



Legislation Details (With Text)

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File created: 7/9/2024 **In control:** Local Services and Land Use Committee

On agenda: **Final action:** 12/3/2024

Enactment date: 12/11/2024 **Enactment #:** 19872

Title: AN ORDINANCE revising permit review processes; and amending Ordinance 11622, Section 3, as amended and K.C.C. 16.02.260, Ordinance 12560, Section 17, as amended, and K.C.C. 16.02.280, Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290, Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120, Ordinance 11622, Section 4, and K.C.C. 16.82.055, Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060, Ordinance 13694, Section 57, as amended, and K.C.C. 19A.12.030, Ordinance 12196, Section 8, and K.C.C. 20.20.010, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 6949, Section 8, as amended, and K.C.C. 20.44.060, Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030, Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190, and Ordinance 17485, Section 44, and K.C.C. 21A.42.210, adding new sections to K.C.C. chapter 16.02 adding new sections to K.C.C. chapter 20.20, recodifying K.C.C. 16.02.280 and K.C.C. 16.82.060, and repealing Ordinance 16959, Section 49, Ordinance 12560, Section 15, as amended, and K.C.C. 16.02.310, Ordinance 12196, Section 12, and K.C.C. 20.20.050, Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080, and Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

Sponsors: Sarah Perry

Indexes: Permits

Code sections:

Attachments: 1. Ordinance 19872, 2. 2024-0217 Title Amendment T1, 3. 2024-0217 Striking Amendment S1, 4. 2024-0217 transmittal letter, 5. 2024-0217 Commerce Acknowledge Letter, 6. 2024-0217 Fiscal Note, 7. 2024-0217 Public Notice of Intent to Amend, 8. 2024-0217 Summary of Proposed Ordinance, 9. 2024-0217 Legislative Review Form, 10. 2024-0217 SB 5290 Ordinance SEPA Exemption memo final, 11. 2024-0217_SR_PermitProcess_08212024_v2, 12. 2024-0217_Chair_Presentation, 13. 2024-0217_SR_PermitProcess_09112024, 14. 2024-0217 Chair Presentation, 15. 2024-0217 Seattle Times - Order #87752 - \$391.50--11-01-24 Order 87752 (1545), 16. Acknowledge-Letter-2024-S-7864

Date	Ver.	Action By	Action	Result
12/3/2024	1	Metropolitan King County Council	Passed as Amended	Pass
9/11/2024	1	Local Services and Land Use Committee		
8/21/2024	1	Local Services and Land Use Committee	Deferred	
7/9/2024	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE revising permit review processes; and amending Ordinance 11622, Section 3, as amended and K.C.C. 16.02.260, Ordinance 12560, Section 17, as amended, and K.C.C. 16.02.280, Ordinance 12560, Section 18, as

amended, and K.C.C. 16.02.290, Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120, Ordinance 11622, Section 4, and K.C.C. 16.82.055, Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060, Ordinance 13694, Section 57, as amended, and K.C.C. 19A.12.030, Ordinance 12196, Section 8, and K.C.C. 20.20.010, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 6949, Section 8, as amended, and K.C.C. 20.44.060, Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030, Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190, and Ordinance 17485, Section 44, and K.C.C. 21A.42.210, adding new sections to K.C.C. chapter 16.02 adding new sections to K.C.C. chapter 20.20, recodifying K.C.C. 16.02.280 and K.C.C. 16.82.060, and repealing Ordinance 16959, Section 49, Ordinance 12560, Section 15, as amended, and K.C.C. 16.02.310, Ordinance 12196, Section 12, and K.C.C. 20.20.050, Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080, and Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Chapter 36.70B RCW was updated by Chapter 338, Laws of Washington 2023 to require local governments to adopt specific time limits for land use and environmental permit review.

B. Under RCW 36.70B.140, local governments may exclude permit types that present special circumstances that warrant review process time periods that are different from those provided in chapter

36.70B RCW.

C. This ordinance establishes a standard review process for all permit types, with specified modification for certain permit types and special circumstances. These modifications include additional ways that the time period for permit review can be tolled, project types that have a longer time period for permit review, project types that do not specify a time period for permit review, and changes to project proposals that are considered "substantial changes" that restart the time period for permit review.

These modifications are necessary for project type that have or require one or more of the following:

1. Approval by other governments;
2. Complex, site-specific components that are evaluated on a case-by-case basis with no precedent to draw from;
3. Cascading changes to the underlying permit, requiring rereview by other disciplines;
4. For projects like mineral processing, a unique set of impacts to mitigate, extensive public notice, and preissuance on-site monitoring, all of which takes additional staff time; or
5. An unwilling applicant.

SECTION 2. For the purposes of expediting permit review and pursuant to RCW 36.70B.160, King County adopts the following three measures:

A. Expedited review of project permit applications for projects that are consistent with adopted development regulations and in accordance with RCW 36.70B.160(1)(a);

B. Reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the costs to the county of processing applications, inspecting and reviewing plans, or preparing detailed statements required by RCW 43.21C and in accordance with RCW 36.70B.160(1)(b); and

C. Maintain and budget for on-call permitting assistance for when permit volumes or staffing levels change rapidly and in accordance with RCW 36.70B.160(1)(d).

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 16.02 a new section to read as follows:

A site plan shall not be required for building permits when the scope of work proposed in the permit application is limited to interior alterations and does not result in the following:

- A. A change in use;
- B. Additional sleeping quarters or bedrooms;
- C. Nonconformity with Federal Emergency Management Agency substantial improvement thresholds;

or

D. An increase in the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems;

SECTION 4. Ordinance 11622, Section 3, as amended and K.C.C. 16.02.260 are hereby amended to read as follows:

Section 105.3 of the International Building Code is not adopted, and the following is substituted:

Application for permit - Complete applications (IBC 105.3).

1. For the purposes of determining the application of time periods for permit review and procedures adopted by K.C.C. Title 20, applications for permits authorized by K.C.C. chapter 16.04 shall be considered complete (~~(as of the date of submittal)~~) upon determination by the department that the materials submitted contain the following, in addition to the complete application requirements of K.C.C. 20.20.040. Every application shall:

1.1. Identify and describe the work to be covered by the permit for which application is made.

1.2. Describe the site on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.

1.3. Indicate the use or occupancy (~~(of)~~) for which the proposed work is intended.

~~((1.3.))~~ 1.4. Be accompanied by ~~((plans, diagrams, computations, and specifications))~~ construction documents and other ~~((data))~~ information as required in IBC ~~((407))~~ Section 106.1.

~~((1.4.))~~ 1.5. State the valuation of ~~((any new building or structure or any addition, remodeling, or alteration to an existing building))~~ the proposed work.

~~((1.5.))~~ 1.6. Be signed and declared under penalty of perjury to the accuracy of all information submitted for an application, by the applicant or the applicant's authorized agent.

1.7. Give such other data and information as ~~((may be))~~ required by the building official.

~~((1.6. Identify on the site plan all easements, deed restrictions or other encumbrances restricting the use of the property, and provide details as required in IBC 107.2.6 and as otherwise required by the building official.))~~

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 16.02 a new section to read as follows:

Section 105.3.1 of the International Building Code is not adopted, and the following is substituted:

The building official shall examine or cause to be examined applications for permits and amendments thereto within time periods for permit review set forth in K.C.C. chapter 20.20. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall notify the applicant of the deficiencies in writing that must be addressed in order to issue a permit. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit as soon as practicable.

SECTION 6. K.C.C. 16.02.280, as amended by this ordinance is hereby recodified as a new section in K.C.C. chapter 16.02 to follow 16.02.260.

SECTION 7. Ordinance 12560, Section 17, as amended, and K.C.C. 16.02.280 are hereby amended to

read as follows:

Section 105.3.2 of the International Building Code is not adopted and the following is substituted:

Expiration of application (IBC 105.3.2). Permit application cancellation shall be in accordance with K.C.C. 20.20.100(~~(c)~~), except:

1. A permit application shall be deemed canceled by the permittee if(~~(c)~~):

~~1.1. The applicant has not taken action or responded;~~

~~1.1.1. within 60 days after notice of additional information required is mailed to the applicant, or~~

~~1.1.2. by the deadline specified by the building official for additional information; or~~

~~1.2. N)no permit is issued(~~(c)~~);~~

~~(1.2.1. w))~~ 1.1. Within 60 days after the applicant has been notified that the permit is ready, or

~~(1.2.2. b))~~ 1.2. By a time specified by the building official.

2. The building official may grant an extension for permit applications (~~(for permits)~~) that have not been issued within the time limits specified in subsection 1. of this section, if:

2.1. (~~(not later than)~~) At least seven days prior to the expiration date under subsection 1. of this section, the applicant makes a written request for an extension of the building permit application; and

2.2. (~~(t)~~)The applicant pays applicable (~~(permit)~~) fees.

SECTION 8. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290 are hereby amended to read as follows:

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

Expiration (IBC 105.5). Every permit approved by the building official under the code shall expire by limitation and become null and void two years from the date of its (~~(issue)~~) issuance.

EXCEPTION: Building permits issued by the building official to correct a code violation, or mechanical permits issued independent of a building permit, shall expire by limitation and become null and void one year from the date of its issue.

Issued permits may be extended for one-year periods subject to the following conditions:

1. An application for a permit extension together with the applicable fee is submitted to the department at least 7, but no more than 60, calendar days before the date the original permit becomes null and void. Once the permit extension application is submitted and if that extension is not denied, work may continue past the expiration date of the original permit. If the extension application is denied, all work must stop until a valid permit is obtained.

2. The permit shall not be extended if:

2.1. Construction of a building or structure has not substantially begun, as determined by the building official, within two years from the date of the first issued permit; and

2.2. The building or the structure, or its intended use, is no longer authorized by the zoning code or other applicable law.

3. An applicant may request a total of two permit extensions if there are no substantial changes, as defined in K.C.C. 20.20.100, in the approved plans and specifications.

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

5. The staff of the department may revise a permit at the permittee's request but such a revision does not constitute a renewal or otherwise extend the life of the permit.

SECTION 9. Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120 are hereby amended to read as follows:

Department: the King County department of local services, permitting division, or its successor.

SECTION 10. Ordinance 11622, Section 4, and K.C.C. 16.82.055 are hereby amended to read as

follows:

A. For the purposes of determining the application of time periods for permit review and procedures adopted by ~~((this chapter))~~ K.C.C. Title 20, applications for permits authorized by Chapter 16.82 shall be considered complete ~~((as of the date of submittal))~~ upon determination by the department that the materials submitted contain the following, in addition to the requirements in K.C.C. 20.20.040:

1. For clearing and grading permits:

a. A legal description of the property,

b. A 1:2000 scale vicinity map with a north arrow,

c. Grading plans including;

(1) Horizontal and vertical scale,

(2) Size and location of existing improvements within 50 feet of the project, indicating which will remain and which will be removed.

(3) Existing and proposed contours at maximum five-foot intervals, and extending for 100 feet beyond the project edge,

(4) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales, and

(5) Temporary and permanent erosion-sediment control facilities,

d. The following plans must be stamped and signed by a registered civil engineer, licensed to practice in the State of Washington,

(1) Permanent drainage facilities,

(2) Structures to be built or construction proposed in land slide hazard areas, and

(3) Proposed construction or placement of a structure.

2. A completed environmental checklist, if required by K.C.C. chapter 20.44, County Environmental Procedures;

3. Satisfaction of all requirements for grading permits under K.C.C. 16.82.060.

B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.

C. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

SECTION 11. Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are hereby amended to read as follows:

A. To obtain a permit, the applicant shall first file an application in writing on a form prescribed by the department that, in addition to the requirements of K.C.C. 20.20.040, shall include, at a minimum:

1. Identification and description of the work to be covered by the permit for which application is made;

2. An estimate of the quantities of work involved by volume and the total area cleared or graded as a percentage of the total site area;

3. An identification and description of:

a. all critical areas on the site or visible from the boundaries of the site; and

b. ~~((all clearing restrictions applicable to the site in K.C.C. 16.82.150,))~~ critical drainage areas requirements established by administrative rules or property-specific development standards, and special district overlays under K.C.C. chapter 21A.38;

4. Location of any open space tracts or conservation easements if required under:

a. ~~((K.C.C. 16.82.152;~~

~~b.))~~ K.C.C. chapter 21A.14;

~~((e.))~~ b. K.C.C. chapter 21A.37;

~~((d.))~~ c. critical drainage areas; or

~~((e.))~~ d. property-specific development standards or special district overlays under K.C.C. chapter

21A.38;

5. Plans and specifications that, at a minimum, include:

a. property boundaries, easements, and setbacks;

b. a 1:2000 scale vicinity map with a north arrow;

c. horizontal and vertical scale;

d. size and location of existing improvements on and within fifty feet of the project, indicating which will remain and which will be removed;

e. location of all proposed cleared areas;

f. existing and proposed contours at maximum five-foot intervals, and extending for one hundred feet beyond the project edge;

g. at least two cross sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and

h. a proposed erosion and sediment control plan as required by K.C.C. 16.82.095.

B. Materials in addition to those required in subsection A. of this section may be necessary for the department to complete the review. The following materials shall be submitted when required by the department.

1. Higher accuracy contours and more details of existing terrain and area drainage, limiting dimensions, elevations, or finished contours to be achieved by the grading, and proposed drainage channels and related construction;

2. ~~((If applicable))~~ As required by K.C.C. 20.20.040, all drainage plans and documentation consistent with King County Surface Water Design Manual;

3. Restoration plan if required under K.C.C. ~~((16.82.110))~~ 21A.22.081; and

4. Studies prepared by qualified specialists, as necessary to substantiate any submitted materials and compliance with this chapter or other law, particularly if clearing or grading is proposed to take place in or

adjacent to a critical area.

C. Plans and specifications shall be prepared and signed by a civil engineer if they are prepared in conjunction with the proposed construction or placement of a structure, include permanent drainage facilities or, if required by the department, propose alterations in steep slope or landslide hazard areas.

D. The department shall ~~((determine the number of copies of the required plans, specifications and supporting materials necessary to expedite review and may require submittal of materials in alternative))~~ specify the formats in which application materials may be submitted.

E. The director may waive specific submittal requirements if they are determined to be unnecessary for the acceptance and subsequent review of an application.

~~((F. Any plans, specifications or supporting materials that are returned as a result of permit denial or any other reason shall be returned to the applicant.))~~

SECTION 12. Ordinance 13694, Section 57, as amended, and K.C.C. 19A.12.030 are hereby amended to read as follows:

A. A request to revise a plat, short plat, or binding site plan that has received preliminary approval shall be submitted to the department.

B. Proposed revisions to a preliminary subdivision that would result in a substantial change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, shall be treated as a new application for purposes of vesting and transportation concurrency and shall be reviewed as Type 3 land use decision under K.C.C. 20.20.020.

C. Proposed revisions to a preliminary short subdivision or binding site plan that would result in a substantial change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020.

D. ~~((For the purpose of this section, a substantial change includes, but is not limited to:~~

~~1. The creation of additional lots;~~
~~2. The reduction or elimination of open space;~~
~~3. A change in use;~~
~~4. A change in points of ingress or egress; and~~
~~5. A change to conditions of approval of an approved preliminary subdivision, preliminary short subdivision, or binding site plan that leads to environmental impacts that were not addressed in the original approval.~~

~~E.)~~) Proposed changes to a subdivision, short subdivision, or binding site plan that do not result in a substantial change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, shall be treated as a minor change~~((d))~~ and may be approved administratively by the department.

~~((F.))~~ E. For purposes of this section, minor changes include, but are not limited to:

1. Changes to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

SECTION 13. Ordinance 12196, Section 8, and K.C.C. 20.20.010 are hereby amended to read as follows:

The purpose of this chapter is to establish standard procedures for land use ~~((permit))~~ applications, public notice, hearings, and appeals in King County. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application,

permit review, hearing, and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the Comprehensive Plan. ~~((These procedures also provide for an integrated and consolidated land use permit and environmental review process consistent with chapter 347, laws of 1995.))~~

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 20.20 a new section to read as follows:

Throughout this chapter unless the context clearly requires otherwise, “manager” means the department of local services, permitting division manager or designee.

SECTION 15. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are hereby amended to read as follows:

A. Land use ~~((permit))~~ decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in subsection ~~((E))~~ D. of this section.

1. Type 1 decisions are made by the ~~((permitting division))~~ manager ~~((or designee ("the director")))~~ of the department of local services, permitting division ("the ~~((department))~~ division"). Type 1 decisions are ~~((nonappealable))~~ administrative decisions. An administrative appeal is not provided.

2. Type 2 decisions require public notice and are made by the ~~((director))~~ manager. Type 2 decisions are discretionary decisions that are subject to administrative appeal to the hearing examiner.

3. Type 3 decisions require public notice and are quasi-judicial decisions made by the hearing examiner following an open record hearing. An administrative appeal is not provided.

4. Type 4 decisions are site-specific quasi-judicial decisions made by the council based on the record established by the hearing examiner, after a recommendation by the division.

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:

<p>TYPE 1</p>	<p>((Decision by director, no administrative appeal)))</p>	<p>Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45((;b)) <u>B</u>uilding permit, <u>c</u>ommercial 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)) <u>d</u>ivision has issued a determination of nonsignificance or mitigated determination of nonsignificance((;b)) <u>B</u>oundary line adjustment((;r)) <u>R</u>ight of way permit((;v)) <u>V</u>ariance from K.C.C. chapter 9.04((;s)) <u>S</u>horeline exemption((;d)) <u>D</u>ecisions 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((;d)) <u>D</u>ecisions 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((;a)) <u>A</u>pproval of a conversion-option harvest plan((;a b)) <u>B</u>inding 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 <u>c</u>ommercial site development permit for the entire site((;a)) <u>A</u>pprovals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300((;f)) <u>F</u>inal short plat((;f)) <u>F</u>inal plat((;e)) <u>C</u>ritical area determination((;))</p>
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TYPE 2 ^{1,2}	(((Decision by director appealable to hearing examiner, no further administrative appeal)))	Short plat((;s))Short plat revision((;s))Short plat alteration((;s))Short plat vacation((;z))Zoning variance((;e))Conditional use permit((;t))Temporary use permit under K.C.C. chapter 21A.32((;t))Temporary use permit for a homeless encampment under K.C.C. 21A.45.100((;s))Shoreline substantial development permit ³ ((;b))Building permit, commercial site development permit, or clearing and grading permit for which the ((department)) division has issued a determination of significance((;r))Reuse of public schools((;r))Reasonable use exceptions under K.C.C. 21A.24.070.B((;preliminary determinations under K.C.C. 20.20.030.B; d))Decisions to approve, condition, or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24((;e))Extractive operations under K.C.C. 21A.22.050((;b))Binding site plan((;w))Waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances((;s))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, no further administrative appeal)))	Preliminary plat((;p))Plat alterations((;p))Preliminary plat revisions((;p))Plat vacations((;s))Special use permit((-))
TYPE 4 ^{1,4}	(((Recommendation by director, hearing and recommendation by hearing examiner, decision by county council on the record)))	Site-specific ((Z))zone reclassifications((;))Site-specific shoreline environment redesignation((;urban planned development;)) Site-specific amendment or deletion of P-suffix conditions((;))Site-specific 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.

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)) manager, 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.))~~ E. The definitions in K.C.C. 21A.45.020 apply to this section.

SECTION 16. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030 are hereby amended to read as follows:

A. ~~((1. Except as otherwise provided in subsection A.2. of this section, before filing a permit application the applicant shall contact the department to schedule a presubmittal project review to discuss the application requirements with the applicant and provide comments on the development proposal. The department shall credit any fees charged for the presubmittal project review towards the permit application fees provided for in K.C.C. Title 27.~~

~~2. A presubmittal project review is not required for over the counter permits or for proposals that require a mandatory preapplication conference under subsection B. of this section.~~

B.)) Before filing a permit application requiring a Type ~~((2, 3, or))~~ 4 decision ~~((;))~~ or a ~~((Type 1))~~ land use decision required to comply with the North Highline urban design standards in K.C.C. chapter ~~((21A.60))~~ 21A.xx (the chapter established in Ordinance XXXXX (Proposed Ordinance 2023-0440), Section 170, the applicant shall contact the ~~((department))~~ division to schedule a preapplication conference, which shall be held before filing the application. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the ~~((department))~~ division, at the request of an applicant, and shall be held within ~~((approximately))~~ thirty days from the date of the applicant's request. The ~~((department))~~ division shall assign a project manager following the preapplication conference. The ~~((director))~~ manager may waive the requirement for a preapplication conference if the ~~((director))~~ manager determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require

more than one preapplication conference or to prohibit the applicant from filing an application if the ((
department)) division is unable to schedule a preapplication conference within thirty days following the
applicant's request.

~~((C. Information presented at or required as a result of the preapplication conference shall be valid for a
period of one year following the preapplication conference.))~~ B. An applicant wishing to submit a permit
application more than one year following a mandatory preapplication for the same permit application shall be
required to schedule another preapplication conference.

~~((D.))~~ C. At or subsequent to a preapplication conference, the department may issue a preliminary
determination that a proposed development is not permissible under applicable county policies or regulatory
enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the
hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete
application. Mailed and published notice of the appeal shall be provided for as in K.C.C. 20.20.060(~~(H. and I~~
)).

NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 20.20 a new section to read
as follow:

A. The purpose of the application screening process is to:

1. assist applicants in preparing a code compliant permit application; and
2. reduce the division's need to request additional information during the permit review process, which

extends the time period for permit review.

B. Application screening is subject to the following standards:

1. Applicants shall submit the required permit application and application materials identified in
K.C.C. 20.20.040 in order to initiate the application screening process;
2. Within twenty-eight days following receipt of the permit application and materials, the division
shall notify the applicant that the application is complete or incomplete. If the application is incomplete, the

notification shall specify what is necessary to make the application complete. To the extent known by the division, the notification shall identify other agencies of local, state, regional, or federal governments that may have jurisdiction over some aspects of the development proposal;

3. The application screening process shall be deemed concluded under this section if the division does not provide written notice to the applicant that the application is incomplete within the twenty-eight-day period;

4. If the application is found to be incomplete and the applicant submits the additional information requested by the division, the division shall notify the applicant in writing within fourteen days of resubmittal whether the application is complete or whether additional information specified by the division is necessary to make the application complete. The application shall be deemed complete if the division fails to notify the applicant within fourteen days of resubmittal that the application is incomplete;

5. The division may terminate the application screening process if the applicant fails to submit the additional information requested by the county within sixty days following notification from the division that the application is incomplete; and

6. Once all information requested by the division has been provided by the applicant and screened by the division, the division shall invoice the applicant for applicable permit application fees for the permit application. The division may terminate the permit review process if the applicant fails to submit the applicable review fees within sixty days of invoicing by the county.

C. An application shall be deemed incomplete if the development proposal requires amendment to the Comprehensive Plan, amendment to a development regulation, zone reclassification, shoreline environment redesignation, amendment or deletion of a P-suffix condition, deletion of a special district overlay, or deletion of a Demonstration Project Area, and they have not already been obtained.

D. Although a permit application is deemed complete for purposes of this chapter when it meets the procedural submission requirements of the division and is sufficient for continued processing, additional information may be required or project modifications may be undertaken subsequently. The determination of

completeness shall not preclude the division from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or changes in the proposed action occur, as determined by the division.

SECTION 18. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are hereby amended to read as follow:

A. ~~((The department shall not begin review of any application until the applicant has submitted the materials and fees specified for complete applications.))~~ For the purposes of determining the application of time periods and procedures adopted in this title, ((A)) applications for land use ~~((permits requiring Type 1, 2, 3 or 4))~~ decisions shall be considered complete ~~((as of the date of submittal))~~ upon determination by the ~~((department))~~ division that the materials submitted ~~((meet the requirements of this section.))~~ contain the following ~~((Except as provided in subsection B. of this section, all land use permit applications described in K.C.C. 20.20.020.E. shall include the following))~~:

1. An application form provided by the ~~((department))~~ division and completed by the applicant ~~((that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed))~~;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right of way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the ~~((department))~~ division; and

c. the form designating who the applicant is submitted to the ~~((department))~~ division before permit

approval;

3.a. A certificate of sewer availability or site design approval for an on-site sewage system by ~~((the))~~ public health - Seattle (-) & King County (department of public health), as required by K.C.C. Title 13; or

b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive Plan policies for a public school located on a RA zoned site, a certificate of sewer availability and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by public health - Seattle & King County;

5. A fire district receipt in accordance with K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, ~~((prepared in a form prescribed by the director))~~, except when exempt under section 3 of this ordinance. A site plan shall include:

- a. identification of the subject property;
- b. scale of the drawings;
- c. north arrow and legend;
- d. location and dimensions of the parcel, streets, and buildings;
- e. easements and restrictions;
- f. existing and proposed structures;
- g. existing and proposed parking and driveway areas;
- h. sewer connection or on-site sewer system;
- i. water connection or well location with well radius;
- j. building and structure elevations;
- k. past excavation, filled areas, or cleared areas;

- l. existing and proposed contours two-foot intervals;
 - m. survey benchmark location;
 - n. datum;
 - o. existing and proposed impervious surface;
 - p. critical areas, buffers, and setback lines;
 - q. temporary erosion and sediment control measures;
 - r. construction access;
 - s. existing and proposed drainage facilities and flow control best management practices; and
 - t. driveway and fire access;
7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;
8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
10. Payment of ~~((any development permit review))~~ application review screening fees ~~((, excluding impact fees))~~ collectible under K.C.C. Title 27, if any;
11. A list of any permits or decisions applicable to the development proposal that have been obtained before filing the application or that are pending before the county or any other governmental entity;
12. ~~((Certificate of transportation concurrency from the department of local services if required by K.C.C. chapter 14.70. The certificate of transportation concurrency may be for less than the total number of lots proposed by a preliminary plat application only if:~~
 - ~~a. at least seventy-five percent of the lots proposed have a certificate of transportation concurrency at the time of application for the preliminary plat;~~
 - ~~b. a certificate of transportation concurrency is provided for any remaining lots proposed for the preliminary plat application before the expiration of the preliminary plat and final recording of the additional lots; and~~

~~e. the applicant signs a statement that the applicant assumes the risk that the remaining lots proposed might not be granted.~~

~~13.)) Certificate of future connection from the appropriate purveyor for lots located within the ((Urban Growth A)) urban area that are proposed to be served by on-site or community sewage system and group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;~~

~~((14.)) 13. A determination if drainage review applies to the project under K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted under K.C.C. chapter 9.04 and, to the extent known at the time of application and when determined necessary by the ((director)) manager, copies of any required storm water adjustments. Components of the drainage review and plans and documentation that can only be completed during a seasonal window shall not be required for purposes of a complete application;~~

~~((15. Current assessor's maps and a list of tax parcels to which public notice must be given accordance with in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;~~

~~16.)) 14. Legal description of the site;~~

~~((17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent known at the date of application or when deemed necessary by the director))~~

~~15. Approvals for any decisions when deemed necessary by the manager, including but not limited to critical area alteration exceptions, reasonable use exceptions, special use permits, conditional use permits, zoning variances, road variances, or drainage standard adjustment or drainage criteria exception; and~~

~~((18.)) 16. For commercial site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.~~

~~B. ((A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of~~

~~completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.~~

C.) Additional complete application requirements for the following ~~((land use permits))~~ applications are in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060;
2. Construction permits, K.C.C. ~~((16.04.052))~~ 16.02.260; and
3. Subdivision applications, short subdivision applications, and binding site plan applications, K.C.C.

19A.08.150.

~~((D.))~~ C. The ~~((director))~~ manager may~~((;))~~:

1. Specify the requirements of the site plan required to be submitted for various permits; and
2. ~~((Require additional materials not listed in this section when determined to be necessary for review of the project; and~~

3.) Waive any of the specific submittal requirements listed ~~((of))~~ in this section that are determined to be unnecessary for review of an application.

~~((E.))~~ D. The applicant shall ~~((attest by written oath))~~ declare under penalty of perjury as to the accuracy of all information submitted for an application.

~~((F. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.))~~

SECTION 19. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are hereby amended to read as follows:

A. A notice of application shall be provided to the public for land use ~~((permit))~~ applications as follows:

1. Type 2, 3, or 4 decisions;

2. Type 1 decisions subject to SEPA, except where the division is not the SEPA lead agency for the project;

3. As provided in subsection K. ~~((and L.))~~ of this section; ~~((and))~~

4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035; and

5. Where prescribed by ordinance.

B. Notice of the application shall be provided by the ~~((department))~~ division within fourteen days following the ~~((department's))~~ division's determination that the application is complete. ~~((A))~~ The public comment period ~~((on a notice of application of at least twenty-one))~~ shall be for fourteen days following issuance of the notice of application, except that shoreline permits shall have a comment period of thirty days ~~((shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision alterations))~~. The public comment period shall commence on the ~~((third))~~ day ~~((following the department's mailing of))~~ the notice of application is published as provided for in subsection ~~((H.))~~ I. of this section.

C. If the county has made a determination of significance ("DS") under chapter 43.21C RCW before the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

D. Unless the mailed notice of application is by a post card as provided in subsection E. of this section, the notice of application shall contain the following information:

1. The file number;

2. The name of the applicant;

3. The date of application, the date of the notice of completeness and the date of the notice of application;

4. A description of the project, the location, a list of the permits included in the application, and the ~~((location))~~ publicly-accessible site where the application and any environmental documents or studies can be

reviewed;

5. A site plan on eight and one-half by fourteen-inch paper, if applicable;
6. The procedures and deadline for filing comments, requesting notice of any required hearings, and any appeal procedure;
7. The date, time, place, and type of hearing, if applicable and scheduled at the time of notice;
8. The identification of other permits not included in the application to the extent known;
9. The identification of existing environmental documents that evaluate the proposed project; and
10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations.

E. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness, and the date of the notice of application;
4. If the ~~((department))~~ division has made a decision or recommendation on the application, the decision or recommendation made;
5. The applicable comment and appeal dates and the date, time, place, and type of hearing, if applicable;
6. A ~~((web site))~~ website address that provides access to project information ~~((, including a site map and application page));~~ and
7. The ~~((department))~~ division contact name, telephone number, and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;
2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the ((department's)) division's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:

a. at the midpoint of the site street frontage or as otherwise directed by the ((department)) division for maximum visibility;

b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the ((department)) division;

c. so that the top of the notice board is between seven to nine feet above grade;

d. where it is completely visible to pedestrians; and

e. comply with ((site)) sight distance requirements of K.C.C. 21A.12.210 and the King County road standards adopted under K.C.C. chapter 14.42((-));

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the ((department)) division determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. maintained in good condition by the applicant during the notice period through the time of the

final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal; and

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the ~~((department's))~~ division's determination of completeness for any Type 2 decision; ~~((and~~

~~e. removed within fourteen days after the end of the notice period;))~~

4. Removal of the notice board before the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified ~~((time))~~ notice period;

5. An affidavit of posting shall be submitted to the ~~((department))~~ division by the applicant within fourteen days following the ~~((department's))~~ division's determination of completeness to allow continued processing of the application by the ~~((department))~~ division;

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies; and

7. The ~~((director))~~ manager may waive the notice board requirement for a development proposal located in an area with restricted access, an area that is not served by public roads, or in other circumstances the ~~((director))~~ manager determines make the notice board requirement ineffective in providing notice to those likely to be affected by the development proposal. In such cases, the ~~((director))~~ manager shall require alternative forms of notice under subsection M. of this section.

H. Mailed notice for a proposal shall be sent by the ~~((department))~~ division within fourteen days after the ~~((department's))~~ division's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the ~~((department))~~ division determines it is necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility that is intended to serve the site;
3. To the Washington state Department of Transportation, if the site adjoins a state highway;
4. To the affected Indian tribes;
5. To any agency or community group that the ~~((department))~~ division may identify as having an interest in the proposal;
6. ~~((Be considered supplementary to posted notice and b))~~ Be deemed satisfactory despite the failure of one or more owners to receive mailed notice;
7. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat;
8. ~~((In those parts of the urban growth area designated by the King County Comprehensive Plan w))~~ W here King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the ~~((director))~~ manager shall ensure that the city receives notice of all applications for development subject to this chapter and shall respond specifically in writing to any comments on proposed developments subject to this title.
 - I. The notice of application shall be published by the ~~((department))~~ division within fourteen days after the ~~((department's))~~ division's determination of completeness on the division website and in ~~((the official county newspaper and another))~~ a newspaper of general circulation ~~((in the affected area))~~.
 - J. Unless waived under subsection G.7. of this section, posted notice for approved formal subdivision engineering plans, clearing, or grading permits subject to SEPA, or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:
 1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;
 2. Notice boards shall include the following information:

- a. permit number and description of the project;
- b. projected completion date of the project;
- c. a contact name and phone number for both the ~~((department))~~ division and the applicant;
- d. a ~~((department))~~ division contact number for complaints after business hours; and
- e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified ~~((above,))~~ in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

~~K. ((Posted and mailed notice consistent with this section shall be provided to property owners of record and to the council district representative in which it is located, for any proposed single family residence in a higher density urban single family residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor area as defined in the Washington State Uniform Building Code.~~

~~L.))~~ Posted and mailed notice for any permit application for the establishment of the uses listed in 1. through 3. of this subsection, consistent with this section, shall be provided to any property owner of record and to the council member ((district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below)) in whose district the proposal is located, ((unless)) except that this subsection K. shall not apply if the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies under SIC Industry 8322;
2. Parole offices under SIC Industry 8322; and
3. ~~((Settlement houses;~~
- 4.)) Halfway homes for delinquents and offenders under SIC Industry 8361 ((; and
5. ~~Homes for destitute people)).~~

~~((M.))~~ L. In addition to notice required by subsection F. of this section, the ~~((department))~~ division may provide additional notice by any other means determined by the ~~((department))~~ division as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 20. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are hereby amended to read 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 the examiner shall be governed by K.C.C. chapter 20.22 and the rules 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:))~~ The period to issue a final decision for each type of complete land use application or project type subject to this chapter should not exceed the following time periods, except as modified by this section:

1. For land use applications that do not require public notice under K.C.C. 20.20.060, the division shall issue a final decision within sixty-five days of the determination of completeness;

2. For land use applications that require public notice under K.C.C. 20.20.060, the division must issue a final decision within one hundred days of the determination of completeness; and

3. For land use applications that require public notice under K.C.C. 20.20.060 and a public hearing, the division must issue a final decision within one hundred seventy days of the determination of completeness.

B. The time periods for permit review established in subsection A. of this section and as modified by subsections C. through K. of this section, shall be extended by seventy-five percent if a development proposal or application:

1. Requires approval of a road variance under K.C.C. Title 14, or drainage standard adjustment or drainage criteria exception under K.C.C. Title 9;

2. Is for a variance, critical area alteration exception, or reasonable use exception under K.C.C. Title 21A;

3. Is granted concurrent review with other permit applications applicable to the development; or

4. Is for a development proposal to install permanent stabilization measures to replace any structures or grading done as an emergency action.

C. The number of days an application is in review with the division shall be calculated from the day completeness is determined under section 17 of this ordinance to the date a final decision is issued on the permit application. The number of days shall be calculated by counting every calendar day and excludes the following periods:

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~~) between the day that the division notifies the applicant in writing that additional information is required to further process the application and the day when responsive information is submitted by the applicant. 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))~~ division shall set a ~~((reasonable))~~ sixty-day deadline for the submittal of corrections, studies, or other information, and shall provide written notification to the applicant. The ~~((department))~~ division 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))~~ Any period between issuance of an administrative decision and resolution of an administrative appeal, and any additional period provided by the administrative appeal decision;

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))~~ division by the applicant;

5. Any time extension mutually agreed upon by the applicant and the ~~((department))~~ division; ~~((and))~~

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

7. The period during which the department of ecology is reviewing and approving shoreline variance or shoreline conditional use permit, measured between the date of filing with the department of ecology and the date the county receives the department of ecology's decision;

8. The period during which another agency is reviewing and issuing a decision on any required modification to a previous approval, after the required construction permit has been deemed complete; and

9. The period during which information has been requested that can only be obtained during a seasonal window, including but not limited to, infiltration mounding analysis, traffic studies when school is in session, wetland studies in the growing season, or stream typing or fish status outside of times of low flow.

D. The county shall provide any written comments and requests for corrections within thirty days of each submittal or resubmittal.

~~((D.))~~ E. The division may cancel a permit application in the following situations:

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

2. Failure by the applicant to make full payment of review fees within sixty days of the division's invoice.

F. If an applicant informs the division in writing that the applicant would like to temporarily suspend the review of the project for more than sixty days, or if an applicant is not responsive for more than sixty consecutive days after the division has notified the applicant in writing, that additional information is required to further process the application, an additional thirty days may be added to the time periods for the division to issue a final decision. Any written notice from the division to the applicant that additional information is required to further process the application shall include a notice that nonresponsiveness for sixty consecutive days may result in thirty days being added to the time period for permit review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the division, or that there is not ongoing communication from the applicant to the division on the applicant's ability or willingness to provide the additional information.

G. The time periods for permit review established in this section shall not apply if an unforeseen event, as determined by the permitting division manager, disrupts normal county operations and prevents permit review from being feasible. This could include, but is not limited to:

1. Declared emergencies under K.C.C. chapter 12.52;
2. Court orders, litigation, or settlements pursuant to specific applications or to the King County Comprehensive Plan or the county's development regulations;
3. Building or land use moratoria;
4. A recession resulting in unexpected staffing changes; or
5. Denial of service for critical infrastructure, such as software failure, breach or termination of contract, loss of internet access, or cyber security breach.

H. The time (~~(limits)~~) periods established in this subsection A. of section shall not apply if a proposed development or application:

1. Requires (~~((either: an amendment to the Comprehensive Plan a development regulation; or))~~) modification or waiver of a development regulation as part of a demonstration project in K.C.C. chapter 21A.55. Any time periods for permit review in that chapter shall apply;
 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))~~) Involves uses or activities related to mineral extraction or processing, coal mining, materials processing facilities, or fossil fuel facilities; or
 3. Is to rectify a code violation case;
- ~~((3-I))~~ I.1. If an application is revised by the applicant((, when the revisions will)) and results 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)) the application review, the division may, in some cases, need to restart the time period for permit review in K.C.C. 20.20.100. A substantial change in the application review may also include new public notice and revised vesting.

2. For the purposes of this subsection H.:

a. a "substantial change" that results in new public notice, revised vesting, and a restart of the time periods for permit review, includes, but is not limited to:

- (1) the creation of additional lots;
- (2). the reduction or elimination of open space; or
- (3) a change in land use;

b. a "substantial change" that results in a restart of the time periods for permit review, includes, but is not limited to:

(1) a fifty-percent or more increase to the total value of building construction work, including all finish work, painting, roofing, electrical, plumbing, heating, ventilation, air conditioning, elevators, fire systems, and any other permanent fixtures;

(2) a ten-percent or more increase to the total building square footage, impervious surface area, parking, or building height;

(3) when a change to the application results in a change to the type of drainage review required under the King County Surface Water Design Manual, if the new type of drainage review adds additional requirements;

(4) when a change to the application results in a new requirement for a road variance under K.C.C.

Title 14;

(5) when a change in points of ingress or egress to the property, where:

(a) the ingress or egress point is moved more than 25 percent of the width of the property line width on the same street; or

(b) the ingress or egress point is on a different street; or

(6) when a change to the application results in a new or increased impact to critical areas that will require a revision to mitigation measures.

~~((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.)) J. The ((department)) division shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, commercial 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))~~ K. Where federal, state, or county law requires a shorter time period for permit review and decision, the division should comply with the shorter time periods.

L.1. An applicant may, in writing and with the division's agreement, voluntarily opt out of the time period for permit review and decision specified in this section.

2. If an applicant is under an application processing service agreement with the county, the time periods for permit review in that agreement shall control.

NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 20.20 a new section to read as follows:

Reporting on permit review timelines shall be submitted annually to the council, in accordance with

section 26 of this ordinance.

SECTION 22. Ordinance 6949, Section 8, as amended, and K.C.C. 20.44.060 are hereby amended to read as follows:

A. The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.

B. For purposes of WAC 197-11-510, public notice shall be required as provided in K.C.C. Title 20. The comment period for notices under this section shall be fourteen days. Publication of notice in a newspaper of general circulation (~~(in the area where the proposal is located)~~) also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use (~~(permit)~~) decisions in K.C.C. Title 20.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

SECTION 23. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are hereby amended to read as follows:

The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

A. The optional provision of WAC 197-11-060(3)(c) is adopted.

B. Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

C. The department of local services, permitting division, may (~~(set reasonable deadlines for the)~~) require, in accordance with K.C.C. 20.20.100, submittal of information, studies, or documents necessary for, or

subsequent to, threshold determinations(~~(. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees)).~~

SECTION 24. Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190 are hereby amended to read as follows:

A. The department may review and approve, in accordance with the code compliance process of this chapter, an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit as follows:

1. The expansion shall conform to this title and the original (~~(land use)~~) permit, except that the project -wide amount of each of the following may be increased up to ten percent:

- a. building square footage;
- b. impervious surface;
- c. parking; or
- d. building height;

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansions exceeds the percentage prescribed in subsection A.1. of this section; and

3. An expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit that does not conform to subsection A.1. of this section may only be approved if:

- a. the expansion is within a use or development authorized by an existing conditional use permit and is reviewed and approved as a conditional use; or
- b. the expansion is within a use or development authorized by an existing special use or unclassified use permit and is reviewed and approved as a special use.

B. The department may review and approve, in accordance with the code compliance process of this chapter, a modification of a use or a development authorized by an existing conditional use, special use, or

unclassified use permit that does not make a substantial change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, to the conditional use, special use, or unclassified use. ~~((For the purpose of this subsection, a "substantial change" includes, but is not limited to, a change to the conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval or the creation of a new use.))~~

C. This section shall not apply to modifications or expansions of:

1. Telecommunication facilities under K.C.C. 21A.26.140;
2. Minor telecommunication facilities under K.C.C. 21A.27.090; or
3. Nonconformances under K.C.C. 21A.32.065.

SECTION 25. Ordinance 17485, Section 44, and K.C.C. 21A.42.210 are hereby amended to read as follows:

In the RA zone, the following apply to the expansion or modification of a school authorized by an existing land use permit:

A. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion or modification of an elementary school authorized by an existing land use permit even if the use is not permitted outright in the RA zone. Such expansions or modifications shall conform to all other provisions of this title;

B. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion of a middle school, junior high school or high school authorized by an existing land use permit even if the use is not permitted outright in the RA zone. Such expansions shall conform to all other provisions of this title. Any expansions under this subsection shall be subject to the following:

1. the project-wide amount of each of the following may be increased by up to ten percent:
 - a. building square footage;
 - b. impervious surface;

c. parking; and

d. building height; and

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansions exceeds the percentage prescribed in subsection B.1. of this section;

C. An expansion of a school that does not conform to the provisions of subsection B. of this section may only be approved if the expansion is reviewed and approved as a conditional use; and

D. The department may review and approve, in accordance with the code compliance process of this chapter, a modification of a middle school, junior high school or high school authorized by an existing land use permit that does not make a substantial change to the existing land use permit, as ~~((determined by the department. For the purpose of this subsection, a "substantial change" includes, but is not limited to, a change to the conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval))~~ defined in K.C.C. 20.20.100.

SECTION 26.

A. The executive shall, in consultation and collaboration with councilmembers, prepare a permit review performance report. The executive should transmit the report to the council by December 31, 2025, in the form of an electronic copy with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor. The report, shall include, but not be limited to:

1. A description of the current requirements for project review timeline reporting in state and county law;

2. A plan for, and the resources needed to, comply with the project review timeline reporting requirements in chapter 36.70B RCW;

3. A plan for, and the resources needed to, provide project review timeline reporting for all project permit types, similar to the reporting requirement for housing projects in chapter 36.70B RCW;

4. A plan for, and the resources needed to, provide project review timeline reporting on the county's website;

5. An evaluation of the impacts of the project review timelines established in chapter 36.70B RCW on customer service for county residences, including:

a. a description of how the additional staffing, fee increase, code changes, and process improvements will be demonstrable to a resident applying for a project permit; and

a. whether additional investments, code change, or process improvements will be needed to comply with the requirements in RCW 36.70B or potential growth in project permit applications in the 2026-2027 or future biennia;

6. Recommendations for any code changes to address the evaluation required by this proviso, which should include a requirement that the annual reports are required no later than June of each year;

B. The executive shall transmit an ordinance that implements the recommendations required by the report in this section, as well as the first annual report, to the council by June 30, 2026, in the form of an electronic copy with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor. The ordinance shall, at a minimum, amend section 21 of this ordinance, to include the required reporting components.

SECTION 27. The following are hereby repealed:

A. Ordinance 16959, Section 49;

B. Ordinance 12560, Section 15, as amended, and K.C.C. 16.02.310;

C. Ordinance 12196, Section 12, and K.C.C. 20.20.050;

D. Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080; and

E. Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

SECTION 28. 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.