and the deadline for delivering an appeal, the ((~~department or division~~)) agency shall:

1. Respond to inquiries concerning the facts and process of the decision; and

2. Make available any files that detail the facts on which the ((~~department or division~~)) agency based its ruling.

F. If an ((~~department or division~~)) agency is unable to comply with subsection E. of this section, the examiner ((~~may~~)) shall authorize an amendment to ((~~an~~)) a timely initial appeal ((~~statement~~)) to reflect information subsequently made available to the appellant.

G. The scope of an appeal shall be limited to matters or issues raised in the initial appeal ((~~statement~~)) and any amendment((~~s~~)) to the appeal ((~~statement~~)) the examiner may authorize.

H. If a person fails to timely deliver the appeal ((~~statement~~)) or pay the appeal fee, the office of the hearing examiner does not have jurisdiction to consider the appeal and the decision of the ((~~department or division~~)) agency becomes final and unreviewable.

SECTION 19. Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.090, are hereby amended to read as follows:

((~~A. For appeals of agency actions to the office of the hearing examiner, t~~))The examiner, on the examiner's own motion or on the motion of a party((~~, s~~)):

A. Shall dismiss an appeal if the appellant lacks standing or if the appeal is untimely, frivolous on its face, or beyond the examiner's jurisdiction((~~.~~)); and

B. ((~~The examiner m~~))May dismiss an appeal that is not sufficiently specific to apprise the parties of the factual basis upon which relief is sought or if the grounds stated do not constitute a legally adequate basis for the appeal. Alternatively, the examiner may clarify the issues on appeal or may require any party with the burden of proof to clarify the issues on appeal.

SECTION 20. Ordinance 18230, Section 21, and K.C.C. 20.22.100, are hereby amended to read as

follows:

A. The examiner shall process all appeals and applications as expeditiously as possible, giving appropriate consideration to ((~~the~~)) procedural due process rights ((~~of the parties~~)).

B.1. For appeals initiated by delivering the appeal ((~~statement~~)) to the responsible ((~~department or division~~)) agency, the responsible ((~~department or division~~)) agency shall file with the office of the hearing examiner the decision or decisions being appealed, the appeal, ((~~statement~~)) and a current list of parties and interested persons, within seventeen days of the date the responsible ((~~department or division~~)) agency receives the appeal ((~~statement~~)). The examiner shall hold a prehearing conference or a hearing within forty-five days, and shall complete the appeal process, including issuing a determination, within ninety days of ((~~the date the office of the hearing examiner receives~~)) receiving those materials.

2. For ((~~any~~)) appeals that require((~~s~~)) the appeal ((~~statement~~)) to be delivered directly to the office of the hearing examiner, the examiner shall hold a prehearing conference or a hearing within forty-five days, and shall complete the appeal process, including issuing a determination, within ninety days((~~,~~)) of receiving the appeal ((~~statement~~)).

C. For applications for which the responsible ((~~department or division~~)) agency issues a recommendation and ((~~an~~)) the examiner holds a public hearing and issues a decision or recommendation, the examiner shall complete the application review, including holding a public hearing and transmitting ((~~the report required by K.C.C. 20.22.220~~)) a determination, within ninety days from the date the council refers the application to the office of the hearing examiner. Any time required ((~~by~~)) for the applicant or the responsible ((~~department or division~~)) agency to obtain and provide additional information requested by the examiner ((~~and~~)) that is necessary for the examiner's determination ((~~on the application~~)) and consistent with applicable laws, regulations, and adopted policies, is excluded from the ninety-day calculation.

D. At least fourteen days before a scheduled hearing, the examiner shall transmit notice of the time of, and ((~~place of~~)) how to participate in, the hearing.

E. If for any reason testimony cannot be completed on the date set for a hearing, the examiner shall continue the matter ((~~shall be continued~~)) to the soonest available date. To the extent practicable, a matter should be heard on consecutive days until it is concluded.

F. The examiner may, upon notice to the parties, extend the deadlines in this section for up to thirty days. ((~~Extensions of over thirty days are permissible with the consent of all parties. When an extension is made, the examiner shall state in writing the reason for the extension~~)) The examiner may extend the deadlines in this section for over thirty days, either with the consent of all parties or where the examiner details why good cause supports such an extension or stay.

G. Failure to complete the hearing process within the times stated in this section shall not terminate the jurisdiction of the office of the hearing examiner.

SECTION 21. Ordinance 4461, Section 5, as amended, and K.C.C. 20.22.110, are hereby amended as follows:

Whenever an appeal or application includes more than one county ((~~permit, approval or determination for which~~)) decision, when a public hearing is required, or ((~~for which~~)) when an appeal is provided under this chapter, the hearings and any appeals may be consolidated by the examiner into a single proceeding ((~~before the examiner~~)).

SECTION 22. Ordinance 11502, Section 12, as amended, and K.C.C. 20.22.120, are hereby amended to read as follows:

((~~A.~~)) On the examiner's own initiative, or at the request of a party, the examiner may set a prehearing conference.

((~~B. If a prehearing conference is set, it shall be held not less than fourteen days before the scheduled hearing.~~)) At least seven days before the prehearing conference, the examiner shall transmit notice of the date of, and ((~~location of~~)) how to participate in, the prehearing conference.

SECTION 23. Ordinance 263, Article 5, Section 11, as amended, and K.C.C. 20.22.130, are hereby

amended to read as follows:

When an application or appeal has been set for hearing, the responsible ((~~department~~)) agency shall coordinate and assemble the reviews of other ((~~departments and governmental~~)) agencies having an interest in the application or appeal and shall prepare a report summarizing the ((~~department's~~)) responsible agency's findings and recommendation or decision. At least fourteen days before the scheduled hearing, the responsible ((~~department~~)) agency shall file the report with the office of the hearing examiner and shall send the report to all parties and interested persons. This section does not apply to citation or motion hearings.

SECTION 24. Ordinance 4461, Section 9, as amended, and K.C.C. 20.22.140, are hereby amended to read as follows.

((~~When the e~~))Examiner ((~~renders a~~)) determinations((~~, the examiner~~)) shall ((~~make and enter~~)) include findings of fact and conclusions from the record ((~~which~~)) that support the determination and shall set forth how the determination is consistent with applicable laws, regulations, and adopted policies.

SECTION 25. Ordinance 4461, Section 10, as amended and K.C.C. 20.22.150 are hereby amended as follows:

((~~When the e~~))Examiner ((~~issues a~~)) recommendations ((~~regarding~~)) on an application for a zone reclassification ((~~of property, the recommendation~~)) shall include findings on whether the application meets both of the following:

A. The proposed rezone is consistent with the King County Comprehensive Plan; and

B.1. The property is potentially zoned for the reclassification being requested;

2. An adopted subarea plan, subarea study, or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

3. The requested reclassification is based on changed conditions.

SECTION 26. Ordinance 13687, Section 7, as amended, and K.C.C. 20.22.160, are hereby amended as follows:

((~~When an e~~))Examiner ((~~issues a~~)) recommendations on a shoreline redesignation application((~~, the examiner~~)) shall include findings on whether the shoreline redesignation complies with the following:

A. The King County Comprehensive Plan policies, state and county shorelines management goals and objectives, and the designation criteria of the proposed shoreline designation;

B. The impacts of development allowed by the proposed change do not permanently impair any habitat critical to endangered or threatened species;

C. The impacts of development allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shoreline((~~s~~)) redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

D. If the shoreline redesignation results in greater density of development, the proposal utilizes clustering or a multistory design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area.

SECTION 27. Ordinance 13147, Section 34, and K.C.C. 20.22.170, are hereby amended as follows:

A. ((~~Upon initiation of~~)) For a site-specific land use map amendment to the Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing to consider the ((~~department's~~)) agency's written recommendation, ((~~and to~~)) take testimony, and receive additional evidence relating to the proposed amendment. The examiner may consolidate hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty days after closing the public hearing on the site-specific land use map amendment, the examiner shall ((~~prepare~~)) make a recommendation that contains written findings and conclusions regarding whether:

1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment may be considered as part of the annual update; and

2. A site-specific land use map amendment is consistent with the applicable review criteria.

B. The office of the hearing examiner shall compile the written recommendations on all site-specific land use map amendments made in a year into a single report. The report shall be electronically filed by January 15 ((~~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 for the council committee charged with the review of the Comprehensive Plan.

SECTION 28. Ordinance 9544, Section 16, as amended, and K.C.C. 20.22.180, are hereby amended as follows:

((~~When the examiner makes a decision regarding an application f~~))For a proposed preliminary plat, the examiner decision shall include ((~~additional~~)) findings as to whether:

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

B. The public use and interest will be served by platting the subdivision and dedication.

SECTION 29. Ordinance 17287, Section 4, and K.C.C. 20.22.190, are hereby amended as follows:

The ((~~hearing~~)) examiner shall receive and examine available information, conduct public meetings, and prepare records and reports thereof for transmittal to the council, as provided in K.C.C. 21A.55.105.M. and S.

SECTION 30. Ordinance 18709, Section 4, as amended, and K.C.C. 20.22.195, are hereby amended as follows:

For rider suspension appeals under K.C.C. 28.96.430:

A. The examiner shall review the facts and the legal basis for the suspension. The Metro transit department shall bear the burden of proving, by a preponderance of the evidence, both the violation and ((~~that~~))

the sanction ((~~it has~~)) imposed is consistent with King County ordinances and department policy. Absent contrary evidence, the Metro transit officer's report is sufficient to fulfill the requirements of K.C.C. 20.22.130 and meet the department's burden of proof. A criminal conviction for the same conduct underlying the suspension will be dispositive of any factual challenge to the suspension. A criminal conviction shall not be dispositive of any other challenge, such as a jurisdictional challenge, to the suspension. Exoneration or a finding of "not guilty" on a criminal charge for the same conduct underlying the suspension shall result in the examiner finding that the suspension lacks a sufficient factual basis and vacating the suspension. Dispositional continuances or deferred prosecutions shall have no bearing on the examiner's factual findings.

B. Individuals appealing their suspensions may not challenge the constitutionality of the suspension process through ((~~an~~)) the examiner appeal.

SECTION 31. Ordinance 9785, Section 10, as amended, and K.C.C. 20.22.200, are hereby amended as follows:

A. 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:

1. ((~~r~~))Remand the matter to the department of local services, permitting division((~~, or shall~~));

2. ((~~r~~))Require or recommend phasing for provision of the needed facilities and sites as appropriate to address the deficiency; or ((~~shall~~))

3. ((~~d~~))Deny the proposal.

B. The examiner shall prepare findings ((~~to document the facts~~)) and conclusions 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 32. Ordinance 18754, Section 31, and K.C.C. 20.22.205, are hereby amended as follows:

((~~When an e~~))Examiner ((~~issues a~~)) recommendations ((~~regarding~~)) on an appeal of a change to a speed limit((~~, the examiner~~)) shall include findings on whether the change in the speed limit is supported by an engineering and traffic investigation based on the following factors:

A. Road surface characteristics, shoulder conditions, grade, alignment, and sight distance;

B. The eighty-fifth percentile speed and pace speed;

C. Roadside development and land use;

D. Safe speed for curves within the speed zone;

E. Parking practices and pedestrian activity; and

F. Most-recently reported collision history for the preceding thirty-six months.

SECTION 33. Ordinance 18230, Section 43, and K.C.C. 20.22.210, are hereby amended as follows:

A. Enforcement of any notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11 shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except impoundment of an animal that is vicious or cruelly treated, or where the records and licensing services division manager or the permitting division manager of the department of local services states in the notice and order that a clear, substantial, and imminent hazard to life, safety, or property exists.

B. In proceedings before the examiner for an appeal from a notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11, the records and licensing services division shall bear the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.

SECTION 34. Ordinance 4461, Section 11, as amended, and K.C.C. 20.22.220, are hereby amended as follows:

A.1. Except as otherwise provided in K.C.C. 20.22.170, within ten business days of concluding a hearing or rehearing, the examiner shall ((~~render~~)) make and transmit a written determination ((~~and shall transmit a copy of that determination~~)). The examiner's determination shall identify the ((~~applicant or the~~

~~owner, or both,~~)) parties by names and ((~~addresses~~)) contact information.

2. Before the expiration of the applicable appeal period of subsection B.((~~,~~)) or C. ((~~or D.~~)) of this section, a party may file with the examiner a motion requesting that the examiner reconsider a determination. A timely motion stays the timelines in subsections B.((~~,~~)) or C. ((~~or D.~~)) of this section until the examiner rules on the motion. The examiner may grant the motion if the person making the motion shows that the determination was based in whole or in part on erroneous information or failed to comply with existing laws, regulations, or adopted policies, or ((~~if~~)) that an error of procedure occurred that prevented consideration of the interests of persons directly affected by the action.

B.1. Examiner recommendations in cases identified in K.C.C. 20.22.060 may be appealed to the council by a party by filing an appeal ((~~statement~~)) in accordance with K.C.C. 20.22.230.

2. If an appeal ((~~statement~~)) is not timely filed, the clerk of the council shall place a proposed ordinance that adopts the examiner's recommended action ((~~of the examiner~~)) on the agenda of the next available council meeting for adoption, except that:

a. the council shall not take final action to amend or reverse the recommendation of the examiner ((~~shall not be taken~~)) at that meeting ((~~and~~)). The council chair shall establish the process for amending or reversing the examiner's recommendation, and electronic notice to parties shall be given a minimum of seven days before the council ((~~adoption of~~)) adopts an ordinance that amends or reverses the examiner's recommendation; and

b. when the council determines it is necessary before taking final action, the council ((~~by motion~~)) may refer the matter to a council committee or remand to the examiner for the purpose of further hearing, receipt of additional information, or further consideration ((~~when determined necessary before the council takes final action~~)).

C. ((~~Decisions of the examiner that are appealable to the council as provided in K.C.C. 20.22.050 are final unless appealed to the council by filing an appeal statement in accordance with K.C.C. 20.22.230.~~

~~D. Final d~~))Decisions of the examiner in cases identified in K.C.C. 20.22.040 ((~~shall be~~)) are final and reviewable under K.C.C. 20.22.270.B.

SECTION 35. Ordinance 18230, Section 46, and K.C.C. 20.22.230, are hereby amended as follows:

A. A ((~~person~~)) party initiates an appeal to the council from ((~~an~~)) the examiner recommendation ((~~or decision~~)) by filing an appeal ((~~statement~~)) with the clerk of the council and providing copies of the appeal ((~~statement~~)) to the examiner and to all other parties.

B. The appeal ((~~statement~~)) must be received within twenty-four days of the date of the examiner's transmittal of the recommendation ((~~or decision~~)).

C. The appeal ((~~statement~~)) shall:

1. Include a copy of the ((~~decision~~)) recommendation being appealed;
2. Identify the location of the property subject to the appeal, if any;
3. Identify the legal interest of the appellant;
4. Identify the alleged errors in the ((~~decision~~)) recommendation;
5. State specific reasons why the ((~~decision~~)) recommendation should be reversed or modified;
6. State the harm suffered or anticipated by the ((~~party filing the appeal~~)) appellant; and
7. Identify the relief sought.

D. ((~~The person filing an appeal shall pay a fee as prescribed in K.C.C. 4A.780.010. The fee shall be paid at the time the appeal is filed and is not refundable.~~

~~E.~~)) The scope of an appeal shall be limited to matters or issues raised in the initial appeal ((~~statement~~)).

((~~F.~~)) E. If a ((~~person~~)) party fails to timely file the appeal ((~~statement or pay the appeal fee,~~)) the council does not have jurisdiction to consider the appeal.

((~~G.~~)) F. Within three days of receiving the appeal ((~~statement~~)), the examiner shall notify all interested persons and parties of the appeal filing and of the opportunity to respond and shall post a copy of the examiner

recommendation ((~~or decision~~)) and ((~~of the~~)) appeal ((~~statement~~)) on the ((~~internet~~)) examiner's website.

((~~H.~~)) G. Within seventeen days of the date the appeal ((~~statement~~)) is filed, a respondent shall file a response with the clerk of the council and provide electronic copies of the response to the examiner, to all other parties, and to the appellant.

((~~I.~~)) H. Within ten days of the date the response is filed, an appellant may file a reply with the clerk of the council, and ((~~providing~~)) provide copies of the reply to the examiner, to all other parties, and to the respondent.

((~~J.~~)) I. For purposes of this section, "file" means ((~~submitting a paper copy and an electronic copy to~~)) emailing the clerk of the council.

SECTION 36. Ordinance 4461, Section 12, as amended, and K.C.C. 20.22.240, are hereby amended as follows:

A. The council shall process appeals as expeditiously as possible, giving appropriate consideration to ((~~the~~)) procedural due process rights ((~~of the parties~~)). The council should schedule consideration of the appeal within sixty days of the filing of the response to the appeal ((~~statement~~)). Failure of the council to consider the appeal within the time limit does not terminate the council's jurisdiction.

B. The council's consideration of an appeal from ((~~either~~)) a ((~~decision or~~)) recommendation of the examiner shall be based upon the record as presented to the examiner at the public hearing and upon the arguments presented in the written appeal, ((~~statement based upon the record~~)) appeal response, and appeal reply. The council also may allow parties a period for oral argument based on the record. Consistent with RCW 36.70B.020(1) and upon the request of a councilmember, the examiner may provide a written or oral summary, or both, of the record, issues, and arguments presented in an appeal, and may provide answers, based on the record, to questions with respect to issues raised in the appeal. Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

C. An examiner may conduct a conference with all parties ((~~for the purpose of clarifying or attempting~~)) to clarify or resolve issues on appeal, but the examiner who conducted the public hearing on the proposal ((~~may~~)) shall not conduct the conference. The conference shall be informal and shall not be part of the public record.

D. If, after consideration of the record, written appeal, ((~~statements~~)) appeal response, appeal reply, and any oral argument, the council determines that:

1. An error in fact or procedure exists, or additional information or clarification is desired, the council shall remand the matter to the examiner; or

2. The examiner's ((~~decision or~~)) recommendation is based on an error in judgment or conclusion, the council may modify or reverse the examiner's recommendation, or the council may retain the matter, refer it to a council committee, or remand to the examiner for further hearing, receipt of additional information, or further consideration, before the council takes final action on the matter.

SECTION 37. Ordinance 263, Article 5, Section 18, as amended, and K.C.C. 20.22.250, are hereby amended as follows:

A. The council shall take final action on ((~~any~~)) an examiner recommendation ((~~or appeal from an examiner decision~~)) by ordinance and, when so doing, shall make findings and conclusions from the record of the public hearing conducted by the examiner((~~. The findings and conclusions shall~~)) to set forth and demonstrate the manner in which the action is consistent with applicable laws, regulations, and adopted policies. The council's findings and conclusions may adopt as its own all or portions of the examiner's findings and conclusions.

B. The ordinance may contain conditions regarding the manner of development or ((~~other aspects regarding~~)) use of the property including, but not limited to, dedicating land, providing public improvements, or requiring impact fees authorized by chapter 82.02 RCW, or any combination thereof.

C. The ordinance also may contain reasonable conditions, in accordance with applicable laws,

regulations, and adopted policies, that must be satisfied. The ordinance shall designate the time within which any such conditions must be satisfied and the official zoning maps shall not be amended until the conditions have been satisfied. If any of the conditions are not satisfied within the designated time, the property shall continue to be subject to all laws, regulations, and adopted policies as if the ordinance had not been adopted. If, before the expiration of the time within which the conditions must be satisfied, the applicant submits a written request to the examiner for an extension of the time, the examiner shall hold a hearing and ((~~issue~~)) make a recommendation on whether the extension is in the public interest and whether to grant or deny all or any part of the requested time extension. The examiner's recommendation may be appealed using the procedures in K.C.C. 20.22.220.B.

SECTION 38. Ordinance 4461, Section 15, as amended, and K.C.C. 20.22.270, are hereby amended as follows:

A. Council action on examiner recommendations in cases identified in K.C.C. 20.22.060 ((~~or on examiner decisions appealed to the council as provided in K.C.C. 20.22.220.C. shall be~~)) is final and conclusive ((~~action~~)) unless an appeal is timely filed with the appropriate court or tribunal. However, development or related action ((~~may~~)) shall not occur until the applicable ((~~day~~)) appeal period has ((~~run~~)) expired.

B. ((~~Final d~~))Decisions of the examiner in cases identified in K.C.C. 20.22.040 ((~~shall be~~)) are final and conclusive ((~~action~~)) unless an appeal is timely filed with the appropriate court or tribunal. However, development or related action ((~~may~~)) shall not occur until the applicable appeal period has ((~~run, and the~~)) expired. The appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final environmental impact statement shall not commence until final action on the underlying proposal.

SECTION 39. Ordinance 4461, Section 14, as amended, and K.C.C. 20.22.280, are hereby amended as follows:

((~~A.~~)) The ordinance implementing the council's final action on ((~~an~~)) the examiner's recommendation ((~~or decision~~)) shall take effect ten days after its ((~~enactment, unless a request for reconsideration is filed~~

~~according to this section.~~

~~B.1. A final action by the council may be reconsidered by the council if:~~

~~a. the action was based in whole or in part on erroneous facts or information;~~

~~b. the action failed to comply with existing laws, regulations or adopted policies; or~~

~~c. an error of procedure occurred that prevented consideration of the interests of persons directly affected by the action.~~

~~2. A request for reconsideration must be made within ten days of the council's final action by filing a paper copy and an electronic copy with the clerk of the council and providing copies to the examiner and department or division issuing the original decision, all parties and all interested persons.~~

~~3. The effective date of an ordinance adopted under this chapter and any time limits for filing appeals are stayed during the pendency of the request for reconsideration.~~

~~C. A request for reconsideration shall be referred to the appropriate committee for an initial determination whether the request meets the criteria in subsection B. of this section. Within ten days of filing the request or at the next regular meeting of the committee, whichever is later, the committee may either refer the request to the council for its consideration or deny the request. The committee's denial of the request shall be considered the council's final action, and the ordinance shall be effective immediately.~~

~~D. The authority of the council to reconsider does not affect the finality of a decision when made~~)) adoption.

SECTION 40. Ordinance 11502, Section 17, as amended, and K.C.C. 20.22.290, are hereby amended as follows:

The office of the hearing examiner shall maintain and publish on its website a quarterly ((~~basis a~~)) digest of all ((~~decisions, final decisions and recommendations of the office~~)) examiner determinations. ((~~Decisions~~)) Determinations reported in the digest shall not be construed to establish legal precedent.

SECTION 41. Ordinance 11502, Section 18, as amended, and K.C.C. 20.22.300, are hereby amended

as follows:

The office of the hearing examiner shall ((~~issue a citizen's guide that describes~~)) produce guides describing the examiner process, including making an appeal or participating in a hearing. The office shall make them available to the public in printed and electronic forms and shall post them to its website.

SECTION 42. Ordinance 11502, Section 19, as amended, and K.C.C. 20.22.310, are hereby amended as follows:

The office of the hearing examiner shall prepare an annual report to the council detailing the length of time required for hearings in the previous year, categorized both on average and by type of proceeding. The report shall provide commentary on office operations and identify any need for clarification of county policy or ((~~development~~)) regulations. The office shall electronically file the report by March 1 of each year((~~, 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.

SECTION 43. Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320, are hereby amended as follows:

((~~As to~~)) For any application or appeal decided under this chapter ((~~that is or could become the subject of a public hearing~~)), the responsible ((~~county department~~)) agency, the council, or the examiner may, at the responsible ((~~department~~)) agency, council, or examiner's own discretion, or at the request of ((~~the applicant or any person with standing to the application or appeal~~)) any party or interested person, initiate a mediation process to resolve disputes as to the application or appeal at any state of the proceedings on the application or appeal. The mediation process shall be conducted in accordance with the rules ((~~prepared by the hearing~~)) for conducting the examiner process adopted under K.C.C. 20.22.330.

SECTION 44. Ordinance 263, Article 5, Section 13, as amended, and K.C.C. 20.22.330, are hereby amended as follows:

A.((~~1.~~)) The council shall, by motion, adopt rules and amendments to the rules for conducting the

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examiner process, including prehearing conferences and mediation.

((~~2.~~)) B.1. The hearing examiner may propose rules or amendments to the rules by electronically filing a draft of the rules or amendments with the clerk of the council, for distribution to all councilmembers for review.

2. At the same time as the filing of the draft rules or amendments, the hearing examiner shall also:

a. electronically distribute a copy of the draft rules to any county ((~~department~~)) agency that has appeared before the examiner in the ((~~year before filing the proposed amendments and to any other person who requested to be notified of proposed amendments to the rules~~)) preceding twelve months;

b. make best efforts to electronically distribute a copy of the draft rules to any party that has appeared before the examiner in the preceding twelve months; and ((~~shall~~))

c. post a copy on the ((~~Internet~~)) examiner's website.

3. Comments may be electronically filed with the clerk of the council, for distribution to all councilmembers, for sixty days after the proposed rules or amendments are distributed for comment.

4. The rules or amendments shall take effect when they have been approved by the council by motion.

((~~3.~~)) C. The office of the hearing examiner shall publish the rules and any amendments to the rules and make them available to the public in printed and electronic forms and shall post the rules and any amendments to the ((~~Internet~~)) examiner's website.

SECTION 45. Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120 are hereby amended as follows:

A. The administrative appeal of a threshold determination or of the adequacy of a final environmental impact statement is a procedural SEPA appeal that is conducted by the hearing examiner under K.C.C. 20.22.040 and is subject to the following:

1. A procedural SEPA appeal to the hearing examiner is authorized only for an action classified as a Type 2, 3, or 4 land use decision in K.C.C. 20.20.020, or as provided for by public rule adopted under K.C.C.

20.44.075;

2. Only one appeal of each threshold determination shall be allowed on a proposal;

3. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight;

4. An appeal of a determination of significance must be filed with the department issuing the determination of significance as provided in K.C.C. 20.22.080;

5. An appeal of a determination of nonsignificance or of the adequacy of an environmental impact statement must be filed with the department issuing the determination of nonsignificance or environmental impact statement as provided in K.C.C. 20.22.080. The appeal period for a determination of nonsignificance shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies;

6. Except as otherwise provided in this section, SEPA appeals are subject to K.C.C. 20.22.080.C.; and

7. The hearing examiner shall make a final decision on all procedural SEPA appeals.

B. Except for a procedural SEPA appeal authorized under K.C.C. 20.44.075, the hearing examiner's consideration of a procedural SEPA appeal shall be consolidated in all cases with the substantive SEPA appeal, if any, involving a decision to condition or deny an application under RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for an appeal of a determination of significance.

C. A procedural or substantive SEPA appeal authorized by subsection A. of this section on a Type 2, 3, or 4 land use decision shall be consolidated with any administrative appeal on the merits of that decision, as provided in K.C.C. chapter 20.22 and this section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C. 20.44.075 shall not be consolidated with the administrative appeal on the merits of the decision. If a Type ((~~3 or~~)) 4 land use decision is appealed to the county council as provided in K.C.C. 20.22.220.B. ((~~or C.~~)), the appeal of the recommendation ((~~or decision~~)) of the examiner to condition or deny the proposal under RCW 43.21C.060 shall be made to the council, which shall make a final decision.

D. Notwithstanding subsections A. through C. of this section, a department may adopt procedures in

accordance with K.C.C. chapter 2.98 under which an administrative appeal shall not be provided if the director of that department finds that consideration of an appeal would likely cause the department to violate a compliance, enforcement, or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request.

SECTION 46. Ordinance 4828, Section 11, and K.C.C. 20.62.110 are hereby amended as follows:

((~~Any person aggrieved by a d~~))Decisions of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may file an appeal with the historic preservation officer, under K.C.C. 20.22.080.

SECTION 47. Ordinance 10870, Section 101, and K.C.C. 21A.06.305 are hereby amended as follows:

Development agreement:

A. ((~~a~~))A recorded agreement between a UPD applicant and King County which incorporates the site plans, development standards, and other features of an Urban Plan Development as described in K.C.C. chapter 21A.39; or

B. An agreement authorized under RCW 36.70B.170 through 36.70B.210.

SECTION 48. Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090 are hereby amended as follows:

A.1. The decision of the director ((~~shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner under K.C.C. chapter 20.24 20.22.080~~)) under this chapter, except for those in subsection A.2. of this section, is a Type 2 decision under K.C.C. 20.20.020; and

2. The decision of the director made under K.C.C. chapter 21A.32 shall be final unless appealed following the appeal process for the underlying permit.

B. ((~~The examiner shall review and make decisions based upon information contained in the written appeal and the record.~~

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~~C. The examiner's decision may affirm, modify or reverse the decision of the director.~~

~~D. As provided by K.C.C. 20.22.220.A. and C.:~~

~~1. The examiner shall render a decision within ten days of the closing of hearing; and~~

~~2. The decision shall be final unless appealed under the provisions of K.C.C. 20.24.240.B 20.22.220.B~~.

~~E.~~)) Establishment of any use or activity authorized under K.C.C. 21A.24.070, or in accordance with a conditional use permit or variance, shall occur within four years of the effective date of the decision for ((~~such~~)) the permit or variance, except that for schools the period shall be five years. ((~~This~~)) The period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

((~~F.~~)) C. For the purpose of this section, "establishment" shall occur upon the issuance of all local permits or approvals for on-site improvements needed to begin the authorized use or activity, if the conditions or improvements required by the permits or approvals are completed within the required timeframes.

((~~G.~~)) D. Once a use, activity, or improvement, allowed under K.C.C. 21A.24.070 by a conditional use permit or variance, has been established, it may continue as long as all conditions of permit issuance are met.

SECTION 49. Ordinance 11621, Section 118, and K.C.C. 21A.43.090 are hereby amended as follows:

A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the county solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes identified in subsection B. of this section. Annually, the county, based in part on the report submitted by the district under K.C.C. 21A.28.152, shall prepare a report on each impact fee account showing the source and amount of all moneys collected, earned, or received, and capital or system improvements that were financed in whole or in part by impact fees.

B. Impact fees for the district's system improvements shall be expended by the district for capital improvements including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses,

relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses which could be capitalized, and which are consistent with the school district's capital facilities plan.

C. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

D. Impact fees shall be expended or encumbered, which means being committed as part of the funding for a facility for which the publicly funded share has been assured, building permits applied for, or construction contracts let, by the district for a permissible use within ten years of receipt by the county, unless there exists an extraordinary and compelling reason for fees to be held longer than ten years. Such extraordinary or compelling reasons shall be identified to the county by the district. The county must prepare written findings concurring with the district's reasons, and authorizing the later encumbrance or expenditure of the fees prior to the district so encumbering or expending the funds, or directing a refund of the fees.

E. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ten years of receipt of the funds by the county. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.

F. An owner's request for a refund must be submitted to the ((~~county council~~)) permitting division in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with this section. Refunds of impact fees shall include any interest earned on the impact fees.

G. Should the county seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of the termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the county, but must be expended for the district, consistent with this section. The notice requirement in this subsection shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

H. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

1. The developer does not proceed to finalize the development activity as required by statute or county code; and

2. No impact on the district has resulted. "Impact" shall be deemed to include cases where the district has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the county and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The county shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in K.C.C. 21A.43.070.

I. Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the county or the district on invested funds throughout the period during which the fees were retained.

SECTION 50. Ordinance 10870, Section 632, as amended and K.C.C. 21A.50.040 are hereby amended as follows:

A. Permit suspension, revocation, or modification shall be carried out through the procedures set forth in K.C.C. Title 23. Any permit, variance, or other land use approval issued by King County pursuant to this title may be suspended, revoked, or modified on one or more of the following grounds:

1. The approval was obtained by fraud;

2. The approval was based on inadequate or inaccurate information;

3. The approval, when given, conflicted with existing laws or regulations applicable thereto;

4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;

5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law, or regulation;

6. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;

7. The holder of the permit or approval interferes with the director or any authorized representative in the performance of the director or any authorized representative's duties; or

8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to K.C.C. Title 23.

B. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer((~~, as follows:~~

~~1. The council may, after a recommendation from the examiner, revoke or modify any residential density incentive approval, transfer of development credit, Urban Planned Development, preliminary subdivision, zone reclassification or special use permit;~~

~~2. The adjustor may revoke or modify any variance or conditional use permit, provided that if it was~~

~~reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and~~

~~3. The director may revoke or modify any permit or other land use approval issued by the director~~)).

SECTION 51. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended as follows:

A. The King County shoreline master program consists of the following elements, enacted on or before ((~~March 25, 2021~~)) the date of enactment of this ordinance:

1. The King county Comprehensive Plan chapter six;

2. K.C.C. chapter 21A.25;

3. The following sections of K.C.C. chapter 21A.24:

a. K.C.C. 21A.24.045;

b. K.C.C. 21A.24.051;

c. K.C.C. 21A.24.055;

d. K.C.C. 21A.24.070.A., D., and E.;

e. K.C.C. 21A.24.125;

f. K.C.C. 21A.24.130;

g. K.C.C. 21A.24.133;

h. K.C.C. 21A.24.200;

i. K.C.C. 21A.24.210;

j. K.C.C. 21A.24.220;

k. K.C.C. 21A.24.275;

l. K.C.C. 21A.24.280;

m. K.C.C. 21A.24.290;

n. K.C.C. 21A.24.300;

o. K.C.C. 21A.24.310;

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p. K.C.C. 21A.24.316;

q. K.C.C. 21A.24.318;

r. K.C.C. 21A.24.325;

s. K.C.C. 21A.24.335;

t. K.C.C. 21A.24.340;

u. K.C.C. 21A.24.355;

v. K.C.C. 21A.24.358;

w. K.C.C. 21A.24.365;

x. K.C.C. 21A.24.380;

y. K.C.C. 21A.24.382;

z. K.C.C. 21A.24.386; and

aa. K.C.C. 21A.24.388;

4. The following:

a. K.C.C. 20.18.040;

b. K.C.C. 20.18.050;

c. K.C.C. 20.18.056;

d. K.C.C. 20.18.057;

e. K.C.C. 20.18.058;

f. K.C.C. 20.22.160;

g. ((~~K.C.C. 20.24.510;~~

~~h.~~)) K.C.C. 21A.32.045;

((~~i.~~)) h. K.C.C. 21A.44.090;

((~~j.~~)) i. K.C.C. 21A.44.100; and

((~~k.~~)) j. K.C.C. 21A.50.030.

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B. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline management jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local administrative, enforcement, and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the master program.

C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of ((~~a paper copy and~~)) an electronic copy, with the clerk of the council, who shall retain the ((~~paper copy~~)) original and ((~~forward~~)) provide electronic copies to all councilmembers, the chief of staff, ((~~policy staff director~~)) and the lead staff of the ((~~mobility and environment~~)) local services and land use committee, or its successor.

SECTION 52. The executive shall submit sections 26 and 51 of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 53. Sections 26 and 51 of this ordinance takes 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 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 54. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.