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Clerk 02/10/2016

AN ORDINANCE relating to the hearing examiner; amending Ordinance 263, Art. 5, Section 2, as amended, and K.C.C. 20.24.020, Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080, Ordinance 12196, Section 25, and K.C.C. 20.24.072, Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070, Ordinance 4461, Section 3, as amended, and K.C.C. 20.24.090, Ordinance 11502, Section 12, and K.C.C. 20.24.095, Ordinance 4461, Section 5, as amended, and K.C.C. 20.24.140, Ordinance 11502, Section 12, as amended, and K.C.C. 20.24.145, Ordinance 263, Art. 5, Section 11, as amended, and K.C.C. 20.24.150, Ordinance 4461, Section 9, as amended, and K.C.C. 20.24.180, Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190, Ordinance 13687, Section 7, as amended, and K.C.C. 20.24.510, Ordinance 13147, Section 34, and K.C.C. 20.24.400, Ordinance 9544, Section 16, as amended, and K.C.C. 20.24.195, Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197, Ordinance 4461, Section 11, as amended, and K.C.C. 20.24.210, Ordinance 4461, Section 12, as amended, and K.C.C. 20.24.220, Ordinance 263, Art. 5, Section 18, as amended, and K.C.C. 20.24.230, Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235, Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240, Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250, Ordinance 11502, Section 17, and K.C.C. 20.24.300, Ordinance 11502, Section 18, and

K.C.C. 20.24.310, Ordinance 11502, Section 19, and K.C.C. 20.24.320, Ordinance 11502, Section 20, and K.C.C. 20.24.330, Ordinance 263, Art. 5, Section 13, as amended, and K.C.C. 20.24.170, Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130, Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150, Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205, Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030, Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110, Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050, Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700, Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130, Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150, Ordinance 13548, Section 20, and K.C.C. 6.09.190, Ordinance 6836, Section 4, and K.C.C. 6.26.040, Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080, Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060, Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140, Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240, Ordinance 16553, Section 4, and K.C.C. 7.09.030, Ordinance 16553, Section 5, and K.C.C. 7.09.040, Ordinance 16553, Section 6, and K.C.C. 7.09.050, Ordinance 16553, Section 13, and K.C.C. 7.09.120, Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080, Ordinance 1396, Article II, Section 12, as amended, and K.C.C. 11.04.140, Ordinance 1396, Article III, Section 9, as amended, and K.C.C. 11.04.260, Ordinance 1396, Article III, Section 10, as amended, and K.C.C. 11.04.270, Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 5280, Section 7, as

amended, and K.C.C. 12.20.100, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Ordinance 10095, Section 8, as amended, and K.C.C. 13.24.090, Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015, Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020, Ordinance 10733, Section 8, as amended, and K.C.C. 14.60.080, Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030, Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150, Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170, Ordinance 13694, Section 41, as amended, and K.C.C. 19A.08.060, Ordinance 13694, Section 67, and K.C.C. 19A.16.070, Ordinance 13694, Section 69, and K.C.C. 19A.16.090, Ordinance 263, Art. 1, Section 11, as amended, and K.C.C. 20.08.120, Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057, Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058, Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020, Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120, Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090, Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100, Ordinance 3064, Section 11, and K.C.C. 20.54.110, Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110, Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070, Ordinance 10870, Section 19, as amended, and K.C.C. 21A.02.090, Ordinance 10870, Section 38, and K.C.C. 21A.04.170, Ordinance 10870, Section 25, and K.C.C. 21A.06.425, Ordinance 1488, Section 12, as amended, and K.C.C.

21A.22.081, Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030, Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040, Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050, Ordinance 10870, Section 523, and K.C.C. 21A.28.130, Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 10870, Section 618, as amended, and K.C.C. 21A.42.100, Ordinance 10870, Section 627, and K.C.C. 21A.44.060, Ordinance 17287, Section 3, and K.C.C. 21A.55.105, Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010, Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070, Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080, Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090, Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100, Ordinance 12024, Section 7, and K.C.C. 23.10.070, Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020, Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030, Ordinance 16278, Section 16, and K.C.C. 23.20.060, Ordinance 16278, Section 18, and K.C.C. 23.20.080, Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020, Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030, Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100, Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050, Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100, Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110, Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120, Ordinance 13263, Section 43, as amended, and K.C.C.

23.36.010, Ordinance 13263, Section 44, and K.C.C. 23.36.020, Ordinance 16026, Section 11, and K.C.C. 27.50.020, Ordinance 16026, Section 15, and K.C.C. 27.50.060 and Ordinance 11034, Section 9, and K.C.C. 28.84.100, adding a new section to K.C.C. chapter 20.08, adding a new chapter to K.C.C. Title 20, adding a new chapter to K.C.C. Title 4A, recodifying K.C.C. 20.24.020, K.C.C. 20.24.080, K.C.C. 20.24.072, K.C.C. 20.24.070, K.C.C. 20.24.090, K.C.C. 20.24.095, K.C.C. 20.24.140, K.C.C. 20.24.145, K.C.C. 20.24.150, K.C.C. 20.24.180, K.C.C. 20.24.190, K.C.C. 20.24.510, K.C.C. 20.24.400, K.C.C. 20.24.195, K.C.C. 20.24.520, K.C.C. 20.24.197, K.C.C. 20.24.210, K.C.C. 20.24.220, K.C.C. 20.24.230, K.C.C. 20.24.235, K.C.C. 20.24.240, K.C.C. 20.24.250, K.C.C. 20.24.300, K.C.C. 20.24.310, K.C.C. 20.24.320, K.C.C. 20.24.330 and K.C.C. 20.24.170, decodifying K.C.C. 14.40.017 and repealing Ordinance 263, Art. 5, Section 1, and K.C.C. 20.24.010, Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030, Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040, Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050, Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060, Ordinance 11502, Section 16, and K.C.C. 20.24.065, Ordinance 16026, Section 2, as amended, and K.C.C. 20.24.085, Ordinance 11502, Section 14, as amended, and K.C.C. 20.24.097, Ordinance 11502, Section 15, as amended, and K.C.C. 20.24.098, Ordinance 263, Art. 5, Section 7 (part), as amended, and K.C.C. 20.24.100, Ordinance 263, Art. 5, Section 8, and K.C.C. 20.24.110, Ordinance 263, Art. 5, Section 9, as amended, and K.C.C. 20.24.120, Ordinance 4461, Section 4, as amended, and K.C.C. 20.24.130, Ordinance 263, Art. 5, 12, as amended, and K.C.C. 20.24.160, Ordinance 11502, Section 13, as

amended, and K.C.C. 20.24.175, Ordinance 12196, Section 41, as amended, and K.C.C. 20.24.222 and Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:** In addition to land use and environmental matters, the office of the hearing examiner has jurisdiction over numerous appeals from disparate arenas such as lobbyist disclosure, discrimination in contracting, and fair employment practices. There is currently a lack of uniformity in terms of appeal deadlines, what would-be appellants must deliver at those deadlines and to whom appeals must be delivered. In addition, many current appeal procedures, including most land use and environmental matters, first require a notice of appeal, followed a week later by a full statement of appeal. This creates two sets of filings and does not assist examiner processing times. In order to create consistency between appeal types, to make the system more understandable for its users and to streamline the required paperwork and process for citizens, the council finds that special circumstances exist that warrant a review process different from that provided in RCW 36.70B.110; most matters of examiner appellate jurisdiction should be governed by the appeal process described in section 18 of this ordinance.

SECTION 2. There is hereby established a new chapter in K.C.C. Title 20. The new chapter shall contain section 4 of this ordinance, K.C.C. 20.24.020, as recodified by this ordinance, section 8 of this ordinance, K.C.C. 20.24.080, as recodified by this ordinance, K.C.C. 20.24.072, as recodified by this ordinance, K.C.C. 20.24.070, as recodified by this ordinance, section 16 of this ordinance, K.C.C. 20.24.090, as recodified by this ordinance, K.C.C. 20.24.095, as recodified by this ordinance, section 21 of this ordinance, K.C.C. 20.24.140, as recodified by this ordinance, K.C.C. 20.24.145, as recodified by this ordinance, K.C.C. 20.24.150, as recodified by this ordinance, K.C.C. 20.24.180, as recodified by this ordinance, K.C.C. 20.24.190, as recodified by this ordinance, K.C.C. 20.24.510, as recodified by this ordinance, K.C.C. 20.24.400, as recodified by this ordinance, K.C.C. 20.24.195, as recodified by this ordinance, K.C.C.

20.24.520, as recodified by this ordinance, K.C.C. 20.24.197, as recodified by this ordinance, section 43 of this ordinance, K.C.C. 20.24.210, as recodified by this ordinance, section 46 of this ordinance, K.C.C. 20.24.220, as recodified by this ordinance, K.C.C. 20.24.230, as recodified by this ordinance, K.C.C. 20.24.235, as recodified by this ordinance, K.C.C. 20.24.240, as recodified by this ordinance, K.C.C. 20.24.250, as recodified by this ordinance, K.C.C. 20.24.300, as recodified by this ordinance, K.C.C. 20.24.310, as recodified by this ordinance, K.C.C. 20.24.320, as recodified by this ordinance, K.C.C. 20.24.330, as recodified by this ordinance, and K.C.C. 20.24.170, as recodified by this ordinance.

SECTION 3. Ordinance 263, Art. 5, Section 1, and K.C.C. 20.24.010 are each hereby repealed.

NEW SECTION. SECTION 4. There is hereby added to the new chapter established in section 2 of this ordinance a new section to read as follows:

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

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

B. "Decision" means a ruling by an examiner that is appealable to the Council.

C. "Determination" means a final decision, decision or a recommendation by an examiner.

D. "Examiner" means the hearing examiner, a deputy examiner or an examiner pro tempore.

E. "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 allowed by rule.

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

G. "Interested person" means a person who has requested in writing, including by email, from the department, division or examiner, notice of a determination, who submitted comments as referred to in K.C.C. 20.20.090.A. or the rules of the office of the hearing examiner or who participates in a hearing by providing

evidence, comment or argument. "Interested person" would not include:

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

2. A person 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;

4. Another county department or division 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. 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.

SECTION 5. K.C.C. 20.24.020, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 2 of this ordinance.

SECTION 6. Ordinance 263, Art. 5, Section 2, as amended, and K.C.C. 20.24.020 are each hereby amended to read as follows:

A. The office of hearing examiner is created((~~. The office~~)) and shall act on behalf of the council in considering and applying adopted county policies and regulations as provided ((~~herein~~)) in this chapter, to

provide for consistent application of the county's adopted policies and regulations. 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 in public hearings.

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

2. The council may 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 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 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 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 examiner.

SECTION 7. The following are each hereby repealed:

A. Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030;

B. Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040;

C. Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050;

D. Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060; and

E. Ordinance 11502, Section 16, and K.C.C. 20.24.065.

NEW SECTION. SECTION 8. There is hereby added to the new chapter established under section 2 of this ordinance a new section 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 decisions, as set forth in K.C.C. 20.24.080, as recodified by this ordinance;

2. Issue decisions, as set forth in K.C.C. 20.24.072, as recodified by this ordinance;

3. Issue recommendations to the council, as set forth in K.C.C. 20.24.070, as recodified by this ordinance;

4. Take other actions as prescribed by this chapter; and

5. Take other actions as directed by ordinance or motion.

B. The examiner's determination may be to grant 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. 20.24.072, as recodified by this ordinance, and 20.24.070, as recodified by this ordinance, 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 written submittals shall be admitted only when authorized by the examiner.

G. The examiner shall use case management techniques to the extent reasonable including:

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

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 9. K.C.C. 20.24.080, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 10. Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080 are each hereby amended to read as follows:

((~~A.~~)) The examiner shall ((~~receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and~~)) issue final decisions((~~, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable as provided by K.C.C. 20.24.240, or to other designated authority~~)) in the following cases:

((1. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

2. Appeals of all Type 2 land use decisions, with the exception of appeals of shoreline permits, including shoreline variances and conditional uses, which are appealable to the state shoreline hearings board;

3. Appeals of citations, notices and orders, notices of noncompliance ((and)), stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

4. Appeals of decisions regarding the abatement of a nonconformance;

5. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges;

6. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;

7. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

8. Appeals of the department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of K.C.C. Title 14;

9. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification pursuant to K.C.C. chapter 21A.37; and

10. Appeals of other applications or appeals that the council prescribes by ordinance.

B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King

~~County Comprehensive Plan and a community, subarea or neighborhood plan, the King County Comprehensive Plan shall govern.~~)) A. Appeals of orders of the ombudsman under the lobbyist disclosure code, K.C.C. chapter 1.07;

B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;

C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;

D. Appeals of electric vehicle recharging station penalties of the department of transportation under K.C.C. 4A.700.700;

E. Appeals of notice and orders of the manager of records and licensing services or the director of permitting and environmental review under K.C.C. chapter 6.01;

F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;

G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;

H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240.

I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04.

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12.

M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;

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

O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of permitting and environmental review under K.C.C. chapter 12.86;

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

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

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37:

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of permit fee estimates and billings by the department of permitting and environmental review, as provided in K.C.C. chapter 27.50;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505;

DD. Other applications or appeals that are prescribed by ordinance.

SECTION 11. K.C.C. 20.24.072, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 2 of this ordinance.

SECTION 12. Ordinance 12196, Section 25, and K.C.C. 20.24.072 are each hereby amended to read as follows:

((~~A.~~)) The examiner shall ((~~receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and~~)) issue decisions on Type 3 ((~~land use~~)) permit applications ((~~, including findings and conclusions, based on the issues and evidence in the record. The decision of the examiner on Type 3 land use permit applications shall be appealable to the Council on the record established by the examiner as provided by K.C.C. 20.24.210D.~~

~~B. The examiner's decision may be to grant or deny the application, or the examiner may grant the application with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern~~)) under K.C.C. chapter 20.20.

SECTION 13. K.C.C. 20.24.070, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 2 of this ordinance.

SECTION 14. Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070 are each hereby amended to read as follows:

((~~A.~~)) The examiner shall ((~~receive and examine available information, conduct open record public hearings and prepare records and reports thereof and~~)) issue recommendations ((~~, including findings and conclusions to the council based on the issues and evidence in the record~~)) in the following cases:

((~~1. All Type 4 decisions;~~

~~2. Applications for agricultural land variances;~~

~~3. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands, except as provided in K.C.C. 20.36.090;~~

~~4. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;~~

~~5. Applications the vacation of county roads;~~

~~6. Appeals of a recommendation by the department of transportation to deny the petition for vacation of a county road;~~

~~7. Appeals of a recommendation by the department of transportation of the compensation amount to be paid for vacation of a county road;~~

~~8. Proposals for establishment or modification of cable system rates~~)) A. Proposals for establishment or modification of cable system rates under K.C.C. 6.27A.140;

B. Applications or appeals related to the vacation of county roads under K.C.C. chapter 14.40;

C. All Type 4 decisions under K.C.C. chapter 20.20;

D. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands under K.C.C. chapter 20.36, except as provided in K.C.C. 20.36.090;

E. Applications for agricultural land variances under K.C.C. 20.54.090, applications for rezones or subdivisions under K.C.C. 20.54.100.A., appeals of designations of agricultural land of county significance under K.C.C. 20.54.100.C. and applications to revise the boundaries of agricultural lands of county significance under K.C.C. 20.54.110.C;

F. 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; ((~~and~~))

((~~9.~~)) G. Creation of a lake or beach management district and a special assessment roll under chapter 36.61 RCW; and

H. Other applications or appeals that ((~~the council may~~)) are prescribed by ordinance.

((~~B. The examiner's recommendation may be to grant or deny the application or appeal, or the examiner may recommend that the council adopt the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern.~~))

SECTION 15. Ordinance 16026, Section 2, as amended, and K.C.C. 20.24.085 are each hereby repealed.

NEW SECTION. SECTION 16. There is hereby added to the new chapter created under section 2 of this ordinance a new section to read as follows:

A. K.C.C. 20.24.090, as recodified by this ordinance, 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. 20.24.090, as recodified by this ordinance, 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 titles and chapters of the King County Code:

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

2. Licenses under K.C.C. Title 6, except for for-hire transportation, K.C.C. chapter 6.64;

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. Discrimination in places of public accommodation, K.C.C. chapter 12.22

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. Permit fee appeals, K.C.C. chapter 27.50; and

11. Other appeals that are prescribed by ordinance.

SECTION 17. K.C.C. 20.24.090, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 18. Ordinance 4461, Section 3, as amended, and K.C.C. 20.24.090 are each hereby amended to read as follows:

((~~A. Except as otherwise provided in this section, a notice of appeal shall be filed with the county department or division issuing the original decision with a copy provided by the department or division to the office of the hearing examiner. The notice of appeal, together with the required appeal fee, shall be filed within the prescribed appeal period. Except as otherwise provided in K.C.C. chapter 27.50, the appeal period shall be fourteen calendar days and shall commence on the third day after the mailing of the notice of decision. In cases of appeals of Type 2 land use decisions made by the director, if WAC 197-11-340(2)(a) applies the notice of~~

~~appeal shall be filed within twenty-four days after the mailing of the notice of decision.~~

~~B. A notice of appeal of the recommendation to deny vacation of a county road by the department of transportation shall be filed along with the required two-hundred-dollar administrative fee with the clerk of the county council within thirty days of an issuance of the denial.~~

~~C. Except in the case of an appeal of citation under K.C.C. chapter 23.20, [and e]xcept as otherwise provided in K.C.C. chapter 27.50, if a notice of appeal has been filed within the applicable time period [provided in this section], the appellant shall file a statement of appeal with the county department or division issuing the original decision or action within seven days after the filing deadline for the notice of appeal. A statement of appeal is not required for an appeal of a citation issued under K.C.C. chapter 23.30. Department or division staff shall:~~

~~1. Be available within a reasonable time to persons wishing to file a statement of appeal subsequent to an agency ruling, and to respond to queries concerning the facts and process of the county decision; and~~

~~2. Make available within a reasonable time a complete set of files detailing the facts of the department or division ruling in question to persons wishing to file a statement of appeal, subsequent to an agency ruling. If a department or division is unable to comply with these provisions, the hearing examiner may authorize amendments to a statement of appeal to reflect information not made available to an appellant within a reasonable time due to a failure by a county agency to meet the foregoing requirements.~~

~~D. The statement of appeal shall:~~

~~1. Identify the decision being appealed and the alleged errors in that decision;~~

~~2. State specific reasons why the decision should be reversed or modified;~~

~~3. State the harm suffered or anticipated by the appellant; and~~

~~4. Identify the relief sought.~~

~~E. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal.~~

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~~F. Failure to timely file a notice of appeal, appeal fee or statement of appeal deprives the examiner of jurisdiction to consider the appeal. As used in this section, filing means actual receipt by the department required to be served.~~))

A. Unless section 16 of this ordinance applies, a person initiates an appeal from a decision of a department or division by delivering an appeal statement to the issuing department or division.

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

C. The statement appealing the decision of a department or division to the office of the hearing examiner 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 section 77.A. of this ordinance. 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 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 based its ruling.

F. If a department or division is unable to comply with subsection E. of this section, the examiner may

authorize an amendment to an 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 appeal statement and any amendments 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 becomes final and unreviewable.

SECTION 19. K.C.C. 20.24.095, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 20. Ordinance 11502, Section 12, and K.C.C. 20.24.095 are each hereby amended to read as follows:

A. For appeals of agency actions to the office of the hearing examiner, the examiner, ((~~O~~))on ((~~its~~)) the examiner's own motion((~~,~~)) or on the motion of a party, ((~~the examiner~~)) shall dismiss an appeal ((~~for untimeliness or lack of jurisdiction~~)) if the appellant lacks standing or if the appeal is untimely, frivolous on its face or beyond the examiner's jurisdiction.

B. The examiner 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.

NEW SECTION. SECTION 21. There is hereby added to the new chapter established under section 2 of this ordinance a new section 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,

the responsible department or division 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 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 those materials.

2. For any appeal that requires 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 issues a recommendation and an 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. 20.24.210, as recodified by this ordinance, within ninety days from the date the council refers the application to the office of the hearing examiner. Any time required by the applicant or the responsible department or division to obtain and provide additional information requested by the examiner and necessary for the 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 and place of the hearing.

E. If for any reason testimony cannot be completed on the date set for a hearing, 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 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.

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 22. The following are each hereby repealed:

A. Ordinance 11502, Section 14, as amended, and K.C.C. 20.24.097;

B. Ordinance 11502, Section 15, as amended, and K.C.C. 20.24.098;

C. Ordinance 263, Art. 5, Section 7 (part), as amended, and K.C.C. 20.24.100;

D. Ordinance 263, Art. 5, Section 8, and K.C.C. 20.24.110;

E. Ordinance 263, Art. 5, Section 9, as amended, and K.C.C. 20.24.120; and

F. Ordinance 4461, Section 4, as amended, and K.C.C. 20.24.130.

SECTION 23. K.C.C. 20.24.140, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 24. Ordinance 4461, Section 5, as amended, and K.C.C. 20.24.140 are each hereby amended to read as follows:

Whenever an ((~~project~~)) appeal or application includes more than one county permit, approval or determination for which a public hearing is required or for which an appeal is provided ((~~pursuant to~~)) under this chapter, the hearings and any ((~~such~~)) appeals may be consolidated into a single proceeding before the ((~~hearing~~)) examiner ((~~pursuant to K.C.C. 20.20.020~~)).

SECTION 25. K.C.C. 20.24.145, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 26. Ordinance 11502, Section 12, as amended, and K.C.C. 20.24.145 are each hereby amended to read as follows:

((~~A pre-hearing conference may be called by the examiner pursuant to this chapter upon the request of a~~

~~party, or on the examiner's own motion. A pre-hearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party. The pre-hearing conference shall be held at such time as ordered by the examiner, but not less than fourteen days prior to the scheduled hearing on not less than seven days notice to those who are then parties of record to the proceeding. The purpose of a pre-hearing conference shall be to identify to the extent possible, the facts in dispute, issues, laws, parties and witnesses in the case. In addition the pre-hearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of pre-hearing conferences.~~

~~Any party who does not attend the pre-hearing conference, or anyone who becomes a party of record after notice of the pre-hearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing.~~)) 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 and location of the prehearing conference.

SECTION 27. K.C.C. 20.24.150, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 28. Ordinance 263, Art. 5, Section 11, as amended, and K.C.C. 20.24.150 are each hereby amended to read as follows:

When an application or appeal has been set for ((~~public~~)) hearing, the responsible ((~~county~~)) department 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 ((~~factors involved and the~~)) departments' findings and recommendation or decision. At least fourteen ((~~calendar~~)) days ((~~prior to~~)) before the scheduled hearing, the responsible department shall file the report((~~, and in the case of appeals any written appeal arguments submitted to the county, shall be filed~~)) with the office of the hearing examiner and ((~~copies thereof~~

)) shall ((~~be mailed~~)) send the report to all ((~~persons of record who have not previously received said materials~~)) parties and interested persons.

SECTION 29. The following are each hereby repealed:

A. Ordinance 263, Art. 5, Section 12, as amended, and K.C.C. 20.24.160; and

B. Ordinance 11502, Section 13, as amended, and K.C.C. 20.24.175.

SECTION 30. K.C.C. 20.24.180, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 31. Ordinance 4461, Section 9, as amended, and K.C.C. 20.24.180 are each hereby amended to read as follows:

When the examiner renders a ((~~decision or recommendation, he or she~~)) determination, the examiner shall make and enter findings of fact and conclusions from the record which support the ((~~decision~~)) determination and ((~~the findings and conclusions~~)) shall set forth ((~~and demonstrate the manner in which the decision or recommendation~~)) how the determination is consistent with ((~~, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, subarea or community plans, the zoning code, the land segregation code and other official laws, policies and objectives of King County, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public~~)) applicable laws, regulations and adopted policies.

SECTION 32. K.C.C. 20.24.190, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 33. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190 are each hereby amended to read as follows:

When the examiner issues a recommendation regarding an application for a zone reclassification of property ((~~or for a shoreline environment redesignation~~)), the recommendation shall include ((~~additional~~))

findings ((~~that support the conclusion that at least one of the following circumstances applies~~)) on whether the application meets both of the following:

A. The proposed rezone ((~~or shoreline environment redesignation~~)) is consistent with the King County Comprehensive Plan; and

B.1. The property is potentially zoned for the reclassification being requested ((~~, conditions have been met that indicate the reclassification is appropriate and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan~~));

((~~C.~~)) 2. An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application ((~~and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan~~)); or

((~~D.~~)) 3. The requested reclassification ((~~or redesignation is in the public interest and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan~~)) is based on changed conditions.

SECTION 34. K.C.C. 20.24.510, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 35. Ordinance 13687, Section 7, as amended, and K.C.C. 20.24.510 are each hereby amended to read as follows:

When an examiner issues a recommendation on ((~~A~~))a shoreline redesignation ((~~referred to~~)), the ((~~hearing~~)) examiner ((~~for a public hearing shall be reviewed based upon~~)) shall include findings on whether the shoreline redesignation complies with the following:

A. ((~~t~~))The King County Comprehensive Plan policies, state and county shorelines management goals and objectives and ((~~the following additional standards:~~

~~A. The proposed change shall implement and support:~~

~~1. The goals of the Comprehensive Plan;~~

~~2. The goals, policies and objectives of the state Shoreline Management Act;~~

~~3. The county's shoreline master program; and~~

~~4. T~~))the designation criteria of the proposed shoreline ((~~environment~~)) designation;

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

C. The impacts of development allowed by the proposed change ((~~shall be~~)) 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 shorelines 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 ((~~greater intensity of development would be allowed as a result of~~)) the shoreline redesignation results in greater density of development, the proposal ((~~shall~~)) utilizes clustering or a ((~~multi-story~~)) multistory design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area.

SECTION 36. K.C.C. 20.24.400, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 37. Ordinance 13147, Section 34, and K.C.C. 20.24.400 are each hereby amended to read as follows:

Upon initiation of a site-specific land use map amendment to the ((~~e~~))Comprehensive ((~~p~~))Plan ((~~pursuant to~~)) under K.C.C. 20.18.050, the ((~~hearing~~)) examiner shall conduct a public hearing to consider the ((~~report and~~)) department's written recommendation ((~~of the department)~~) and to take testimony and receive additional evidence relating to the proposed amendment. The ((~~hearing~~)) examiner may consolidate hearings ((~~pursuant to~~)) in accordance with K.C.C. 20.24.140 to the extent ((~~practical~~)) practicable. ((~~Following the public hearing~~)) No later than thirty days after closing the public hearing on the site-specific land use map amendment, the ((~~hearing~~)) examiner shall ((~~complete a report within thirty days which~~)) prepare a

recommendation that contains written findings and conclusions regarding ((~~the~~)) whether:

1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment((~~'s qualification for~~)) may be considered as part of an annual review ((~~consideration, and consistency or lack of consistency~~)) cycle; and

2. A site-specific land use map amendment is consistent with the applicable review criteria. ((~~An annual report containing all site specific land use map amendment reports which have been completed shall be compiled by the hearing examiner and submitted to the council by January 15 of the following year.~~))

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 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 transportation, economy and environment committee or its successor.

SECTION 38. K.C.C. 20.24.195, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 39. Ordinance 9544, Section 1, as amended, and K.C.C. 20.24.195 are each hereby amended to read as follows:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the 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 ((~~the~~)) platting ((~~of such~~)) the subdivision and

dedication.

SECTION 40. K.C.C. 20.24.520 is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 41. K.C.C. 20.24.197 is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 42. Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197 are each hereby amended to read as follows:

((~~Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in K.C.C. 21A.28.160 if the development were approved, the examiner shall remand to the department of permitting and environmental review to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency, or deny the proposal if required by this chapter. The examiner shall prepare findings to document the facts that support the action taken. The examiner shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or shall require the provision of the needed facilities. An offer of payment of a school impact fee as required by ordinance shall not be a substitute for the phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with phasing of an impact mitigation fee if the provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.~~)) If the examiner determines that the public schools in the district where the development is proposed would not meet the standards in K.C.C. 21A.28.160 if the development were approved, the examiner either shall remand the matter to the department of permitting and environmental review or shall require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency or shall deny the proposal. The examiner shall prepare findings to document the facts that support the action

taken. Payment of a school impact fee as required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall recommend a fee payment schedule to coordinate that payment with any phasing, if the provision or payment satisfies the district and any deferral requirements. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.

NEW SECTION. SECTION 43. There is hereby added to the new chapter created under section 2 of this ordinance a new section to read 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.

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 44. K.C.C. 20.24.210, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 45. Ordinance 4461, Section 11, as amended, and K.C.C. 20.24.210 are each hereby amended to read as follows:

A.1. Except as otherwise provided in K.C.C. 20.24.400, as recodified by this ordinance, ((~~W~~))within ten business days of ((~~the conclusion of~~)) concluding a hearing or rehearing, the examiner shall render a written determination ((~~recommendation or decision~~)) and shall transmit a copy ((~~thereof~~)) of that determination ((~~to all persons of record~~). The examiner's ((~~decision~~)) determination shall identify the applicant ((~~and/~~))or the owner, or both, by names and addresses.

2. Before the expiration of the applicable appeal period of subsection B., 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., C. and D. of this section until the examiner rules on the motion.

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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 an error of procedure occurred that prevented consideration of the interest of persons directly affected by the action.

B.1. Examiner ((~~R~~))recommendations ((~~of the examiner~~)) in cases identified in K.C.C. 20.24.070, as recodified by this ordinance, may be appealed to the council by a((~~n aggrieved~~)) party by filing ((~~a notice of~~)) an appeal ((~~with the clerk of the council within fourteen calendar days of the date the examiner's written recommendation is mailed~~)) statement in accordance with section 46 of this ordinance.

((~~C.~~)) 2. If ((~~no~~)) an appeal statement is not timely filed ((~~within fourteen calendar days~~)), the clerk of the council shall place a proposed ordinance ((~~which~~)) that ((~~implements~~)) adopts the ((~~examiner's~~)) recommended action of the examiner on the agenda of the next available council meeting for adoption((~~; provided,~~)), except that ((~~no~~)):

a. final action to amend or reverse the ((~~hearing examiner's~~)) recommendation of the examiner shall not be taken at that meeting and notice to parties shall be given before the adoption of an ((~~substitute or amended~~)) ordinance ((~~which~~)) that amends or reverses the examiner's recommendation; ((~~provided further,~~)) and

b. 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 ((~~prior to~~)) before the council((~~"s taking~~)) takes final action ((~~thereon~~)).

((~~D.~~)) C. Decisions of the examiner((~~,~~)) that are appealable to the council as provided in K.C.C. 20.24.072, as recodified by this ordinance, ((~~shall be~~)) are final unless appealed to the council by ((~~an aggrieved party of record by~~)) filing an ((~~notice of~~)) appeal ((~~with the clerk of the council within fourteen calendar days of the date the examiner's written decision is mailed~~)) statement in accordance with section 46 of this ordinance.

((~~E.~~)) D. Final ((~~D~~))decisions of the examiner in cases identified in K.C.C. 20.24.080, as recodified by

this ordinance, shall be final and reviewable ((~~pursuant to~~)) under K.C.C. 20.24.240.B, as recodified by this ordinance.

NEW SECTION. SECTION 46. There is hereby added to the new chapter created under section 2 of this ordinance a new section to read as follows:

A. A person initiates an appeal to the council from an 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 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 being appealed;

2. Identify the location of the property subject to the appeal;

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 party filing the appeal; and

7. Identify the relief sought.

D. The person filing an appeal shall pay a fee as prescribed in section 77 of this ordinance. 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 appeal statement.

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

G. 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.

H. 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 copies of the response to the examiner, to all parties and to the appellant.

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

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

SECTION 47. K.C.C. 20.24.220, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 48. Ordinance 4461, Section 12, as amended, and K.C.C. 20.24.220 are each hereby amended to read as follows:

A. ((~~If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written recommendation a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response to the notice of appeal and appeal statement may be submitted to the clerk within fourteen calendar days of the date of such a notification by the clerk~~)) The council shall process appeals as expeditiously as possible, giving 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 ((C))consideration ((~~by the council of the appeal, except for appeals of examiner recommendations on petitions for road vacations,~~)) 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 written appeal statements, responses and replies based upon the record. ((~~, but t~~))The council also may allow parties a period ((~~of time~~)) for oral argument based on the record. Consistent with RCW 36.70B.020(1)((~~, before or at the appeal hearing~~)) and upon the request of ((~~the council~~)) a councilmember, the ((~~hearing~~)) examiner ((~~or other county staff~~)) may provide a written or oral summary, or both, of the ((~~appeal~~)) record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in ((~~an~~)) the appeal ((~~asked by councilmembers at the appeal hearing~~)). 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. ((~~The~~)) An examiner may conduct a conference with all parties ((~~to the appeal~~)) for the purpose of clarifying or attempting to resolve ((~~certain~~)) issues on appeal, but the ((~~deputy~~)) examiner who conducted the public hearing on the proposal may not conduct the conference. ((~~Such a~~)) The conference shall be informal and shall not be part of the public record.

D. If, after consideration of the record, written appeal statements, responses and replies and any oral argument the council determines that:

1. An error in fact or procedure ((~~may~~)) 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 ((~~of the examiner~~)) is based on an error in judgment or conclusion, the council may modify or reverse the examiner's decision or recommendation ((~~of the examiner~~)), ((~~but~~)) or the council((~~'s land use appeal committee~~)) may retain the matter, refer it to ((~~other~~)) a council

committee or remand to the examiner for ((~~the purpose of~~)) further hearing, receipt of additional information or further consideration ((~~if determined necessary~~)) before the ((~~council's taking~~)) council takes final action on the matter.

((~~E. Subsections B, C and D of this section do not apply to an appeal of an examiner's recommendation on a petition for a road vacation. In such an appeal, the council is not bound by the record presented to the hearing examiner. Before acting on a proposed road vacation for which an appeal of the hearing examiner's recommendation has been filed, the council shall hold a legislative public hearing to receive further information and testimony.~~))

SECTION 49. Ordinance 12196, Section 41, as amended, and K.C.C. 20.24.222 are each hereby repealed.

SECTION 50. K.C.C. 20.24.230, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 51. Ordinance 263, Art. 5, Section 18, as amended, and K.C.C. 20.24.230 are each hereby amended to read as follows:

A. The council shall take final action on any examiner recommendation ((~~of the examiner~~)) or appeal from an examiner decision ((~~by the examiner~~)) by ordinance and, when so doing, ((~~it~~)) shall make ((~~and enter~~)) findings ((~~of fact~~)) and conclusions from the record of the public hearing conducted by the examiner. The findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with((~~, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the zoning code, the subdivision code and other official laws, policies and objectives for the development of King County~~)) applicable laws, regulations and adopted policies. The council may adopt as its own all or portions of the examiner's findings and conclusions.

((~~Any~~)) B. The ordinance may contain conditions regarding the manner of development or other aspects regarding use of the property including, but not limited to, ((~~dedication of~~)) dedicating land, ((~~provision~~

~~of~~)) providing public improvements ((~~to serve the subdivision, and~~/)) or requiring impact fees authorized by chapter 82.02 RCW, or any combination thereof.

((~~Any~~)) C. The ordinance also may contain reasonable conditions, in accordance with ((~~state~~)) applicable laws, regulations and ((~~county ordinances~~)) adopted policies, that must be satisfied ((~~before the ordinance becomes effective~~)). 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. ((~~; provided, the ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire i~~))If any of the conditions are not satisfied within the designated time ((~~period and~~)), the property shall continue to be subject to all laws, regulations and ((~~zoning~~)) adopted policies as if the ordinance had not been adopted((~~; provided, the council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period. As an alternative to the adoption of an ordinance containing conditions, the council may adopt an ordinance subject to the execution of a concomitant agreement between the county and the applicant regarding the manner of development of the property, any required improvements or any aspect regarding use of the property~~)). 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 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. 20.24.210.B., as recodified by this ordinance.

SECTION 52. K.C.C. 20.24.235, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 53. Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235 are each hereby amended to read as follows:

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A. In addition to the ((~~provisions of~~)) findings required by K.C.C. 20.24.230, as recodified by this ordinance, ((~~King County~~)) the council shall not approve a proposed subdivision and dedication unless it also finds that((~~:~~

~~1. 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~~

~~2. The public use and interest will be served by the platting of such subdivision and dedication~~)) the requirements in K.C.C. 20.24.195, as recodified by this ordinance, are met.

B. ((~~If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the council shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.~~)) The council may adopt as its own all or portions of the examiner's findings and conclusions.

SECTION 54. K.C.C. 20.24.240, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 55. Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240 are each hereby amended to read as follows:

A. ((~~Decisions of the c~~))Council action on examiner recommendations in cases identified in K.C.C. 20.24.070, as recodified by this ordinance, or ((~~in cases~~)) on examiner decisions appealed to the council as provided in K.C.C. 20.24.210((~~D~~)).C., as recodified by this ordinance, shall be final and conclusive action unless ((~~within twenty-one calendar days from the date of the council's adoption of an ordinance~~)) an appeal is timely filed ((~~in~~ ((~~superior court, state of Washington, for the purpose of review of the action taken; provided,~~

~~no~~)) with the appropriate court or tribunal. However, development or related action may not occur ((~~during~~)) until the ((~~twenty-one day~~)) applicable appeal period has run.

B. Final ((~~D~~))decisions of the examiner in cases identified in K.C.C. 20.24.080, as recodified by this ordinance, shall be ((~~a~~)) final and conclusive action unless ((~~within twenty-one calendar days from the date of issuance of the examiner's decision an aggrieved person files~~)) an appeal is timely filed ((~~in superior court, state of Washington, for the purpose of review of the action taken; provided, no~~)) with the appropriate court or tribunal. However, development or related action may not occur ((~~during~~)) until the ((~~twenty-one day~~)) applicable appeal period((~~; provided further, that~~)) has run, and the ((~~twenty-one day~~)) appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final ((~~EIS~~)) environmental impact statement shall not commence until final action on the underlying proposal.

((~~C. Prior to filing an appeal of a final decision for a conditional use permit or special use permit, requested by a party that is licensed or certified by the Washington state department of social and health services or the Washington state department of corrections, an aggrieved party (other than a county, city or town) must comply with the mediation requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time limits for appealing a final decision are tolled during the mediation process.~~))

SECTION 56. K.C.C. 20.24.250, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 57. Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250 are each hereby amended to read as follows:

A. The ordinance implementing the council's final action on an 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((~~ny~~)) final action by the ((~~county~~)) council ((~~or hearing examiner~~)) may be reconsidered by the council ((~~or examiner, respectively~~)) if:

((~~1.~~)) a. ((~~T~~))the action was based in whole or in part on erroneous facts or information;

((~~2.~~)) b. ((~~T~~))the action ((~~when taken~~)) failed to comply with existing laws ((~~or~~)), regulations ((~~applicable thereto~~)) or adopted policies; or

((~~3.~~)) c. ((~~A~~))an error of procedure occurred ((~~which~~)) that prevented consideration of the interests of persons directly affected by the action.

((~~B. The council upon reconsideration shall refer the matter to the land use appeal committee to review the matter pursuant to the procedures and authority for appeals pursuant to K.C.C. 20.24.220.~~

~~C. The examiner shall reconsider a final decision pursuant to the rules of the hearing examiner.~~)) 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 ((~~A~~))authority of the council ((~~and examiner~~)) to reconsider does not affect the finality of a decision when made.

SECTION 58. K.C.C. 20.24.300, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 59. Ordinance 11502, Section 17, and K.C.C. 20.24.300 are each hereby amended to read as follows:

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

SECTION 60. K.C.C. 20.24.310, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 61. Ordinance 11502, Section 18, and K.C.C. 20.24.310 are each hereby amended to read as follows:

The office of the hearing examiner shall issue a citizen's guide ((~~on~~)) that describes the ((~~office of hearing~~)) examiner process, including making an appeal or participating in a hearing.

SECTION 62. K.C.C. 20.24.320, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 63. Ordinance 11502, Section 19, and K.C.C. 20.24.320 are each hereby amended to read as follows:

The ((~~chief~~)) office of the hearing examiner shall prepare a ((~~semi-annual~~)) semiannual report to the ((~~King County~~)) council detailing the length of time required for hearings in the previous six months, categorized both on average and by type of proceeding. The report shall provide commentary on ((~~examiner~~)) office operations and identify any need for clarification of county policy or development regulations. The ((~~semi-annual~~)) office shall file the report ((~~shall be presented to the council~~)) by March 1((~~st~~)) and September 1 ((~~st~~)) 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 64. K.C.C. 20.24.330, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 65. Ordinance 11502, Section 20, and K.C.C. 20.24.330 are each hereby amended to read as follows:

As to any application or appeal ((~~pursuant to~~)) under K.C.C. ((~~20.24 which~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance) that is or could become the subject of a public hearing, the responsible county department, the council or the ((~~hearing~~)) examiner((~~,~~)) may at ((~~their~~)) his or her own discretion or at the request of the applicant or any person with standing to the application or appeal((~~,~~)) initiate a mediation process to resolve disputes as to the application or appeal at any stage of the proceedings on the application or appeal((~~, initiate a mediation process to resolve disputes as to such application or appeal~~)). The mediation process ((~~shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent impartial mediator who shall not be a county employee or any person who will have any role in making any recommendation or decision on the application or appeal. The mediation~~)) shall be conducted in accordance with rules ((~~of mediation~~)) prepared by the hearing examiner.

SECTION 66. Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450 is hereby repealed.

SECTION 67. K.C.C. 20.24.170, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

SECTION 68. Ordinance 263, Art. 5, Section 13, as amended, and K.C.C. 20.24.170 are each hereby amended to read as follows:

A.1. The ((~~examiner~~)) council shall, by motion, adopt rules ((~~, including any~~)) and amendments to the rules((~~,~~)) for ((~~the conduct of hearings~~)) conducting the examiner process, including prehearing conferences and ((~~for any~~)) mediation ((~~process consistent with this chapter~~)).

2. The hearing examiner may propose rules or amendments to the rules by filing a draft of the rules or amendments ((~~and a draft of a motion approving the amendments in~~)) with the ((~~office of the~~)) clerk of the council, for distribution to all councilmembers for review. At the same time as the filing of the draft rules or amendments, the hearing examiner shall also distribute ((~~for comment~~)) a copy ((~~of the proposed~~ ~~rules or amendments~~)) to any county department that has appeared before the examiner in the year before ((~~the~~)) filing ((~~of~~)) the proposed rules or amendments and to any other ((~~parties~~)) person who ((~~have~~)) requested to be

notified of proposed amendments to the rules and shall post a copy ((~~of the proposed rules or amendments~~)) on the Internet. Comments ((~~to the proposed~~ ~~rules or amendments~~)) may be 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. The rules or amendments shall take effect when they have been approved by the council by motion.

3. 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.

((~~B. The examiner shall have the power to issue 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.~~

~~C. To avoid unnecessary delay and to promote efficiency of the hearing process, 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 the presentation of direct oral testimony, cross examination and argument.~~

~~D. Any written submittals will be admitted only when authorized by the examiner under pertinent and promulgated administrative rules.~~))

SECTION 69. Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130 are each hereby amended to read as follows:

A. Prepare, publish and update, as appropriate, documents written in plain language explaining the provisions of this chapter and, further, develop and implement other methods to educate the public, including, but not limited to, grassroots campaign lobbying groups, employers and lobbyists concerning the requirements of this chapter;

B. Develop and provide forms for the reports and statements required to be made under this chapter;

C. Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

D. Compile and maintain a current list of all filed reports and statements;

E. Annually publish and disseminate a directory of lobbyists which sets forth the name, employer, if applicable, and telephone number of each lobbyist;

F. Determine whether properly completed statements and reports have been filed within the times required by this chapter;

G. Prepare and publish an annual report to the council as to the effectiveness of this chapter and its enforcement, provided that with the first annual report the executive shall include recommendations on whether the preparation of legislation by the executive branch and/or promulgating rules should be activities within the definition of "lobbying." These recommendations shall be based on a review of the questions by a task force established by the board of ethics;

H. Review at least every five years the monetary reporting thresholds and penalties of this chapter. The focus of this review shall include recognition of economic changes and any related changes promulgated by rule. Upon completion of its review, the department shall recommend to the council necessary changes, if any, to the monetary reporting thresholds and penalties of this chapter;

I. Adopt ((~~administrative~~)) rules to carry out the policies and purposes of this chapter((~~. The initial administrative rules shall be effective upon approval by the metropolitan King County council by motion. The department shall transmit the initial administrative rules for council approval within four months after November 20, 1998. The department shall consult with an advisory group of citizens when preparing these initial administrative rules. Thereafter, the department shall adopt administrative rules pursuant to~~)) in a manner prescribed in K.C.C. chapter 2.98;

J. Prepare and publish such reports as in its judgment will address the purposes of this chapter including reports and statistics concerning lobbying and enforcement of this chapter;

K. Audit the registrations and reports of lobbyists, sponsors of professional grass roots lobbying campaigns and lobbyists' employers;

L. Give a written warning for the first violation to any person registered under this chapter who fails to file required statements and reports within the timelines established herein by certified mail, return receipt requested. Each subsequent violation after the initial warning has been given shall be assessed a late report filing fee of fifty dollars and an additional late fee of ten dollars per day for up to thirty days. Late fees shall be assessed by the department and may be appealed in accordance with K.C.C. 20.24.090 ((~~within thirty days of assessment~~)), as recodified by this ordinance.

SECTION 70. Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150 are each hereby amended to read as follows:

A. Any respondent aggrieved by an order of the ombudsman may ((~~request in writing within twenty days of the service of the order upon the respondent an appeal hearing before the hearing examiner. The request shall cite the order appealed from and specify with particularity the findings being contested. The request shall be filed with the hearing examiner with a copy to the ombudsman and the complainant~~)) appeal that order by complying with K.C.C. 20.24.090, as recodified by this ordinance, and by providing a copy of the appeal to the complainant.

B. ((~~Any order issued by the ombudsman pursuant to K.C.C. 1.07.140 shall become final twenty days after service of the order unless a written request for an appeal hearing as set forth above is received by the hearing examiner within the twenty day period.~~

~~C.~~)) If an order of the ombudsman has been timely appealed, ((~~a hearing~~)) an examiner shall ((~~be conducted by the~~)) conduct a hearing ((~~examiner for the purpose of affirming, denying or modifying~~)) and shall affirm, deny or modify the order. The parties to the hearing shall be the respondent and the ombudsman. There shall be a verbatim record kept of the hearing and the hearing examiner shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance, take evidence and require the production of any

books, papers, correspondence, memoranda or other documents relevant or material to the hearing, except information which is covered by the attorney-client privilege. The burden of proving that a violation occurred shall at all times be upon the ombudsman. The decision of the hearing examiner shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties and the complainant at least ten days ((~~prior to~~)) before the date of the hearing.

((~~D.~~)) C. At the hearing each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombudsman;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any relevant matter;

4. To impeach any witness regardless of which party first called the witness to testify;

5. To rebut evidence against ((~~him or her~~)) the party; and

6. To represent himself or herself or to be represented by anyone of ((~~his or her~~)) the party's choice who is lawfully permitted to do so.

((~~E.~~)) D. Following review of the evidence submitted the hearing examiner shall, within a reasonable time, enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that one or more violations of this chapter have occurred. The hearing examiner shall reverse the order if he or she finds that no violations of this chapter have occurred. A copy of the hearing examiner's decision shall be served or mailed, by certified mail, return receipt requested, to the ombudsman, the respondent and the complainant. The original of the hearing examiner's decision shall be filed with clerk of the council.

((~~F.~~)) E. A decision of the hearing examiner shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the hearing examiner's decision an aggrieved person files an

appeal in superior court, state of Washington, for the purpose of review of the action taken.

SECTION 71. Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205 are each hereby amended to read as follows:

A.1. A motion for reconsideration on the final adoption or passage of legislation must be made during the meeting at which the vote on final passage is taken. A vote on a motion for reconsideration on the final adoption or passage of legislation must be taken at the same meeting the vote was taken unless the council votes to postpone the vote for reconsideration until the next council meeting.

2. While the motion for reconsideration is pending, the legislation shall not be considered adopted or passed. The clerk of the council may not transmit an ordinance to the county executive until the question of reconsideration is decided.

B. If a motion to reconsider carries, the original question is placed before the council in the exact position the original question occupied before the original question was voted upon.

C. If a motion to reconsider fails, no other motion for reconsideration on the same vote may be made.

D. Only a member who voted on the prevailing side may move for reconsideration.

E. A motion to reconsider an amendment may only be made before the ordinance is passed.

F. Reconsideration of an action under K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) is governed by K.C.C. 20.24.250, as recodified by this ordinance.

SECTION 72. Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030 are each hereby amended to read as follows:

A. The board may administer oaths and affirmations and shall hear and decide all appeals from any valuation in property by the department of assessments, examine other matters related to assessment of the property of the county as provided by general law and hear appeals from any other orders by an executive department or administrative office as provided by ordinance.

B. In conformity with RCW 84.48.010 through 84.48.046 relating to the equalization of assessments

and in addition to those powers relating to valuation provided for in Section 720 of the King County Charter, the board shall hear and decide all appeals as are provided by statute, including the following appeals:

1. Appeals of exemption denials related to public corporations under RCW 35.21.755;

2. Appeals for a change in appraised value if the Department of Revenue establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b) based on an appraisal done by the county assessor at the request of the Department of Revenue;

3. Appeals of decisions or disputes related to historic property under RCW 84.26.130;

4. Any forest land determination under chapter 84.33 RCW;

5. Current use determinations under chapter 84.34 RCW;

6. Appeals related to senior citizen exemption denials under RCW 84.36.385;

7. Appeals related to cessation of exempt use under RCW 84.36.812;

8. Determinations related to property tax deferrals under RCW 84.38.040;

9. Determinations related to omitted property or value under RCW 84.40.085;

10. Valuation appeals of taxpayers under RCW 84.48.010;

11. Appeals from a decision of the assessor relative to a claim for either real or personal property tax exemption, under RCW 84.48.010; and

12. Destroyed property appeals under RCW 84.70.010((~~;~~

~~13. The granting, denial, suspension or revocation of business licenses under K.C.C. 6.01.150;~~

~~14. Grievances related to actions of the director of the animal control authority under K.C.C. chapter 11.04;~~

~~15. The fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;~~

~~16. Assessments by lake management districts, with the final decision made by the council~~)).

SECTION 73. Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110 are each hereby amended to read as follows:

A person against whom the manager under this chapter imposes sanctions may appeal ((~~within fifteen days from the date the manager's decision is mailed to the person being sanctioned, by filing a notice of appeal with the office of the hearing examiner~~)) those sanctions in accordance with K.C.C. 20.24.090, as recodified by this ordinance. Within forty-five days after receiving the appeal statement, the hearing examiner shall convene the appeal hearing. The hearing examiner shall provide written notice of the hearing date, location and time to the appellant and to the department of executive services, finance and business operations division, at least ((~~thirty~~)) fourteen days before the hearing. Within ((~~thirty days~~)) the time prescribed in K.C.C. 20.24.210, as recodified by this ordinance, after conclusion of the appeal hearing, the hearing examiner presiding at the hearing shall prepare a written decision and order. The hearing examiner shall file ((~~T~~))the final decision ((~~shall be filed by the hearing examiner~~)) as a public record with the county clerk, recorder's office, and shall mail copies of the final decision ((~~mailed~~)) to each party of record and to the manager.

SECTION 74. Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050 are each hereby amended to read as follows:

A. Except as provided in subsection B. of this section, the director's decision is the county's final decision.

B. If the director determines that a code interpretation is necessary for review of a specific development proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement action. If the King County hearing examiner makes the county's final decision with regard to the underlying permit, other approval type or code enforcement action regarding which the interpretation was requested, the hearing examiner's decision constitutes the county's final decision on the code interpretation request. If the King County council, acting as a quasi-judicial body, makes

the county's final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the King County council's decision constitutes the county's final decision on the code interpretation request.

SECTION 75. Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700 are each hereby amended to read as follows:

A. User fees are established for public use of electric vehicle charging station stalls located on property owned or leased by King County.

B. The department of transportation shall set the user fees for the use of electric vehicle charging stations stalls in accordance with this section.

C. The user fees shall not exceed five dollars per use. The user fees shall be calculated as single, per-use fees intended to cover the county's cost of operations related to public use.

1. The county's cost of operations includes, but is not limited to, planning, outreach and administration, maintenance, charging station vendor costs, utility costs related to the charging stations and facility enforcement costs.

2. Differing user fees may be established at particular locations and for uses other than typical daytime parking, such as overnight parking, monthly reservations, special event rates and other specific circumstances.

D. The department of transportation shall review all user fees twice each year and adjust the fees based on consideration for the costs established in subsections A., B. and C. of this section.

E. All user fees and civil penalties authorized in this section shall be deposited into the public transportation operating account of the public transportation fund and used to support the electric vehicle charging station program.

F. The department of transportation shall post user fees, rules for using the electric vehicle charging station stalls and the penalties for improper use of electric vehicle charging station stall at or near the stalls either via the electronic screen on the charging device or by signage affixed on or near the charging device.

The department also shall post the fees, rules and penalties in an appropriate location on the department of transportation website.

G. Failure to pay the applicable user fee or remaining in an electric vehicle charging station stall longer than entitled as a result of the user fee paid, is a violation of this section.

H. The penalty for a violation under subsection G. of this section may result in a civil penalty in an amount established by the department by rule, in accordance with K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil penalty shall be as follows:

1. The department shall issue a notice and order and serve it as provided for in this section when the department determines that a violation described in subsection H. of this section has occurred. The notice and order shall contain:

a. a description of the vehicle parked in violation of this section, including make, model, color and license plate number;

b. date and time the notice and order was issued;

c. a description sufficient to identify the area where the vehicle was parked when the violation was discovered;

d. a statement that the vehicle is parked in violation of subsection G. of this section, with a brief and concise description of the conditions that established the violation;

e. a statement that the department is assessing a civil penalty, the amount of the penalty and a time certain by which the penalty shall be paid from the date of the order; and

f. statements advising that:

(1) the director of transportation may review and reconsider the notice and order, but only if a request for review and reconsideration is made in writing as provided in this section and filed with the director within ten days from the date of service of the notice and order;

(2) the address to which the request for review and reconsideration must be sent; and

(3) ((~~the director's decision may be appealed to the hearing, but only if the appeal is made in writing and filed with the director within fourteen days from the mailing of the director's decision, as provided in K.C.C. chapter 20.24; and~~

~~(4)~~)) failure to timely request director's review and reconsideration will constitute a waiver of all rights to any administrative hearing and determination of the matter;

2. The notice and order, and any amended or supplemental notice and order, shall be served by affixing the notice and order to the vehicle for which is the subject of the violation, in a conspicuous location on the vehicle;

3. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting service and declaring the time, date and manner in which service was made. A copy of the notice and order shall be kept on file by the department of transportation;

4. A person served with a notice and order under this section may request in writing, within ten days of being served with a notice and order, that the director review and reconsider the notice and order;

5. The review shall be performed without a hearing and be based solely on written information provided by the person requesting review and by county personnel or agents;

6. Upon review, the director may uphold the notice and order or waive or reduce the fine or any other penalty contained in the notice and order;

7. The director shall mail the written decision to the person requesting review;

8. The decision shall notify the person requesting review of the right to appeal the director's decision ((~~under this section and the procedure for filing the notice of appeal of the director's decision~~)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance;

9. The King County office of the hearing examiner shall hear appeals of the director's decisions under this section;

10. Any person having received a director's decision under this section may appeal that decision ((~~by filing a notice of appeal under K.C.C. chapter 20.24~~)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance;

11. The procedures for initiating and conducting the appeal shall be governed by K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance);

12. Enforcement of any notice and order of the department shall be stayed during the pendency of a director's review or an appeal therefrom that is properly and timely filed in accordance with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance);

13. The registered owner of a vehicle is liable to pay any civil penalty imposed for a violation under this section. However, the registered owner of a vehicle may avoid liability if the owner proves that the vehicle was reported to the police as a stolen vehicle before the notice and order was issued, and the vehicle had not been recovered;

14. Except as otherwise provided in subsection H.13. of this section, a civil penalty imposed for failure to pay a user fee at a King County department of transportation facility is a personal obligation of the registered owner of the vehicle involved; and

15. If the penalties assessed by the department are not paid to King County within thirty days from the service of the notice, the mailing of the director's decision, or the mailing of the hearing examiner's decision, whichever occurs last, then the department may send a final warning letter to the registered owner of the vehicle to the address on file with the state Department of Licensing. If the civil penalties are not paid within ten days after the final warning letter is sent, then the department may pursue other applicable legal remedies. In pursuing payment of civil penalties that remain delinquent after the final warning letter is sent, and to cover administrative expenses associated with the pursuit of the penalties, the department may charge the registered owner of the vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

I. In addition or as an alternative to the civil penalty authorized in subsection I. of this section, the

department may impound the vehicle without giving prior notice in accordance with the process provided in K.C.C. chapter 46.08. When impoundment is authorized by this section, a vehicle may be impounded by a towing contractor acting at the request of the director or the director's designee. The director or the director's designee shall provide to the towing contractor a signed authorization for the tow and the impound before the towing contractor may proceed with the impound.

SECTION 76. Section 77 of this ordinance should constitute a new chapter in K.C.C. Title 4A.

NEW SECTION. SECTION 77. 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. 20.24.090, as recodified by this ordinance, is two hundred fifty dollars.

B.1. The fee for filing an appeal to the office of the hearing examiner under K.C.C. 20.24.090, as recodified by this ordinance, of a permit fee estimate and billing under K.C.C. chapter 27.50 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.

C. The fee for filing an appeal to the council under section 46.D. of this ordinance is two hundred fifty dollars.

SECTION 78. Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130 are each hereby amended to read as follows:

A. The director shall issue a notice and order, pursuant to ((~~Section~~)) K.C.C. 6.01.120, directed to the person whom the director has determined to be in violation of any of the terms and provisions of any business license ordinance. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred;

2. A statement that the director has found the conduct of the person to be in violation of any business license ordinance, with a brief and concise description of the conditions found to render ((~~such~~)) the person in

violation of ((~~such~~)) the business license ordinance;

3. A statement of any action required to be taken as determined by the director. If the director has determined to assess a civil penalty, the order shall require that the penalty shall be paid within a time certain from the date of the order as determined by the director to be reasonable;

4. A statement of any action taken by the director; and

5. Statements advising that:

a.(1) ((~~that~~)) the person may appeal from the notice and order of any action of the director arising under K.C.C. chapter 6.64, for-hire transportation, to the ((~~King County board of appeals, provided the appeal is made in writing as provided in this chapter and filed with the director within seven days from the date of service of such notice and order~~)) office of the hearing examiner in accordance with K.C.C. 20.24.090, as recodified by this ordinance; or

(2) the person may appeal from the notice and order any action of the director, other than those arising under K.C.C. chapter 6.64, to the office of the hearing examiner, but only if the appeal is made in writing as provided in this chapter and filed with the director within seven days from the date of service of such notice and order; and

b. the failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the person either personally or by mailing a copy of ((~~such~~)) the notice and order by certified mail, postage prepaid, return receipt requested to ((~~such~~)) the person at ((~~his~~)) the person's address as it appears on the license, registration or permit. Service by certified mail in the manner ((~~herein~~)) provided in this section shall be effective on the date of mailing.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which

service was made.

SECTION 79. Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150 are each hereby amended to read as follows:

A. The ((~~King County board of appeals as established by Article 7 of the King County Charter~~)) office of the hearing examiner is designated to hear appeals by parties aggrieved by actions of the director pursuant to any business license ordinance. The ((~~board~~)) examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the ((~~board~~)) examiner shall be delivered to the director, who shall make them freely accessible to the public. All decisions and findings of the ((~~board~~)) examiner shall be rendered to the appellant in writing, with a copy to the director.

B. For-hire transportation appeals under chapter 6.64 shall be filed in accordance with K.C.C. 20.24.090, as recodified by this ordinance, and the hearing process conducted in accordance with K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance). Subsections C. through H. of this section do not apply to this subsection B.

((~~B~~)) C. Any person entitled to service ((~~pursuant to Section~~)) under K.C.C. 6.01.130 ((~~of this chapter~~)) may appeal ((~~from~~)) any notice and order or any action of the director by filing at the office of the director within seven days from the date of service of such order, a written appeal containing((~~;~~)):

1. A heading in the words: "Before the ((~~Board of Appeals of the County of King~~)) Office of the Hearing Examiner";

2. A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;

6. The signatures of all parties named as appellants, and their official mailing addresses; and

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

((~~C.~~)) D. As soon as practicable after receiving the written appeal, the ((~~board of appeals~~)) examiner shall fix a date, time((~~,~~)) and place for the hearing of the appeal ((~~by the board~~)). ((~~Such~~)) The date shall be ((~~not~~)) neither less than ten days nor more than sixty days from the date the appeal was filed with the director. Written notice of the time and place of the hearing shall be given at least ten days ((~~prior to~~)) before the date of the hearing to each appellant by the ((~~clerk/manager of the board~~)) examiner either by causing a copy of ((~~such~~)) the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at ((~~his~~)) the appellant's address shown on the appeal.

((~~D.~~)) E. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence as is pertinent and material to the action of the director.

((~~E.~~)) F. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.

((~~F.~~)) G. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

((~~G.~~)) H. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

SECTION 80. Ordinance 13548, Section 20, and K.C.C. 6.09.190 are each hereby amended to read as follows:

A. A person whose application for a license has been denied by the director may appeal the denial to

the ((~~board of appeals~~)) office of the hearing examiner in accordance with K.C.C. 6.01.150 as modified by the following, which shall apply to ((~~such~~)) the appeals:

1. ((~~A~~)) The examiner shall hold a hearing on a timely filed appeal ((~~shall be held by the board~~)) not less than ten days nor more than twenty days from the date the appeal was filed with the director, unless the person filing the appeal agrees to a hearing at a later date;

2. During the course of the proceeding before the ((~~board of appeals~~)) examiner, the burden of proof shall be on the director;

3. The ((~~board of appeals~~)) examiner shall render ((~~its~~)) a written decision on the appeal not more than thirty days after the close of the hearing; and

4. A person need not appeal the director's denial of a license to the ((~~board of appeals~~)) examiner before seeking court review. In the event a person files an action seeking court review of the director's denial or files an action seeking court review of a decision of the ((~~board of appeals~~)) examiner upholding ((~~such~~)) the denial, either in an action brought in superior court ((~~pursuant to~~)) under chapter 7.16 RCW((~~, Certiorari, Mandamus, and Prohibition,~~)) or in any other action at law or equity, the county shall provide the person with an opportunity for a prompt court review and decision by: in an action to review the decision of the ((~~board of appeals~~)) examiner, filing the record of the ((~~board of appeals~~)) examiner with the court within twenty days after receipt of the writ of review; and in any case, expediting the filing of responsive pleadings and proposing an expedited briefing and hearing schedule with the objective of obtaining a final determination from the court within sixty days after commencement of the action. If the court has not entered a final determination within sixty days or such a longer time ((~~period~~)) as may have been agreed to by the person challenging the license denial, the director shall issue a temporary license, which shall be valid only until the court renders its determination either affirming the license denial or requiring the issuance of an annual license. A person issued such a temporary license shall be subject to all the provisions of this chapter including but not limited to the license suspension and revocation provisions.

B. An action of the director taken under this chapter suspending or revoking a license or denying a license renewal may be appealed in accordance with the procedures in K.C.C. 6.01.150. However, the following also applies:

1. If the director determines that a condition exists on the premises of an adult entertainment business which condition constitutes a threat of immediate serious injury or damage to a person or property, a business license may be immediately suspended. The director shall issue a notice setting forth the basis for the action and the facts that constitute a threat of serious injury or damage to a person or property and informing the license holder of the right to appeal the suspension. A suspension based on threat of immediate serious injury or damage may not be stayed during the pendency of an appeal;

2. During the course of proceeding before the ((~~board of appeals~~)) examiner, the burden of proof is on the director; and

3. Enforcement of a notice and order of the director shall be stayed during the pendency of a timely and properly filed action seeking judicial review of a decision of the ((~~board of appeals~~)) examiner.

SECTION 81. Ordinance 6836, Section 4, and K.C.C. 6.26.040 are each hereby amended to read as follows:

A. The ((~~county~~)) council hereby delegates the power to grant all permits required under this chapter to the ((~~King County~~)) fire marshal. As a condition of any permit, the fire marshal may specify additional safeguards as necessary to provide for the public safety. The fire marshal shall investigate all permit applications to determine potential hazard to property or individuals and shall file a written report if ((~~he~~)) the fire marshal denies a permit. These reports will be kept in the office of the fire marshal and shall be available for review by the ((~~King County board of appeals~~)) office of the hearing examiner.

B. The ((~~King County~~)) fire marshal, or ((~~his duly~~)) the fire marshal's authorized representative, is designated the enforcing officer of this chapter. In addition to all the grounds for revocation of a permit set forth in the general provisions of this chapter, any failure or refusal on the part of any person holding a permit

issued hereunder, or any person employed by the permit holder, to obey any rule or regulation or request of the ((~~King County~~)) fire marshal, or ((~~his duly~~)) the fire marshal's authorized representative, concerning the manufacture, storage, use, sale or display of fireworks, is a violation of this chapter and is grounds for the revocation of the fireworks permit.

C. The ((~~King County~~)) fire marshal shall have the authority to request the assistance of the ((~~King County~~)) sheriff in enforcing the provisions of this chapter.

D. Unless otherwise specified in this chapter, the ((~~King County~~)) council specifically designates the ((~~King County board of appeals~~)) office of the hearing examiner to hear on its behalf, all appeals from decisions of the fire marshal within seven days of any decision so appealed. The examiner's decision ((~~of the King County board of appeals will be~~)) is final unless appealed to a court of competent jurisdiction within fourteen days after a final order is issued.

SECTION 82. Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080 are each hereby amended to read as follows:

A. ((~~Application for permit.~~)) Any person desiring to give public displays of fireworks, shall make an application for a permit to operate the public display, in writing, to the ((~~King County~~)) fire marshal. ((~~Such~~)) The application shall set forth:

1. The name of the organization sponsoring the display, together with the names of persons actually in charge of the firing of the display;

2. The date and time of day at which the display is to be held;

3. The exact location planned for the display;

4. The number and kind of fireworks to be discharged;

5. The manner and place of storage of ((~~such~~)) the fireworks ((~~prior to~~)) before the display;

6. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication within

two hundred feet of the point of discharge, the lines or other overhead obstructions.

B. ((~~Fee for public display permit.~~)) The fee for the permit shall be the maximum authorized by the laws of the ((~~S~~))state of Washington. The permit required by this section shall be in addition to the license required by the state fire marshal.

C. ((~~Investigation of site; certificate of compliance by the fire marshal - Notice of approval by the King County department of public safety.~~)) Upon receipt of ((~~such~~)) the application, at least twenty days in advance of the date set for the display, the fire marshal shall make an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. If the fire marshal is satisfied that the display is lawful and there has or will be full compliance with the law, then the fire marshal shall issue a written recommendation for or against the permit, which shall be kept on file in the fire marshal's office and available for review by the ((~~King County board of appeals~~)) office of the hearing examiner. If the fire marshal finds that the permit applicant has complied with the law, the fire marshal may issue a certificate of compliance stating the display is in conformance with all parts of the law and with these regulations. For any scheduled public display, applicants must submit((~~,~~)) such information as deemed appropriate by the ((~~King County department of public safety~~)) sheriff's office to ((~~insure~~)) ensure that adequate traffic control and crowd protection policing has either been arranged through private security agencies or, has been contracted for with the ((~~King County department of public safety~~)) sheriff's office. A written notice that the applicant has complied with the requirement shall be issued by the ((~~director of the King County department of public safety~~)) sheriff before a public display permit is issued((~~, provided, that~~)). ((~~i~~))If the applicant ((~~should~~)) contracts for traffic control and crowd protection policing with ((~~King~~)) the ((~~C~~))county, in no event should the sum agreed upon in payment for ((~~such~~)) the policing be less than the actual expense incurred by the county in providing that service. ((~~Such~~)) The consideration shall be calculated for personnel resources in the hourly rate for overtime under the current collective bargaining agreement((~~,~~)) plus that percentage then being paid for fringe benefits, and all sums paid under ((~~such~~)) the

contract shall be paid in accordance with procedures specified by the ((~~King County office of~~)) finance and business operations division.

D. Every public display of fireworks shall be handled by at least one state licensed operator and one assistant at least ((~~18~~)) eighteen years of age, and shall be so located, discharged((~~,~~)) or fired, that, in the opinion of the fire marshal, after proper investigation, it will not constitute a hazard to property or endanger any person.

E. All fireworks must be fired under the direction of a pyrotechnician licensed by the ((~~S~~))state of Washington.

F. A bond or certificate of insurance must be furnished to the fire marshal before a permit is issued. The bond shall be in the amount of one million dollars (((~~$1,000,000~~))) and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by ((~~such~~)) that public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability insurance policy providing limits of one million dollars (((~~$1,000,000~~))) combined single limit, per occurrence and annual aggregate, and naming ((~~King~~)) the ((~~C~~))county as an additional insured. Any such a bond or insurance policy must be approved by the ((~~King County~~)) fire marshal.

G. A cash deposit in the amount of one hundred ((~~and~~)) fifty dollars (((~~$150.00~~))) must be posted with the fire marshal at least ((~~30~~)) thirty days in advance of the public display date to provide for costs of site cleanup. The deposit shall be forfeited to ((~~King~~)) the ((~~C~~))county if the operator fails to perform ((~~such~~)) the cleanup within ((~~6~~)) six days of the public display. If the operator properly performs the cleanup, the deposit shall be returned to the operator.

H. ((~~Construction of Shells -~~)) The construction of shells for public display shall be in accordance with the National Fire Protection Association (NFPA) Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

I. ((~~Storage.~~)) 1. The storage of fireworks for public display shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

2. There shall be at least two 2A-rated fire extinguishers (two and one half gallon water), UL approved kept as widely separated as possible within the actual area where the discharging will occur.

J. ((~~Preparation of Site and Crowd Control.~~)) 1. The site preparation and crowd control for public displays shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

2. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.

3. The site shall be located so that the trajectory of shells shall not come within 50 feet of any overhead object including but not limited to above ground telephone, telegraph or electrical lines, trees or wooded areas.

K. ((~~Installation of Mortars.~~)) 1. The installation of mortars for public displays shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

L. ((~~Electrical Firing Unit -~~)) The design and use of electrical firing units for public display shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

M. ((~~Operation of the Display and Firing of Shells.~~)) 1. The operation of public displays and the firing of shells shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

2. Only permitted fireworks are authorized for use.

3. When the display is fired from a barge or vessel, a security area shall be established in conformance

with National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 Edition, together with amendments ((~~contained~~)) in this section. No boats shall be allowed within this security area. A boat shall be on standby to remove personnel from the barge or water in an emergency.

4. No smoking or open flames shall be allowed within ((~~50~~)) fifty feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

5. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the county in a safe manner.

6. The debris from discharged fireworks shall be properly disposed.

N. The denial by the fire marshal of a permit for the public display of fireworks may be appealed to the ((~~King County board of appeals~~)) office of the hearing examiner as provided for in K.C.C. 6.26.040.

SECTION 83. Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060 are each hereby amended to read as follows:

A. Franchises may be renewed using either the formal process specified in the Cable Act and in subsection B. of this section or the informal process specified in subsection C. of this section.

B. The following procedure shall be used for all formal renewals effected under the Cable Act:

1. During the six-month period ((~~which~~)) that begins with the thirty-sixth month ((~~prior to~~)) before the expiration of a franchise, the county may on its own initiative, and shall at the request of the franchisee, commence proceedings ((~~which~~)) that afford the public in the franchise area appropriate notice and participation to identify the future cable-related community needs and interests and to review the franchisee's performance under the franchise((~~.~~));

2. Upon completion of the proceeding, the franchisee may, on its own initiative or at the request of the county, submit a proposal for renewal. All such proposals must meet the requirements of this chapter. If the county requests a renewal proposal, it shall establish a date when the renewal proposal shall be due, which shall not be less than thirty (((~~30~~))) days after the request is made((~~.~~));

3. Upon submittal of a completed proposal for renewal by the due date, the county shall notify the public of the proposal and, during the four (((~~(4)~~))-month period, which begins on the date of submission of the cable operator's proposal ((~~pursuant to~~)) under subsection B.2., the county shall issue a preliminary assessment that the franchise should not be renewed or the county shall grant the renewal. The county's failure to make a preliminary assessment or to grant the renewal within the four (((~~(4)~~))-month period shall be deemed to be a preliminary assessment that the franchise should not be renewed and shall entitle the franchisee to the procedure ((~~set out~~)) in ((~~subparagraph~~)) subsection B.4. of this section((~~,~~));

4.a. Whenever a preliminary assessment is made that a ((~~franchisee~~)) franchise should not be renewed, the county may on its own ((~~initiative~~)), and shall at the request of the franchisee, commence an administrative proceeding by the ((~~King County~~)) hearing examiner ((~~pursuant to~~)) under K.C.C. ((~~20.24.080 A.19~~)) 20.24.080, as recodified by this ordinance, after providing notice to the public and the franchisee, to consider whether:

((~~a.~~)) (1) the franchisee has substantially complied with the material terms of the existing franchise and with applicable law;

((~~b.~~)) (2) the quality of the franchisee's service, including signal quality, response to consumer complaints((~~,~~)) and billing practices, but without regard to the mix, quality((~~,~~)) or level of cable services or other services provided over the system, has been reasonable in light of community needs;

((~~c.~~)) (3) the franchisee has the financial, legal((~~,~~)) and technical ability to provide the services, facilities((~~,~~)) and equipment as set forth in the franchisee's proposal; and

((~~d.~~)) (4) the franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting ((~~such~~)) those needs and interests.

b. The franchisee and the cable office shall be afforded fair opportunity for full participation in the proceeding. At the completion of the proceeding, the hearing examiner ((~~county~~)) shall issue a written final decision granting or denying the renewal based upon the record of ((~~such~~)) the proceeding, and transmit a copy

to the franchisee((~~.~~));

5. Any denial of a renewal shall be based on one or more adverse findings made with respect to the factors described in ((~~subparagraphs a. through d. of~~)) subsection B.4.a.(1) through (4) of this section, ((~~pursuant to~~)) under the record of proceeding under ((~~that~~)) subsection B.4.a.(1) through (4) of this section. The county may not base a denial of renewal on conditions listed in ((~~subparagraphs a. or b.~~)) of subsection B.4.a.(1) or (2) of this section unless the county has provided the franchisee with notice and the opportunity to cure, or in any case ((~~in which it is documented~~)) that the county has waived its right to object((~~,~~)) or has effectively acquiesced((~~.~~)); and

6. Any franchisee whose renewal proposal has been denied by a final decision of the county made ((~~pursuant to~~)) in accordance with this subsection B. or has been adversely affected by a failure of the county to act in accordance with procedural requirements of this subsection B. may appeal such a final decision or failure ((~~pursuant to the provisions of~~)) in accordance with the Cable Act.

C. Notwithstanding ((~~the provisions of~~)) subsection B. of this section, a franchisee may submit an informal renewal application ((~~pursuant to~~)) in accordance with this subsection at any time. The following procedure shall be used for all informal renewal applications:

1. A franchisee may submit a renewal application meeting the requirements of this chapter. Submission of a renewal application in accordance with this subsection shall not invoke the formal application process contained in subsection B. of this section;

2. Upon submittal of a completed application, the county shall notify the public of the application and solicit public comments((~~.~~));

3. After receiving the public comments and completing any other review, the county shall either deny or grant the renewal. In determining whether to grant or deny the renewal, the county may consider whether:

a. the franchisee has the technical, legal((~~,~~)) and financial ability to provide the services, facilities((~~,~~)) and equipment as set forth in the franchisee's proposal;

b. the franchisee has substantially complied with the material terms of the existing franchise and with applicable law;

c. the quality of the franchisee's service, including signal quality, response to consumer complaints, billing practices, service mix((~~,~~)) or service level, has been reasonable in light of community needs;

d. the franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting ((~~such~~)) those needs and interests; and

e. such other factors consistent with the intent of this chapter and the Cable Act((~~.~~)); and

4. The denial of a renewal ((~~pursuant to~~)) under this subsection shall not affect action on a renewal application that is submitted in accordance with subsection B. of this section.

SECTION 84. Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140 are each hereby amended to read as follows:

A.1. A franchisee must charge uniform prices throughout the geographic area in which cable service is provided over its cable system, except that different rates may be offered to commercial rate subscribers, and provided further that reduced rates may be offered to:

((~~1.~~)) a. new subscribers,

((~~2.~~)) b. subscribers adding a service that they have not previously received, or

((~~3.~~)) c. disabled, senior citizen, low income or bulk rate subscribers.

2. To the extent provided by federal law, a franchisee may change its rates and charges only if it has given a minimum of thirty (((~~30~~))) calendar days prior written notice to subscribers and the cable office.

B. The county may regulate rates except to the extent it is prohibited from doing so by state or federal law. Any regulated rate shall be adopted by ordinance and shall be processed in accordance with the provisions of K.C.C. 20.24.070, as recodified by this ordinance. The cable office shall promptly notify the hearing examiner of any proposed rate changes. The director of the department of information technology is authorized to issue an order to toll the effective date of proposed rates in accordance with the provisions of the FCC rules

and to take any other action necessary to implement rate regulation. The director of the department of information technology shall adopt rules governing the regulation of rates that:

1. ((~~a~~))Are consistent with the FCC's regulations((~~,~~));

2. ((~~p~~))Provide a reasonable opportunity for consideration of the views of interested parties((~~,~~)); and

3. ((~~e~~))Establish procedures analogous to those set forth by the FCC governing requests that proprietary information produced in the course of a rate proceeding be treated as confidential, to the extent permitted by law

SECTION 85. Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240 are each hereby amended to read as follows:

A. Any remedy imposed by administrative notice and order shall be imposed following the procedure outlined in this section.

B. The notice and order shall contain:

1. ((~~a~~))A statement that the county has found the person to be in violation of this chapter, the cable rules, a franchise agreement or any applicable law, with a brief and concise description of the conditions found to be in violation;

2. ((~~a~~))A statement of any corrective action required to be taken. If the county has determined that corrective action is required, the order shall require that all corrective action commence within such time and be completed within such time as the county determines is reasonable under the circumstances;

3. ((~~a~~))A statement specifying the amount of the civil penalty assessed, if any, on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

4. ((~~a~~))A statement advising that the order shall become final unless, ((~~no later than ten days~~)) after the notice and order are served, any person aggrieved by the order ((~~requests in writing an appeal before the hearing examiner~~)) files an appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

C. Service of the notice and order shall be made upon all persons identified in the notice and order

either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such a person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such a person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail shall be effective on the date of postmark.

D. Any person aggrieved by the order of the county may ((~~request in writing within ten days of the service of the notice and order an appeal hearing before the King County hearing examiner pursuant to K.C.C. 20.24.080 A.19. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing~~)) appeal that order in accordance with K.C.C. 20.24.090 , as recodified by this ordinance.

E.1. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule -making and other powers necessary for conduct of the hearing as specified by K.C.C. ((~~20.24.150~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). ((~~Such~~)) The appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appealing party, to the cable manager((~~,~~)) and to other interested person who have requested in writing that they be so notified. The county may submit a report and other evidence indicating the basis for the enforcement order. Each party shall have the following rights, among others:

a. to call and examine witnesses on any matter relevant to the issues of the hearing;

b. to introduce documentary and physical evidence;

c. to cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

d. to impeach any witness regardless of which party first called ((~~him~~)) the witness to testify;

e. to rebut evidence against ((~~him~~)) the party; and

f. to represent himself or herself or to be represented by anyone of ((~~his~~)) the party's choice who is

lawfully permitted to do so.

2. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if ((~~he~~)) the hearing examiner finds that a violation has occurred. ((~~He~~)) The hearing examiner shall reverse the order if ((~~he~~)) the hearing examiner finds that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested to all the parties.

((~~E. Any order duly issued by the county pursuant to the procedures contained in this chapter shall become final ten days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten-day period.~~)) F. Enforcement of any notice and order of the county issued ((~~pursuant to~~)) under this chapter shall be stayed during the pendency of any appeal under this chapter.

((~~F.~~)) G. An order ((~~which~~)) that is subjected to the appeal procedure shall become final twenty days after mailing of the hearing examiner's decision unless within that time ((~~period~~)) an aggrieved person initiates review by writ of certiorari in King County ((~~S~~))superior ((~~C~~))court.

SECTION 86. Ordinance 16553, Section 4, and K.C.C. 7.09.030 are each hereby amended to read as follows:

A. The director shall issue a notice and order when the director determines that an applicable parking fee has not been paid. The notice and order shall contain:

1. A description of the vehicle parked in violation of this title, including make, model, color and license plate number;

2. Date and time issued;

3. A description sufficient to identify the area where the vehicle was parked when the violation was discovered such as lot identification letter;

4. A statement that the director has found the vehicle parked in violation of parking fee requirements, with a brief and concise description of the conditions that establish the violation;

5. A statement that the director is assessing a civil penalty, the amount of the penalty and a time certain by which the penalty shall be paid from the date of the order; and

6. Statements advising:

a. the director may review and reconsider the notice and order, provided that a request for review and reconsideration is made in writing as provided in this chapter and filed with the director within ten days from the date of service of the notice and order;

b. the address to which the request for review and reconsideration should be sent;

c. the director's decision may be appealed ((~~to the King County office of the hearing examiner provided the appeal is made in writing and filed with the director within 14 days from the mailing of the director's decision, as provided in K.C.C. chapter 20.24~~)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance;

d. failure to timely request director's review and reconsideration will constitute a waiver of all rights to any administrative hearing and determination of the matter;

e. a vehicle with three or more unpaid notice and orders may be immobilized in accordance with any applicable legal requirements and a vehicle with five or more unpaid notice and orders or a vehicle that has been immobilized for more than twenty-four hours may be towed and impounded without prior notice and at the owner's expense, under this chapter and K.C.C. chapter 46.08; and

f. if, in accordance with K.C.C. 7.09.040, the director chooses to provide a uniform automatic civil penalty reduction for prompt payment of a notice and order, then the notice and order shall also include a statement advising how to qualify for that reduction.

B. The notice and order, and any amended or supplemental notice and order, shall be served by affixing the notice and order to the vehicle for which the parking fee was not paid, in a conspicuous location, usually the windshield.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration

under penalty of perjury, executed by the person effecting service and declaring the time, date, and manner in which service was made. A copy of the notice and order shall be kept on file by the department of natural resources and parks.

SECTION 87. Ordinance 16553, Section 5, and K.C.C. 7.09.040 are each hereby amended to read as follows:

A. A person served with a notice and order pursuant to this chapter may request in writing, within ten days of being served with a notice and order, that the director review and reconsider the notice and order.

B. The review shall be performed without a hearing and be based solely on written information provided by the person requesting review and by county personnel or agents.

C. Upon review, the director may uphold the notice and order or waive or reduce the fine or any other penalty contained in the notice and order.

D. The director shall mail the written decision to the person requesting review.

E. The decision shall notify the person requesting review of the right to appeal the director's decision ((~~pursuant to this chapter and the procedure for filing the notice of appeal of the director's decision~~)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

F. In addition, the director may implement a uniform system to automatically reduce civil penalties that are paid within a specified period. If the director chooses to implement such an automatic penalty reduction for prompt payment, then the director shall notify the public of that option, and take steps to facilitate the public's ability to promptly pay a reduced civil penalty. The amount of the penalty reduction, the duration of the grace period, and the penalty collection mechanism shall be established by the director in the director's sole discretion. However, the director may not change the amount of the reduction, the duration of the grace period, or the penalty collection system more frequently than once every six months.

SECTION 88. Ordinance 16553, Section 6, and K.C.C. 7.09.050 are each hereby amended to read as follows:

A. The ((~~King County~~)) office of the hearing examiner shall hear appeals of the director's decisions under this chapter.

B. Any person having received a director's decision under K.C.C. 7.09.040 may appeal that decision ((~~by filing a notice of appeal pursuant to K.C.C. chapter 20.24~~)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

C. The procedures for initiating and conducting the appeal shall be governed by K.C.C. ((~~chapter 20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

D. Enforcement of any notice and order of the director shall be stayed during the pendency of a director's review or an appeal therefrom which is properly and timely filed pursuant to K.C.C. chapter 20.24.090, as recodified by this ordinance.

SECTION 89. Ordinance 16553, Section 13, and K.C.C. 7.09.120 are each hereby amended to read as follows:

A. Service of a notice and order under K.C.C. 7.09.030 shall be deemed effective on the date the notice and order is placed on the vehicle.

B. Service of a director's decision under K.C.C. 7.09.040 shall be deemed effective three days after a written copy of the decision is mailed to the person requesting review.

C. Service of a hearing examiner's decision under K.C.C. 7.09.050 shall be deemed effective ((~~three days after~~)) on the date a written copy of the decision is mailed to the person appealing the director's decision.

SECTION 90. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are each hereby amended to read as follows:

A. Any person billed for service charges may file a request for rate adjustment with the division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the director only when one of the

following conditions exists:

1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381. Parcels qualifying under this subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;

2. The acreage of the parcel charged is in error;

3. The parcel is nonresidential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the division;

4. The parcel is nonresidential and the parcel meets the definition of open space in K.C.C. 9.08.010. Parcels qualifying under this subsection B.4. shall be charged only for the area of impervious surface and at the rate that the parcel is classified under using the total parcel acreage;

5.((~~a.~~)) The parcel is nonresidential and is served by one or more of the following types of controls used to mitigate the impacts of surface and storm water runoff from the impervious surfaces of the parcel, and any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water or ground water:

(((~~1~~))) a. one or more flow control facilities that are required under K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide flow control of surface and storm water to the standards in K.C.C. chapter 9.04, when any such a facility is maintained at the expense of the parcel owner to the standards required by the department. Parcels qualifying under this subsection B.5.a.((~~1~~)) shall receive a twenty percent discount when runoff is controlled on fifty percent or more of the property's impervious surface by the single or multiple flow control facilities;

(((~~2~~))) b. one or more flow control facilities that are required under K.C.C. chapter 9.04 and designed to the standards in the 1990 or later editions of the Surface Water Design Manual, or that is demonstrated by the property owner to provide flow control of surface and storm water to the standards in the 1990 or later editions

of the Surface Water Design Manual, when any such a facility is maintained at the expense of the parcel owner to the standards required by the department. Parcels qualifying under this subsection B.5.((~~a.(2)~~))b. shall receive a twenty percent discount when runoff is controlled on fifty percent or more of the property's impervious surface by the qualifying single or multiple flow control facilities. This discount is available in addition to other qualifying discounts in this subsection B.5.((~~a.~~));

(((~~(3)~~))) c. one or more flow control best management practices or infiltration facilities that are either required under K.C.C. chapter 9.04, or is demonstrated by the property owner to provide absorption or dispersion of surface and storm water to the standards in K.C.C. chapter 9.04, when any such a practice or facility is maintained at the expense of the parcel owner to the standards required by the department. Parcels qualifying under this subsection B.5.((~~a.(3)~~))c. shall receive a twenty percent discount when runoff is absorbed or dispersed on fifty percent or more of the property's impervious surface by flow control best management practices or infiltration facilities. This discount is available in addition to other qualifying discounts in this subsection B.5.((~~a.~~));

(((~~(4)~~))) d. one or more water quality treatment facilities that are required under K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04, when any such a facility is maintained at the expense of the parcel owner to the standards required by the department. Parcels qualifying under this subsection B.5.((~~a.(4)~~))d. shall receive a twenty percent discount when runoff is treated on fifty percent or more of the property's impervious surface by the single or multiple water quality treatment facilities. This discount is available in addition to other qualifying discounts in this subsection B.5.((~~a.~~));

(((~~(5)~~))) e. increased surface and storm water management activities conducted by the parcel owner as mandated by the state through a National Pollutant Discharge Elimination System permit for post construction stormwater discharges. The activities include, but are not limited to, frequent facility inspections, surface water monitoring, reporting of facility performance and prompt correction of identified surface water problems.

Satisfactory compliance with the permit is required for this discount, as determined by the department. Parcels qualifying under this subsection B.5.((~~a.(5)~~))e. shall receive a ten percent discount in addition to other qualifying discounts in this subsection B.5.((~~a.~~)); and

(((~~6~~))) f. when the requirements of subsection B.5.a.(((~~1~~))) through (((~~4~~))) d. of this section stating the specified facilities must address the impacts of at least fifty percent of the impervious surfaces on-site cannot be met, the discounts provided in said subsections shall be prorated as follows:

(((~~a~~))) (1) forty to less than fifty percent of impervious surface: sixteen percent discount;

(((~~b~~))) (2) thirty to less than forty percent of impervious surface: twelve percent discount;

(((~~c~~))) (3) twenty to less than thirty percent of impervious surface: eight percent discount; and

(((~~d~~))) (4) four to less than twenty percent of impervious surface: four percent discount((~~.~~

~~b. Applications for a two-rate discount on surface water management fees, as authorized in subsection B.5. of this section, as amended by Ordinance 16958 and Ordinance 17246, shall not be accepted after December 31, 2012~~));

6. The parcel is residential and is served by one or more flow control or water quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the property owner to provide flow control or water quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the expense of the parcel owner to the standards required by the department. In addition any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Residential parcels qualifying under this subsection B.6. shall receive a fifty percent discount;

7. The parcel contains at least sixty-five percent forest and no more than twenty percent impervious surface, the runoff from which is dispersed through the forested area to the standards in the surface water management fee protocols, resulting in an effective impervious area of no more than ten percent for the entire

parcel. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Nonresidential parcels qualifying under this subsection B.7. shall receive an eighty percent discount. Residential parcels qualifying under this subsection B.7. shall receive a fifty percent discount. The discounts in this subsection B.7. may be applied in lieu of but not in addition to other qualifying discounts in subsection B.5. and B.6.((÷));

8. The parcel is owned or leased by a public school district that provides activities that directly benefit the surface water management program. The activities may include, but are not limited to: curriculum specific to the issues and problems of surface and storm water management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and storm water management system. According to RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district but not to exceed the value of the activity to the surface water management program. Determination of which activities qualify for the surface water management service charge reduction shall be made by the division. Reductions in surface water management service charges may only be granted to school districts that provide programs that have been evaluated by the division. The rate adjustment for the school district activity may be applied to any parcel in the service area that is owned or operated by the school district;

9. The parcel is owned by a federally recognized tribe or member of such tribe and is located within the historical boundaries of a reservation and thus is not subject to the charges provided for in this chapter; or

10. The service charge bill was otherwise not calculated in accordance with this chapter.

C. The dollar amount of debt service on revenue or general obligation bonds issued to finance storm water control facilities shall not be reduced by the rate adjustments referred to in subsection B.5., 6. and 7. of this section.

D. The property owner shall have the burden of proving that the rate adjustment sought should be

granted.

E. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted under subsection((s)) B.1., 2., 3. and 4. of this section that reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years. The adjustments provided for in subsection B.5., 6. and 7. of this section are prospective only from January 1, 2013. A reduction in charges for the billing years before January 1, 2013, shall not be granted under subsection B.5., 6. and 7. of this section.

F. If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued that reflects the increase in the service charge or the undercharged amount shall be added to the next year's bill. The amended bill shall be due and payable under K.C.C. 9.08.100. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

G. Decisions of the director on requests for rate adjustments shall be final unless ((~~within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the King County hearing examiner~~)) the applicant files an appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance. The examiner's decision shall be a final decision as authorized by K.C.C. 20.24.080, as recodified by this ordinance.

SECTION 91. Ordinance 1396, Article II, Section 12, as amended, and K.C.C. 11.04.140 are each hereby amended to read as follows:

Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog purveyors, guard dog trainers and guard dog owners - additional conditions. The manager of the regional animal services section is authorized to promulgate rules and regulations not in conflict with this title as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, hobby

catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners. The rules and regulations may be enacted only after a public hearing has been held regarding the rules and regulations. Enforcement of these rules and regulations may be appealed to the ((~~county board of appeals~~)) office of the hearing examiner.

SECTION 92. Ordinance 1396, Article III, Section 9, as amended, and K.C.C. 11.04.260 are each hereby amended to read as follows:

A. Whenever the manager of the regional animal services section or animal care and control officer has found an animal maintained in violation of this chapter, the manager of the regional animal services section shall commence proceedings to cause the abatement of each violation.

B. The manager of the regional animal services section or animal care and control officer shall issue a notice of violation and an order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this chapter. The notice and order shall contain:

1. The name and address if known of the owner or person presumed to be the owner of the animal in violation of this chapter;

2. The license number, if available, and description of the animal in violation sufficient for identification;

3. A statement to the effect that the manager or animal care and control officer has found the animal maintained illegally with a brief and concise description of the conditions, which caused the animal to be in violation of this chapter, including reference to the specific sections of code or statute violated and, where relevant, reference to the specific sections of code or statute authorizing removal of the animal;

4. A statement of the action required to be taken to abate the violation, as determined by the manager of the regional animal services section.

a. If the manager has determined the animal in violation must be disposed of, the order shall require that the abatement be completed within a specified time from the order as determined by the manager to be

reasonable;

b. If the manager of the regional animal services section determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days from the order((.));

5. Statements advising that if any required abatement is not commenced within the time specified, the manager of the regional animal services section shall proceed to cause abatement and charge the costs thereof against the owner; and

6. Statements advising:

a. that a person having a legal interest in the animal may appeal from the notice of violation and order or any action of the manager of the regional animal services section to the ((~~board of appeals, but only if the appeal is made in writing as provided by this chapter and filed with the manager of the regional animal services section within fourteen days from the service of the notice of violation and order~~)) office of the hearing examiner by filing an appeal with the section in accordance with K.C.C. 20.24.090, as recodified by this ordinance; and

b. that failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the matter.

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.

D. Service of the notice of violation and order shall be made upon all persons entitled thereto:

1. Personally;

2. By mailing a copy of the notice of violation and order by certified mail, postage prepaid, return receipt requested, to the person at the person's last known address; or

3. By posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if the owner or person is not home.

E. Proof of service of the notice of violation and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and

manner in which service was made.

SECTION 93. Ordinance 1396, Article III, Section 10, as amended, and K.C.C. 11.04.270 are each hereby amended to read as follows:

((~~A.~~)) The ((~~King County board of appeals as established by Article 7 of the King County Charter~~)) office of the hearing examiner is designated to hear appeals by parties aggrieved by actions of the manager of the regional animal services section under this chapter. The ((~~board~~)) examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the ((~~board~~)) examiner shall be delivered to the manager of the regional animal services section, who shall make them freely accessible to the public. All examiner decisions and findings ((~~of the board~~)) shall be rendered to the appellant in writing with a copy to the manager of the regional animal services section.

((~~B. Any person entitled to service under K.C.C. 11.04.260.B. may appeal from any notice and order or any action of the manager of the regional animal services section under this chapter by filing at the office of the manager of the regional animal services section within fourteen days from the service of the order, a written appeal containing:~~

~~1. A heading in the words: "Before the Board of Appeals of the County of King";~~

~~2. A caption reading: "Appeal of _____ giving the names of all appellants participating in the appeal;~~

~~3. A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order;~~

~~4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;~~

~~5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;~~

~~6. The signatures of all parties' names as appellants, and their official mailing addresses;~~ and

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~~7. The verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.~~

~~C. The board of appeals shall set a time and place, not more than thirty days from the notice of appeal for a hearing on the appeal. Written notice of the time and place of hearing shall be given at least ten days before the hearing to each appellant by the manager-clerk of the board.~~

~~D. At the hearing, the appellant shall be entitled to appear in person, to be represented by counsel and to offer evidence that is pertinent and material to the action of the manager of the regional animal services section. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.~~

~~E. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the right to an administrative hearing.~~

~~F. Enforcement of any notice and order of the manager of the regional animal services section issued under this chapter shall be stayed during the pending of an appeal, except impoundment of an animal that is vicious or dangerous or cruelly treated.~~

~~G. In proceedings before the board, the regional animal services section 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 94. Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115 are each hereby amended to read as follows:

A. Where a complaint alleging a violation of this chapter has been filed by any individual or entity, including a contract awarding authority, within six months of the completion of all work on a contract alleging a violation of this chapter by a contractor or where, within that same ((~~time~~)) period, evidence of a violation is discovered from information gained through compliance monitoring or auditing, the administrator shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint or notice of

investigation on the respondent within twenty days after the filing of said charge and shall promptly make an investigation thereof. If a party selected by the administrator conducts the investigation, the costs of such an investigation shall be borne by the department or project, as applicable, for which the contract was awarded. The investigation shall be directed to ascertain the facts concerning the violation alleged in the complaint and shall be conducted in an objective and impartial manner. During such an investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint ((~~which~~)) that the complainant or the respondent wishes to submit.

1.a. The administrator shall have the authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person or entity subpoenaed, and access to evidence for the purpose of examination and copying as is necessary for the investigation. The administrator shall consult with the prosecuting attorney before issuing any subpoena under this section.

b. If an individual or entity fails to obey a subpoena issued hereunder, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the administrator may seek the assistance of the county prosecuting attorney by requesting that the prosecuting attorney petition the superior court for King County for an order or other appropriate action necessary to secure enforcement of the subpoena.

2. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that a violation has been or is being committed. If a finding is made that there is no reasonable cause, said finding shall be served on the complainant and respondent. Within thirty days after service of such negative finding, the complainant shall have the right to file a written request with the administrator asking for reconsideration of the finding. The administrator shall respond to such request in writing within a reasonable time by granting or denying the request and specifying the reasons for either granting or denying the request.

B.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to

believe that a violation by a contractor subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may, by agreement of the parties, include monetary compensation, the creation of additional opportunities for the employment of persons on other contracts, or such other requirements as may lawfully be agreed upon by the parties and the administrator. Any settlement agreement shall be reduced to writing and signed by both parties. An order shall then be entered by the administrator setting forth the terms of the agreement. Copies of such an order shall be delivered to all affected parties and the original thereof recorded with the records and licensing services division.

2. If no agreement can be reached, a finding to that effect shall be made by the administrator and incorporated in a preliminary order, with a copy thereof furnished to the complainant and respondent. The preliminary order shall also include:

((~~1. A~~)) a. a finding that a violation has occurred; and

((~~2.~~)) b. ((~~T~~))the basis for such a finding.

C.1. In the case of failure to reach an agreement for the elimination of such a violation, and upon the entry of a preliminary order, the complaint and any and all findings made and remedies ordered shall be certified by the administrator to the office of the county hearing examiner for hearing.

2. A hearing shall thereafter be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the preliminary order. The hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers necessary for conduct of the hearing as are specified by K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). Such hearings shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days ((~~prior to~~)) before the date of the hearing to each affected party and to the administrator.

3. Each party ((~~shall have~~)) has the following rights, among others:

((~~1.~~)) a. ((~~T~~))to call and examine witnesses on any matter relevant to the issues of the complaint;

((~~2.~~)) b. ((~~T~~))to introduce documentary and physical evidence;

((~~3.~~)) c. ((~~T~~))to cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

((~~4.~~)) d. ((~~T~~))to impeach any witness regardless of which party first called such witness to testify;

((~~5.~~)) e. ((~~T~~))to rebut evidence presented against a party; and

((~~6.~~)) f. ((~~T~~))to self-representation or to be represented by anyone of a party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions, shall render a written decision and shall order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;

2. Cancellation of the contract in part or in whole;

3. Disqualification of the violator from participation in county contracts for a period of up to five years;

4. Exclusion of the violator from future contracts or vending until demonstration of compliance; and

5. Enforcement of any provision of the contract providing remedies, such as penalties or liquidated damages for violation of contractual provisions or enforcement of any other remedy available under the laws of the county. Upon a finding by the hearing examiner that a contractor has in fact failed to abide by the provisions of this chapter, liquidated damages shall be imposed unless the hearing examiner finds that the imposition of such damages would be clearly inequitable, in which case the hearing examiner may grant such other relief as may be lawful and appropriate.

E. In the case where the alleged violator is the contract awarding authority and a finding is made that there is reasonable cause to believe that the contract awarding authority has committed a violation, the finding shall be forwarded to the executive, who shall review the evidence and may order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;

2. Corrective personnel action;

3. Disqualification and suspension of authority of all members, any board, commission, or other body constituting the violating contract awarding authority; and

4. Enforcement of any other remedy available under the laws of the county.

F. In addition to any other remedy available under the laws of the county and the state of Washington, any person, firm, corporation, business, union or organization that prevents or interferes with or retaliates against a contractor or subcontractor's efforts to comply with this chapter or that submits false or misleading information to any county department or employee concerning compliance with this chapter shall be subject to a civil penalty of up to five thousand dollars for each occurrence, the county having previously complied with the notice and hearing provisions of this chapter. Each submission of false or misleading information shall constitute a separate occurrence.

SECTION 95. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are each hereby amended to read as follows:

A.((~~1.~~)) A party aggrieved by an order of the office of civil rights may ((~~request in writing within thirty days of the service of the order an appeal hearing before the county office of the hearing examiner. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:~~

~~a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;~~

~~b. specific reasons why the county's action should be reversed or modified; and~~

~~c. the desired outcome of the appeal.~~

~~2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues that the~~

~~examiner may consider~~)) appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

B. ((~~An order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.~~

~~C.~~)) If the order of the office of civil rights is appealed, the office of the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing and the hearing examiner shall have such rule-making and other power necessary for the conduct of the hearing as are specified by K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

((~~D.~~)) C. Each party has the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party;
6. To represent himself or herself or to be represented by anyone of the party's choice who is lawfully permitted to do so.

((~~E.~~)) D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation has occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant any relief that the office of civil

rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

SECTION 96. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are each hereby amended to read as follows:

A.((~~1.~~)) Any respondent or charging party, after by an order of the office of civil rights is made in accordance with K.C.C. 12.18.060.B, may ((~~request an appeal hearing before the hearing examiner by filing a written request for hearing within thirty days of the service of the order. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:~~

~~a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;~~

~~b. specific reasons by the county's action should be reversed or modified; and~~

~~c. the desired outcome of the appeal.~~

~~2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues the examiner may consider~~)) appeal that order in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

B. ((~~Any order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.~~)) If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be

conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

C. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;

2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

4. Impeach any witness regardless of which party first called the witness to testify;

5. Rebut evidence against him or her; and

6. Represent himself or herself or be represented by anyone of his or her choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

SECTION 97. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are each hereby amended to read as follows:

A.1. Any charging party, respondent or aggrieved person on whose behalf the finding was made, after an order of the office of civil rights is made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of civil rights shall provide the charging

party, respondent and aggrieved person on whose behalf the finding was made with information regarding how to make the election. This election must be made not later than thirty days after the receipt by the electing person of service of the order. The person making the election shall give notice of the election stating which forum is elected to the office of civil rights and to all other charging parties and respondents to whom the complaint relates. The notice of election should identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons by the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Any order issued by the office of civil rights under K.C.C. 12.20.090.B. becomes final thirty days after service of the order unless a written notice of election is filed with the office of civil rights within the thirty-day period. If the order becomes final, parties violating the order are subject to the enforcement provisions of K.C.C. 12.20.120.

B. If no election of civil action is made, and an election for hearing is made, the complaint, any and all findings made and either affirmative action measures or civil penalties, or both, required shall be certified by the office of civil rights to the office of the hearing examiner for hearing.

C. A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by K.C.C. (~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). The office of civil rights shall maintain the action and the order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil

rights.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;

2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

4. Impeach any witness regardless of which party first called him or her to testify;

5. Rebut evidence against him or her; and

6. Represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B., as recodified by this ordinance.

SECTION 98. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are each hereby amended to read as follows:

A.1. Any respondent or charging party, after an order of the office of civil rights is made in accordance with K.C.C. 12.22.060.B, may request an appeal hearing before the hearing examiner by filing a written request for hearing within thirty days of the service of the order. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or

the procedural irregularities associated with that action or decision;

b. specific reasons why the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues that the examiner may consider.

B. Any order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.

C. If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this this ordinance. The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;

2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

4. Impeach any witness regardless of which party first called the witness to testify;

5. Rebut evidence against him or her; and

6. Represent himself or herself or be represented by anyone of his or her choice who is lawfully

permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

SECTION 99. Ordinance 10095, Section 8, as amended and K.C.C. 13.24.090 are each hereby amended to read as follows:

A. The utilities technical review committee shall ensure that the provisions of K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be responsible for providing the notification to tribal governments provided for in K.C.C. 13.20.020 for actions under that section that fall within the authority of the committee.

B. The utilities technical review committee shall:

1. Review and make recommendations to the King County executive and the King County council on the adequacy of all sewer and water system comprehensive plans and related matters, and determine their consistency with the King County Comprehensive Plan;

2. Have the authority to approve additions and betterments to council-approved sewer and water comprehensive plans without referral to the council in order to serve developments that have received preliminary approval from the King County council;

3.a. Serve as the appeal body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans, based on

whether an existing water purveyor can provide service in a timely and reasonable manner (WAC 246-293-190).

b. An appeal under subsection B.3.a. of this section is subject to all of the following:

(1) A notice of appeal or request to find that water service is or is not available in a timely and reasonable manner shall be filed with the utilities technical review committee and shall be accompanied by a nonrefundable fee as prescribed in K.C.C. 4A.710.100;

(2) Written materials from the appellant and the water purveyor and any interested parties may be submitted on forms developed by the utilities technical review committee. The committee shall evaluate such submittals and any other submitted written materials in light of applicable state laws, regulations and policies. The committee shall issue a final written determination, including findings and conclusions, within thirty days of the date that the written record is complete;

(3) The utilities technical review committee shall provide its written determination together with the procedures for administrative appeals, to the appellant, to the water purveyor, and to any person, who, before the determination, has requested notice of the determination; and

(4) The written determination by the utilities technical review committee shall be the final county action, unless further appeal is made to the office of the hearing examiner, in accordance with K.C.C. 20.24.080 , as recodified by this ordinance, and 20.24.090, as recodified by this ordinance. In such an appeal to the hearing examiner, the written determination shall constitute the department report for the purposes of K.C.C. 20.24.150, as recodified by this ordinance.

c. The utilities technical review committee is authorized to establish by rule the procedures and timeframes for submittal to the committee of any requests for an appeal as provided for under this chapter and K.C.C. chapter 13.28; and

4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136 relative to sewer expansion in rural and resource areas. The determination that sewer expansion in rural and resource areas is

necessary shall be based on information concerning the feasibility of alternative treatment technologies as provided by the Seattle-King County department of public health.

SECTION 100. Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015 are each hereby amended to read as follows:

A. The ((~~zoning and subdivision~~)) office of the hearing examiner shall hold public hearings on vacations which have been recommended for approval by the department of transportation, and provide a recommendation to the ((~~King County~~)) council, as prescribed by RCW 36.87.060.

B. In the event the report by the department of transportation recommends denial of the vacation petition, the following shall be the operating procedure:

1. The department of transportation shall transmit ((~~W~~))written notification ((~~shall be transmitted~~)) to the petitioner, ((~~by the department of transportation~~)) citing the rationale for the denial and indicating that the denial may be appealed to the ((~~zoning and subdivision~~) office of the hearing examiner for hearing and recommendation to the council. ((~~A~~)) The department of transportation shall file a copy of the notice of denial ((~~shall be filed~~)) with the council clerk's office.

2. The notice of denial shall be final unless the petitioner files an ((~~written appeal including a two hundred dollar administrative fee with the council clerk within thirty calendar days of the issuance of the notice of denial. The petitioner's written appeal shall specify the basis for the appeal and any arguments in support of the appeal~~)) appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

3. Any appeal filed by a petitioner shall be processed by the ((~~zoning and subdivision~~)) office of the hearing examiner in the same manner as vacations recommended for approval.

SECTION 101. K.C.C. 14.40.017 is hereby decodified.

SECTION 102. Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020 are each hereby amended to read as follows:

The amount of compensation, if required in this chapter, shall be recommended by the hearing examiner

and shall be determined by the council according to the following criteria:

A. Vacation of all county roads included in Classes A, B((,)) and C, if granted, shall require compensation: at the full appraised value of the vacated road for Class A vacations; at ((~~75%~~)) seventy-five percent of the full appraised value for Class B vacations; and at ((~~50%~~)) fifty percent of full appraised value for class C vacations as of the effective date of the vacation, which amount, for the purposes of this chapter, may be determined from the records of the department of assessments((~~; Provided, that~~)); however, the hearing examiner may propose and the council shall have the authority to accept real property of equal or greater value in lieu of cash compensation. The council shall have the authority to waive some or all of the compensation, except two hundred dollars administrative costs for processing the vacation of a county road, where the petitioner is providing an alternative road to the county of equal or greater value and said alternative will fulfill the public purposes of the previous transportation circulation plan.

B. Vacation of all county roads included in Class D, or those roads vacated by operation of law under the laws of 1889-1890 and affirmed by council action, if granted, shall require a two hundred dollar fee as compensation for the administrative costs of the vacation.

C. In the recommendation to the council pursuant to K.C.C. 20.24.070, as recodified by this ordinance, the ((~~zoning and subdivision~~)) hearing examiner may recommend the acceptance of real property of equal or greater value in lieu of cash compensation, or may recommend the waiver of some or all of the compensation required by this section.

D. When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council.

E. The council may waive some or all of the compensation for any classification of road, if it determines that it would benefit King County to do so

SECTION 103. Ordinance 10733, Section 8, as amended, and K.C.C. 14.60.080 are each hereby

amended to read as follows:

Any affected employer may request reconsideration of a decision by the director. ((~~A written appeal to the hearing examiner must be filed within the time period prescribed by K.C.C. chapter 20.24. The appeal must state the decision being appealed and the grounds for the appeal. The appeal shall be reviewed in accordance with K.C.C. chapter 20.24.~~)) If the director denies the request for reconsideration in whole or in part, the director's final decision may be appealed in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

SECTION 104. Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030 are each hereby amended to read as follows:

((~~A. Appeals of t~~))The department's final decisions relative to MPS and IS ((~~shall be filed with the director or the director's designee.~~

~~B. The appeals shall be in written form, stating the grounds for the appeal, and shall be filed within ten calendar days of the receipt of notification of the department's final appealable decision in the matter being~~)) may be appealed in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

SECTION 105. Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150 are each hereby amended to read as follows:

In order to obtain an appealable final decision the developer must:

A. Request in writing a review of the fee amount by department staff. The department staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

B. Request in writing reconsideration by the director or the director's designee of an adverse decision by staff. Such request for reconsideration shall state in detail the grounds for the request. After reviewing the request, ((~~T~~)) the director or the director's designee shall issue a final ((~~, appealable decision after reviewing the request~~)) decision, which is appealable in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

SECTION 106. Ordinance 6746, Section 19, as amended and K.C.C. 16.32.170 are each hereby amended to read as follows:

A.1. A board of appeals shall be established and shall consist of six voting members as follows:

((1.)) a. ((O))one member representing journeyman plumbers;

((2.)) b. ((O))one member representing plumbing contractors;

((3.)) c. ((O))one member representing professional mechanical engineers;

((4.)) d. ((O))one member representing and building owners; and

((5.)) e. ((T))two members representing the public.

2. The authority having jurisdiction shall serve as a nonvoting member of the board. The board of appeals shall elect a chair and a secretary who shall serve at the pleasure of the board.

B. Any party aggrieved by a decision of the authority having jurisdiction made pursuant to this code either in the context of a specific project or permit application or in the context of an application for approval of an alternate material or method of construction, or both, may file a written petition for appeal to the board accompanied by a nonrefundable fee of one hundred dollars. Appeals shall be heard at reasonable times at the convenience of the board, but not later than thirty days after receipt of the petition. However, this time requirement may be waived by written agreement between the authority having jurisdiction and the appellant if doing so will facilitate resolution of the dispute. The appellant shall be entitled to appear in person before the board, to be represented by an attorney, and to introduce evidence in support of such petition. The appellant shall cause to be made at the appellant's own expense any test or research required by the board for the substantiation of any claim or claims made by the appellant. The board of appeals shall determine whether a correct interpretation of this code has been made by the authority having jurisdiction.

C. Decisions of the board shall be in writing, distributed to the authority having jurisdiction and the appellant and apply only to the case being heard. Board decisions are deemed issued on the date that the decision is delivered to the appellant or the appellant's counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a decision of the board may appeal the decision of the board to the King County hearing examiner as provided in K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section

2 of this ordinance).

D. The board may make recommendations to the authority having jurisdiction for changes in the code.

SECTION 107. Ordinance 13694, Section 41, as amended, and K.C.C. 19A.08.060 are each hereby amended to read as follows:

Applications for approvals ((~~pursuant to~~)) under this title shall be reviewed in accordance with the applicable procedures of any combination of this title and K.C.C. chapters 20.20 and ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance). Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted county and state rules, regulations, plans and policies including, but not limited to:

A. Chapter 43.21C RCW (SEPA);

B. Chapter 58.17 RCW (Subdivisions);

C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);

D. K.C.C. Title 9 (Surface Water Management);

E. K.C.C. Title 13 (Sewer and Water);

F. K.C.C. Title 14 (Roads and Bridges);

G. K.C.C. Title 17 (Fire Code);

H. K.C.C. chapter 20.44 (SEPA);

I. K.C.C. Title 21A (Zoning);

J. K.C.C. Title 23 (Code Enforcement);

K. Administrative rules adopted ((~~pursuant to~~)) under K.C.C. chapter 2.98;

L. King County board of ((~~public~~)) health rules and regulations;

M. King County approved utility comprehensive plans;

N. King County Comprehensive Plan;

O. ((~~County wide~~)) Countywide Planning Policies; and

P. This title.

SECTION 108. Ordinance 13694, Section 67, and K.C.C. 19A.16.070 are each hereby amended to read as follows:

A. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.

B. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20. Mailing notification shall also include owners of each lot or parcel of property within the subdivision to be altered.

D. An application shall be processed as a Type 3 permit pursuant to K.C.C. ((~~C~~))chapter 20.20 and K.C.C. 20.24.080, as recodified by this ordinance. The application may be approved if the proposed alteration is consistent with the required findings of K.C.C. 20.24.195, as recodified by this ordinance.

E. After approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, to be processed in the same manner as set forth for final plats in this title.

SECTION 109. Ordinance 13694, Section 69, and K.C.C. 19A.16.090 are each hereby amended to read as follows:

A. Plat and short plat vacations shall be processed as follows and in accordance with ((~~the provisions of~~)) RCW 58.17.212.

B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration ((~~pursuant to~~)) in accordance with K.C.C. 20.24.070, as recodified by this ordinance.

Following the public hearing the hearing examiner shall determine if the proposed vacation is consistent with the required findings of K.C.C. 20.24.195, as recodified by this ordinance. If the proposal is found to serve such purposes, the hearing examiner may recommend that the county council approve the application.

C. Applications for vacations of county roads may be processed ((~~pursuant to~~)) 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.

SECTION 110. Ordinance 263, Art. 1, Section 11, as amended, and K.C.C. 20.08.120 are each hereby amended to read as follows:

"Examiner" means the office of the hearing examiner as established by K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

NEW SECTION. SECTION 111. There is hereby added to K.C.C. chapter 20.08 a new section to read as follows:

"SEPA" means the State Environmental Policy Act.

SECTION 112. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205 are each hereby amended to read as follows:

The following King County Code sections that are in effect ((~~on~~)) as of April 7, 2013, are adopted as land use and development regulations within the shoreline jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, 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 permitting and environmental review shall, within ten days after the date of ((~~Washington state~~)) Department of Ecology's approval, file a copy of the ((~~state~~)) 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 and forward electronic copies to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor:

A. The following sections ((~~within~~)) in K.C.C. Title 20:

1. K.C.C. 20.18.040;

2. K.C.C. 20.18.050;

3. K.C.C. 20.18.056;

4. K.C.C. 20.18.057;

5. K.C.C. 20.18.058; and

6. K.C.C. 20.24.510, as recodified by this ordinance; and

B. The following sections ((~~within~~)) in K.C.C. Title 21A:

1. K.C.C. 21A.06.118;

2. K.C.C. 21A.06.156;

3. K.C.C. 21A.06.181;

4. K.C.C. 21A.06.181.E.;

5. K.C.C. 21A.06.181.G.;

6. K.C.C. 21A.06.182;

7. K.C.C. 21A.06.333.A.;

8. K.C.C. 21A.06.401;

9. K.C.C. 21A.06.469;

10. K.C.C. 21A.06.573;

11. K.C.C. 21A.06.653;

12. K.C.C. 21A.06.738;

13. K.C.C. 21A.06.796;

14. K.C.C. 21A.06.796.A.;

15. K.C.C. 21A.06.825

16. K.C.C. 21A.06.892;

17. K.C.C. 21A.06.913;

18. K.C.C. 21A.06.971;

19. K.C.C. 21A.06.1081;

20. K.C.C. 21A.06.1082.A.;

21. K.C.C. 21A.06.1082.B.;

22. K.C.C. 21A.06.1082.C.;

23. K.C.C. 21A.06.1082.D.;

24. K.C.C. 21A.06.1083;

25. K.C.C. 21A.06.1083.A.;

26. K.C.C. 21A.06.1268;

27. K.C.C. 21A.06.1385;

28. K.C.C. 21A.06.1386;

29. K.C.C. 21A.06.1388;

30. K.C.C. 21A.06.1389;

31. K.C.C. 21A.24.045;

32. K.C.C. 21A.24.051;

33. K.C.C. 21A.24.055;

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

35. K.C.C. 21A.24.125;

36. K.C.C. 21A.24.130;

37. K.C.C. 21A.24.133;

38. K.C.C. 21A.24.200;

39. K.C.C. 21A.24.210;

40. K.C.C. 21A.24.220;

41. K.C.C. 21A.24.230;

42. K.C.C. 21A.24.240;

43. K.C.C. 21A.24.250;

44. K.C.C. 21A.24.260;

45. K.C.C. 21A.24.275;

46. K.C.C. 21A.24.280;

47. K.C.C. 21A.24.290;

48. K.C.C. 21A.24.300;

49. K.C.C. 21A.24.310;

50. K.C.C. 21A.24.316;

51. K.C.C. 21A.24.325;

52. K.C.C. 21A.24.335;

53. K.C.C. 21A.24.340;

54. K.C.C. 21A.24.358;

55. K.C.C. 21A.24.365;

56. K.C.C. 21A.24.380;

57. K.C.C. 21A.24.382;

58. K.C.C. 21A.24.386;

59. K.C.C. 21A.24.388;

60. K.C.C. 21A.32.045;

61. K.C.C. 21A.50.030; and

62. K.C.C. chapter 21A.25.

SECTION 113. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each hereby amended to read as follows:

A. Site-specific land use map and shoreline master program map amendments are legislative actions

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

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

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

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

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:

1. Applicant information, including signature, telephone number and address;

2. The applicant's interest in the property, such as owner, buyer or consultant; and

3. Property owner concurrence, including signature, telephone number and address.

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

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

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

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

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

((~~E.~~)) F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

((~~F.~~)) G. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal((~~,~~)) following the initial review conference, the executive shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

((~~G.~~)) H. Following the submittal of the information required by subsection((~~s D.,~~)) E. ((~~or~~)), F. or G. of this section, the department of permitting and environmental review shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of permitting and environmental review shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G.((~~,~~)) and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400, as recodified by this ordinance. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.24.400, as recodified by this ordinance. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

((~~H.~~)) I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical, consistent with ((~~Ordinance 13147~~)) this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision ((~~which will~~)) that should be determined before and separate from ((~~their~~)) its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 ((~~will be~~)) is required in order to implement the potential zoning.

((~~I.~~)) J. Site-specific land use map or shoreline master program map amendments for which a

completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the ((~~c~~))Comprehensive ((~~p~~))Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 ((~~will~~)) shall be included in the next appropriate review cycle following issuance of the examiner's recommendation.

((~~J.~~)) K.1. ((~~No~~)) An amendment to a land use designation or shoreline environment designation for a property may not be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

((~~K.~~)) L. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

SECTION 114. Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057 are each hereby amended to read as follows:

A. ((~~A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in K.C.C. 20.18.050:~~

~~1. Applicant information, including signature, telephone number and address;~~

~~2. The applicant's interest in the property, such as owner, buyer or consultant;~~

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~~3. Property owner concurrence, including signature, telephone number and address;~~

~~4.~~)) In addition to the requirements of K.C.C. 20.18.050, a shoreline redesignation initiated by an applicant must include:

1. A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and

((~~5.~~)) 2. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 20.24.510, as recodified by this ordinance.

B. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

SECTION 115. Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058 are each hereby amended to read as follows:

A. ((~~A~~)) In addition to the requirements in K.C.C. 20.18.050, a council motion initiating a shoreline redesignation must be accompanied by the information required ((~~to be provided in~~)) by K.C.C. 20.18.057 ((~~in addition to the requirements in K.C.C. 20.18.050~~)).

B. A motion initiating a site-specific shoreline redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-((~~generated~~)) initiated shoreline redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion's fiscal impact. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shoreline redesignation proposal to the examiner.

C. The examiner shall make a recommendation to the council on the proposed site-specific shoreline

redesignation based on the criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

SECTION 116. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090 are each hereby amended to read as follows:

A. In accordance with K.C.C. 20.20.100, ((~~T~~))the department shall provide notice ((~~in a timely manner~~)) of:

1. ((~~i~~))Its final ((~~decision or recommendation on permits requiring Type 2, 3 and 4 land use decisions and on~~)) Type 1 decision((~~s~~)) subject to SEPA, including the threshold determination, if any~~, the dates for any public hearings and~~));

2. Its Type 2 decision; and

3. Its Type 3 and 4 recommendations.

B. The notice shall include the applicable procedures for either an administrative appeal((~~s, if any~~)) to, or further consideration by, the examiner.

C. The ((~~N~~))notice shall be provided to:

1. ((~~t~~))The applicant((~~, to~~));

2. If required by SEPA, the Department of Ecology and to agencies with jurisdiction ((~~if required by K.C.C. chapter 20.44, to~~)) as defined in chapter 197-11 WAC;

3. If required by chapter 90.58 RCW, the Department of Ecology and the Attorney General ((~~as provided in chapter 90.58 RCW,~~));

4. ((~~to a~~))Any person who, ((~~prior to~~)) before the decision or recommendation, had requested notice of the decision or recommendation from, or submitted comments to, the department; and

5. ((~~to property o~~))Owners of record((~~, as provided in K.C.C. 20.20.060 H~~)) of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners.

((~~B.~~)) D. Except for decisions regarding shoreline substantial development permits, shoreline variances

and shoreline conditional uses, which are only appealable to the state Shorelines Hearings Board, ((~~all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director shall be filed as provided in K.C.C. 20.24.090~~)) any administrative appeal or further consideration by the examiner is subject to K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 117. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each 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 ((~~on a Type 3 or Type 4 land use decision~~)) within one hundred fifty days from the date the ((~~applicant is notified by the~~)) department ((~~pursuant to this chapter~~)) notifies the applicant that the application is complete. The ((~~time~~)) periods for action by ((~~the hearing~~)) an examiner ((~~on a Type 3 or Type 4 land use decision~~)) shall be governed by K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance) and the rules of the office of the hearing examiner((~~'s rules~~)).

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 ((~~land use~~)) decision within one hundred twenty days from the date the department notified the applicant ((~~is notified by the department pursuant to this chapter~~)) that the application is complete.

2. The following ((~~shorter time~~)) 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((~~, or 40 days residential appurtenances that require substantial review.~~))

d. Residential appurtenances, such as decks and garages that require substantial review	40 days
e. Clearing and grading	90 days
((~~e. Health~~)) f. Department of public health review	40 days
(((~~for projects pending a final department review or permit or review and permit).~~))	
((~~f.~~)) g. Type 1 temporary use permit for a homeless encampment((~~:~~))	30 days
((~~g.~~)) 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. and B. of this section:

1. Any period ((~~of time~~)) during which the applicant has been requested by the department, ((~~hearing~~)) 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 ((~~the~~)) corrections, ((~~study~~)) 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 ((~~when requested~~)), and shall provide written notification to the applicant. ((~~An extension of such~~)) The department may extend the deadline ((~~may be granted~~)) upon ((~~submittal by an applicant of~~)) receipt of a written request from an applicant providing satisfactory justification ((~~of~~)) for an extension.

b. ((~~Failure by the applicant to meet such deadline shall be cause for the department to cancel or deny the application.~~

~~c.~~)) When granting a request for a deadline extension, the department shall give consideration to the number of days between ((~~receipt by~~)) the department ((~~of a written~~)) receiving the request for a deadline extension and the department mailing ((~~to the applicant of the department's~~)) its decision regarding that request;

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

3. ((~~A period of no more than ninety days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed-record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.~~)) The period during which an appeal is pending that prohibits issuing the permit.

4. Any period ((~~of time~~)) 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.~~)) 4. Any time extension mutually agreed upon by the applicant and the department; and

((~~6.~~)) 5. 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 ((~~c~~))Comprehensive ((~~p~~))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 ((~~for~~)) in RCW 36.70A.200; or

3. Is ((~~substantially~~)) revised by the applicant, when ((~~such~~)) the revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the ((~~time~~)) 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 ((~~final decision on a~~)) Type 1 or Type 2 ((~~land use~~)) decision or its Type 3 or Type 4 recommendation ((~~to the hearing examiner on a Type 3 or Type 4 land use decision~~)) within the time limits established by this section, it shall provide written notice of this fact to the ((~~project~~)) 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 ((~~final decision on~~)) a Type 1 or Type 2 ((~~land use~~)) decision or ((~~notice of recommendation on~~)) a Type 3 or Type 4 ((~~land use decision~~)) 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 ((~~shall~~)) 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.

SECTION 118. Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020 are each hereby amended to read as follows:

The office of hearing examiner, as established by K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), shall act on behalf of the council in considering applications for public benefit rating system assessed valuation on open space land and for current use assessments on timber

land in an unincorporated area of the county or appeals from denials by the county assessor of applications for current use assessments on farm and agricultural land as provided in this chapter. All such applications and appeals shall be processed ((~~pursuant to~~)) under the procedures established in this chapter and K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 119. Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120 are each hereby amended to read as follows:

A. The administrative appeal of a threshold determination or of the adequacy of a final ((~~EIS~~)) environmental impact statement is a procedural SEPA appeal that is conducted by the hearing examiner under K.C.C. 20.24.080, as recodified by this ordinance, 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 ((~~DS~~)) determination of significance must be filed with the department issuing the ((~~DS~~)) determination of significance as provided in K.C.C. 20.24.090, as recodified by this ordinance;

5. An appeal of a ((~~DNS~~)) determination of nonsignificance or of the adequacy of an ((~~EIS~~)) environmental impact statement must be filed with the department issuing the ((~~DNS~~)) determination of nonsignificance or ((~~EIS~~)) environmental impact statement as provided in K.C.C. 20.24.090, as recodified by this ordinance. The appeal period for a ((~~DNS~~)) 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. 20.24.090.C, as recodified by this ordinance; and

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

B. Except for a procedural SEPA appeal authorized ((~~pursuant to~~)) 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 ((~~pursuant to~~)) under RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for an appeal of a ((~~DS~~)) 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 ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) 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. 20.24.210.B. or ((~~D~~)) C., as recodified by this ordinance, the appeal of the recommendation or decision of the examiner to condition or deny the proposal ((~~pursuant to~~)) under RCW 43.21C.060 shall be made to the council, which shall make a final decision.

D. Notwithstanding ((~~of~~)) 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 ((~~be~~)) likely ((~~to~~)) 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. ((~~Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.~~))

SECTION 120. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090 are each hereby

amended to read as follows:

A. A variance from the provisions of Section 20.54.070 of this chapter may be granted by the King County council where the applicant owner of agricultural land of county significance can demonstrate the following:

1. That if he complies with the provisions of Section 20.54.070 he cannot make any reasonable use of this property; and

2. That the hardship results from the application of the provisions of Section 20.54.070, and not from other causes; and

3. That the variance granted will be in harmony with the general purposes and intent of this chapter and that the public welfare and interest will be protected.

B. Variance applications shall be made to the Office of Agriculture and shall be heard by the zoning and subdivision examiner in accordance with the procedures in K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 121. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100 are each hereby amended to read as follows:

A. For any rezone or subdivision application in which the subject property is an undivided parcel of land under a single ownership and is partially designated as agricultural land of county significance under Section 20.54.060, the King County hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

B. Nothing in this chapter shall replace the procedures for the application, review and appeal of zoning reclassifications pursuant to ~~C~~hapters 21A.40, 21A.42 and ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), or the application, review and appeal of subdivision applications pursuant to Title 19 and K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

C. Owners of land designated as agricultural land of county significance may appeal to the King

County council for the purpose of contesting the appropriateness of the designation based on the criteria for designation described in Section 20.54.060. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the hearing examiner in accordance with the procedures in K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. Appeals involving uncontested facts shall be submitted directly to the council for action by the office of agriculture.

D. Owners of land designated as part of a King County agricultural district may appeal to the King County council for the purpose of contesting the appropriateness of the designation. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the King County council and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation.

SECTION 122. Ordinance 3064, Section 11, and K.C.C. 20.54.110 are each hereby amended to read as follows:

A. Applications to amend boundaries of King County agricultural districts and agricultural lands of county significance to include lands not so designated by this chapter shall be made to the office of agriculture in writing with such supporting evidence as required by the office of agriculture. Boundaries of agricultural districts or agricultural lands of county significance may be amended where lands are found to meet the criteria for designation contained in this chapter.

B. All applications to revise the boundaries of King County agricultural districts shall be heard directly by the King County council.

C. All applications to revise the boundaries of agricultural lands of county significance shall be heard by the zoning and subdivision examiner in accordance with the procedures in ((~~King County Code~~)) K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

D. For applications to revise the boundaries of agricultural lands of county significance, the hearing

examiner may consider special exceptions to the criteria set forth in Attachment F to Ordinance 3064 and to the procedures set forth in ((~~King County Code~~))K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) for those lands producing horticultural crops which the producer sells directly to the public through public markets, u-pick operations, and roadside stands.

SECTION 123. Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110 are each hereby amended to read as follows:

((~~A.~~)) Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may file a statement of appeal, with the historic preservation officer, in accordance with K.C.C. 20.24.090, as recodified by this ordinance ((~~, within thirty five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.~~

~~B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.~~

~~C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.~~

~~D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and~~

~~conclusions.~~

~~E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken~~)).

SECTION 124. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070 are each hereby amended to read as follows:

A. The council directs the department to prepare proposed new zoning maps applying the 1993 King County Zoning Code and transmit within ten months of June 28, 1993, for council review and adoption.

B. The department shall use the table ((~~set forth~~)) in subsection C. of this section and the guidelines of this section in preparing an ordinance or ordinances to convert each area zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent with the comprehensive plan land use map and policies, so as to implement the comprehensive plan and convert old outright and potential zone designations to new ones in a consistent manner. The provisions of this section also shall apply to conversion of the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

C. Conversion table. The following conversion table and criteria contained therein shall be used by the department in converting the zoning maps adopted pursuant to Resolution 25789 to the 1993 Zoning Code:

RESOLUTION 25789 ZONING MAP SYMBOLS	**1993 ZONING CODE MAP SYMBOLS**	**ADDITIONAL CRITERIA**
F	F	In Forest Production or Rural Areas
FR	F or RA	Use zone most consistent with the comprehensive plan
A, A-10 A-35	A-10 A-35 or A-60	In Agricultural or Rural Areas Use zone most consistent with the comprehensive plan
Q-M	M	Designated Mining Sites
AR-2.5 AR-5 AR-10	RA-2.5 RA-5 RA-10 or RA-20	In Rural Areas Use zone most consistent with the comprehensive plan

GR-5, GR-2.5, G-5	UR RA	Only in designated urban areas In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000,SR/RS 9600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns
RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to comprehensive plan land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N B-C, BR-C C-G M-L, M -P, M-H	NB or RB CB or RB RB I	For all business zones, use zone most consistent with the comprehensive plan designation and actual scale of business area

D. Unclassified Use Permit Mining Operations. In addition to the conversions set out in the table in subsection C. of this section, all sites legally operating pursuant to an unclassified use permit for mining operations shall be zoned M (Mineral).

E. Resolution of map conflicts. In cases of ambiguity or conflict between a community or comprehensive plan map designation and the zone classification applied under the old code, the department shall use the following guidelines and procedures in recommending new zones:

1. As a general rule, the outright or potential zoning designation applied shall be that which is consistent with the 1994 King County Comprehensive Plan; adopted community plans, where they do not conflict, may be used to provide additional guidance;

2. If the application of the guidelines in this subsection leads the department to propose applying an outright or potential zone classification from the 1993 Zoning Code that is not functionally equivalent to a

classification from the old code as defined in the table in subsection C. of this section, the department shall notify the owner of the property proposed for reclassification no later than the council introduction date of the ordinance amending said property, and the property owner may request a change in the area zoning in a manner consistent with the procedures used for council review of a community plan and area zoning.

F. Area-wide P-suffix development conditions. The department shall review all area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution 25789, and recommend legislation removing all such conditions which conflict with the comprehensive plan or have been replaced adequately by standards adopted in the 1993 zoning code. If P-suffix conditions implement policies in the comprehensive plan, then regulations shall be developed by the end of 1995 and the P-suffix conditions shall be removed. Any P-suffix conditions which implement policies in community plans which are not in conflict with the comprehensive plan but are not adequately addressed by this code shall be carried forward intact until they are evaluated for replacement by general code revisions in 1995.

G. Site-specific development conditions. Approval conditions for previous zone reclassifications, planned unit developments, unclassified permits, and P-suffix conditions applied to individual properties in land use actions pursuant to Resolution 25789, should be recommended for retention wherever they address conditions unique to a particular property and not addressed by the standards in the Zoning Code.

H. For area zoning documents being converted to the 1993 Zoning Code without amendments to their respective community plan maps and policies, only requests for zone changes which meet one of the following criteria shall be considered during either the department or council review process:

1. as provided in subsection E. of this section;

2. when an applicant can demonstrate that the department's proposal incorrectly implements an adopted comprehensive plan map designation or policy in converting existing zoning to a new zone classification; or

3. the site is the subject of an application for a Master Planned Development or Urban Planned

Development, and conversion to the 1993 Zoning Code is requested as part of such application. Rezoning of such sites during the conversion, area zoning otherwise shall be to Urban Reserve with the urban planned development overlay district as provided in Chapter 21A.38.

I. Requests which do not meet one of the criteria of subsection H. of this section shall be treated as quasi-judicial reclassification requests which must be formally applied for according to the process provided for such requests and shall be subject to the criteria in K.C.C. 20.24.190, as recodified by this ordinance.

J. Requests for quasi-judicial reclassification that are consistent with the conversion table illustrated in subsection C. of this section and requests for quasi-judicial reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.24.190, as recodified by this ordinance.

K. Bear Creek MPD's. The following transition provisions shall apply to the Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1. An applicant may either continue to utilize the procedural provisions of the BCCP or may utilize the procedural provisions of K.C.C. 21A.39.

2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-Development Applications previously submitted for the Blakely Ridge MPD and the Northridge MPD are deemed the equivalent of and accepted as complete applications for "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area Zoning (page 140) shall remain in effect for purposes of considering the UPD applications, under either the BCCP or K.C.C. 21A.39.

4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone and potential zone designations of the 1993 zoning code.

5. The Novelty Hill Master Plan sites and urban designation adopted and delineated in the Bear Creek

Community Plan and Bear Creek Area zoning shall be considered "UPD Special District Overlays" and "UPD boundary delineations" for purposes of applying K.C.C. 21A.38.020, .070B.1 and .070B.2 and K.C.C. 21A.39.020.

SECTION 125. Ordinance 10870, Section 19, as amended, and K.C.C. 21A.02.090 are each hereby amended to read as follows:

A. The hearing examiner in accordance with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) may hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals.

B. The director may grant, condition or deny applications for variances, conditional use permits, renewals of permits for mineral extraction and processing, alteration exceptions and other development proposals, unless an appeal is filed and a public hearing is required under K.C.C. chapter 20.20, in which case this authority shall be exercised by the hearing examiner.

C. The department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures in K.C.C. chapter 21A.42.

D. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations and adopt public rules to implement this title, in accordance with K.C.C. chapter 2.98.

SECTION 126. Ordinance 10870, Section 38, and K.C.C. 21A.04.170 are each hereby amended to read as follows:

A. The purpose of the potential zone (dashed box surrounding zone's map symbol) is to designate properties potentially suitable for future changes in land uses or densities once additional infrastructure, project phasing or site-specific public review has been accomplished. Potential zones are designated by either area zoning or individual zone reclassification. Area zoning may designate more than one potential zone on a single

property if the community plan designates alternative uses for the site. Potential zones are actualized ((~~pursuant to~~)) in accordance with K.C.C. chapter ((~~20.24~~)) 20.20.

B. The use of a potential zone designation is appropriate to:

1. Phase development based on availability of public facilities and services or infrastructure improvements (((~~e.g.~~)), such as roads, utilities((~~,~~)) and schools((~~)~~));

2. Prevent existing development from becoming a nonconforming use in areas that are in transition from previous uses;

3. Allow for future residential density increases consistent with a community plan; and

4. Provide for public review of proposed uses on sites where some permitted uses in a zone designation may not be appropriate.

SECTION 127. Ordinance 10870, Section 25, and K.C.C. 21A.06.425 are each hereby amended to read as follows:

Examiner: the office of the hearing examiner((~~, as established by K.C.C. 20.24~~)).

SECTION 128. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081 are each hereby amended to read as follows:

A. A valid clearing and grading permit shall be maintained on a mineral extraction site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that

forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements:

1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director;

2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification; and

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

3. All areas subject to grading or backfilling shall:

a. incorporate only nonnoxious, nonflammable, noncombustible and nunputrescible solids; and

b. except for roads and areas incorporated into drainage facilities, be surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of the topsoil of land area immediately surrounding six inches, whichever is greater. The topsoil layer shall have an organic matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be tilled or scarified ((~~prior to~~)) before topsoil placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile and plan view and blend with adjacent topography to a reasonable extent;

5. Where excavation has penetrated the seasonal or permanent water table creating a water body or wetland:

a. All side slopes below the permanent water table and banks shall be graded or shaped as to not constitute a safety hazard;

b. Natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. Appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

6. All cleared, graded or backfilled areas, including areas surfaced with topsoil, shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions;

7. Waste or soil piles shall be used for grading, backfilling or surfacing if permissible under this section, then covered with topsoil and planted in accordance with subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill in accordance with this chapter or as top soil in accordance with subsection C.3. of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 129. Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030 are each hereby amended to read as follows:

All new development shall be served by an adequate public or private sewage disposal system,

including both collection and treatment facilities as follows:

A. A public sewage disposal system is adequate for a development proposal provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the site of the proposed development is or can be served by an existing disposal system consistent with K.C.C. Title 13, and the disposal system has been approved by the department as being consistent with applicable state and local design and operating guidelines;

2. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection A.1. of this section is installed to serve each building or lot;

3. For recording a final plat, final short plat or binding site plan, the approved public sewage disposal system set forth in subsection A.1. of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with King County for the future installation of an adequate sewage disposal system. The bond may be assigned to a utility to assure the construction of the facilities within two years of recording; and

4. For a zone reclassification or urban planned development permit, the timing of installation of required sewerage improvements shall be contained in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance; and

B. A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the department of public health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit.

SECTION 130. Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040 are each hereby amended to read as follows:

All new development shall be served by an adequate public or private water supply system as follows:

A. A public water system is adequate for a development proposal only if:

1. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant demonstrates that the existing water supply system available to serve the site:

a. complies with the applicable planning, operating and design requirements of:

(1) chapters WAC 246-290 and 246-291;

(2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

(3) coordinated water system plans;

(4) K.C.C. Titles 12 and 13 and other applicable rules of the King County board of health;

(5) applicable rules of the Washington state Board of Health, Department of Health, Utilities and Transportation Commission and Department of Ecology;

(6) applicable provisions of King County groundwater management plans and watershed plans;

(7) applicable provisions of the King County Comprehensive Plan and development regulations; and

(8) any limitation or condition imposed by the county-approved comprehensive plan of the water purveyor;

b. The proposed improvements to an existing water system have been reviewed by the department and determined to comply with the design standards and conditions specified in subsection A.1.a. of this section; and

c. A proposed new water supply system has been reviewed by the department and determined to comply with the design standards and conditions specified in subsection A.1.a. of this section;

2. Before issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements in subsection A.1. of this section are installed to serve each building or lot respectively;

3. For recording a final plat, final short plat or binding site plan, either the approved public water

supply system or system improvements in subsection A.1. of this section are installed to serve each lot or a bond or similar security shall be deposited with King County and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and

4. For a zone reclassification or urban planned development permit, the timing of installation of required water system improvements is included in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance.

B. An on-site individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued as provided in K.C.C. 13.24.138 and 13.24.140.

SECTION 131. Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050 are each hereby amended to read as follows:

All new development shall be served by an adequate surface water management system as follows:

A. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the King County Surface Water Design Manual and K.C.C. Title 9;

B. For a subdivision, zone reclassification or urban planned development, the phased installation of required surface water management improvements shall be stated in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance. Such phasing may require that a bond or similar security be deposited with King County; and

C. A request for an adjustment of the requirements of the Surface Water Design Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard in K.C.C. chapters 21A.12, 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28((,)) and 21A.30.

SECTION 132. Ordinance 10870, Section 523, and K.C.C. 21A.28.130 are each hereby amended to read as follows:

All new development shall be served by adequate fire protection as set ((~~forth below~~)) follows:

A. The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a, road system or fire lane system that provides life safety((~~/~~)) and rescue access, and other fire protection requirements for buildings as required by K.C.C. Titles 16 and 17((~~, Fire Code and K.C.C. Title 16, Building and Construction Standards~~));

B. For a zone reclassification or Urban planned development, the timing of installation of required fire protection improvements shall be stated in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance, secured with a bond or similar security, and deposited with King County; and

C. A variance request from the requirements established by K.C.C. Title 17, Fire Code, shall be reviewed as set forth in K.C.C. 17.08.090 or K.C.C. 17.10.040, and/or in Article 2 of the currently adopted edition of the Uniform Fire Code and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in K.C.C. chapters 21A.12 through ((~~K.C.C.~~)) 21A.30.

SECTION 133. Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045 are each hereby amended to read as follows:

A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria:

1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060;

2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas and their buffers and wetlands and their buffers with the exception of grazed wet meadows.

3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and salmonid fisheries habitat. Monitoring results shall be available to the King County agriculture program.

B. The livestock management component of a farm management plan shall, at a minimum:

1. Generally seek to achieve a twenty-five-foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II or III wetland with the exception of grazed wet meadows, using buffer averaging where necessary to accommodate existing structures. The livestock management component of a farm management plans may vary the width of the buffer of an aquatic area or wetland, and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type N or O waters. Forested lands being cleared for grazing areas shall comply with the critical area buffers in K.C.C. chapter 21A.24;

2. Assure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty-foot buffer downslope of any confinement areas within two hundred feet of type S and F waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of twenty-five feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices, as recommended by the King Conservation District, are implemented and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan.

D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.

E. The ((~~completed~~)) farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.24.080, as recodified by this ordinance, and 20.24.090, as recodified by this ordinance. ((~~The appeal must be filed within thirty days of submitting the farm management plan [with the] department of natural resources and parks under subsection D. of this section.~~)) Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.

SECTION 134. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of permitting and

environmental review and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080, as recodified by this ordinance. The department of natural resources and parks shall be responsible for preparing a TDR qualification report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The qualification report shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;

2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with ((~~Ordinance 17985, Section 19.A~~)) K.C.C. 21A.37.050.A.: and

3. Be issued a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;

2. A title report;

3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;

5. Assessors map or maps of the lot or lots;

6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

7. Any or all of the following written in conformance with criteria established through a public rule

consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:

a. a wildlife habitat conservation plan;

b. a wildlife habitat restoration plan; or

c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E.;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 135. Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020 are each hereby amended to read as follows:

A. This chapter authorizes King County to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive plan policies and map designations and community, subarea, or neighborhood plan policies through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes;

B. Property-specific development standards shall be applied to specific properties through either area zoning as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18, or reclassifications of individual properties as provided in K.C.C. ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and 21A.44; and

C. Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18.

SECTION 136. Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090 are each hereby amended to read as follows:

A. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to K.C.C. 20.24.090, as recodified by this ordinance.

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

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

D. As provided by K.C.C. 20.24.210.A. and C., as recodified by this ordinance:

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., as recodified by this ordinance.

E. Establishment of any use or activity authorized ((~~pursuant to~~)) in accordance with a conditional use permit or variance shall occur within four years of the effective date of the decision for such permit or variance, ((~~provided~~)) except that for schools ((~~this~~)) 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. 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, provided that the conditions or improvements required by ((~~such~~)) the permits or approvals are completed within the timeframes of ((~~said~~)) the permits.

G. Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met.

SECTION 137. Ordinance 10870, Section 618, as amended, and K.C.C. 21A.42.100 are each hereby amended to read as follows:

Applications for zone reclassifications, shoreline environment redesignation, special use permits, urban plan developments, amendment or deletion of P-suffix conditions, plat vacations and short plat vacations shall be reviewed by the department subject to the criteria in K.C.C. chapter 21A.44 and to the procedures and criteria in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) for action subject to approval by the council and notice shall be provided in accordance with K.C.C. chapter 20.20.

SECTION 138. Ordinance 10870, Section 627, and K.C.C. 21A.44.060 are each hereby amended to read as follows:

A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in K.C.C. ((~~Title~~)) 20.24.180, as recodified by this ordinance, and 20.24.190, as recodified by this ordinance, and is consistent with the Comprehensive Plan and applicable community and functional plans.

SECTION 139. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each hereby amended to read as follows:

A. The purpose of the master planning process demonstration project is to:

1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:

a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during project review and facility operation;

b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:

(1) a clearly defined project through a master development plan, which shall include a master site plan;

(2) requirements that must be met before approval of each phase of development; and

(3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, nonracing uses and number and types of events; and

c. establishing a process that ensures timely and efficient review;

2. Utilize the hearing examiner, as authorized in K.C.C. 20.24.520, as recodified by this ordinance, to function as a special master for the purpose of fact finding and reporting on compliance by the applicant with the executed development and operating agreement, as provided in subsection S. of this section; and

3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.

B. The master planning process demonstration project shall be implemented only for a regional motor sports facility only on the Pacific Raceways property as described in Attachment A to Ordinance 17287.

C. The master planning demonstration project shall be initiated by the applicant making a written request to the department for a preapplication meeting to identify the requirements necessary for a complete application under this section.

D. A master planning proposal application shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;

2. A proposed site plan that identifies the location and dimensions of proposed racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage treatment or holding facilities and any off-site traffic improvements;

3. A proposed master drainage plan under the surface water design manual;

4. A proposed grading plan that identifies or includes:

(a) land contours;

(b) soil types; and

(c) phasing;

5. Proposed development conditions relating to:

(a) on-site vehicle circulation and off-site traffic control measures;

(b) protection for critical areas, especially adjacent to Soosette creek;

(c) stormwater flow control and water quality treatment;

(d) visual screening from adjoining residential properties;

(e) ongoing monitoring and reporting to measure compliance with the development and operating agreements;

(f) fire protection; and

(g) water supply and service;

6. Proposed operating conditions that specify:

(a) days and hours of operation;

(b) frequency of events;

(c) types of activities, including types of motor vehicles; and

(d) maximum noise levels; and

7. Any necessary information identified through the preapplication process.

E. The development and operating agreement shall contain development standards and operating conditions related to the development and operation of the site and shall include, but shall not be limited to:

1. A master site plan and detailed conditions establishing the:

a. location and scope of proposed land uses;

b. location and size of buildings and structures such as grandstands;

c. layout and dimensions of racing surfaces and circulation roadways;

d. site elevations and contours established by a master grading plan;

e. excavation and processing of materials, including dust control, during construction of the facilities;

f. location and dimensions parking areas;

g. location of stormwater facilities, sewage treatment facilities, water, and related features; and

h. vegetative screening required in subsection F.1. of this section;

2. A master drainage plan consistent with the surface water design manual;

3. A project phasing plan, including threshold requirements that must be met before approval of the next phase of development;

4. Specified types of racing and nonracing activities, and where on the site the activities can occur;

5, Specified days and times for all racing and nonracing uses;

6. Specified noise levels for racing and nonracing uses, including but not limited to, how noise levels will be measured and mitigated;

7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;

9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;

10. Specified regular ongoing monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Soosette creek;

11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsection S. of this section; and

12. Specified enforcement mechanisms to address any violations of the conditions of the development agreement, including, but not limited to, the following:

a. a process for monitoring condition violations and for receipt of complaints;

b. a process for expedited review and remedy of possible violations; and

c. a penalty schedule that recognizes the nature and impact of the violation and is sufficient to deter violations that otherwise result in financial benefit to the facility, including, but not limited to, revocation of operating permit and loss of specific days of operation.

F. All development under the master plan shall be subject to the following standards relating to screening and building setbacks: as provided in K.C.C. 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

1. Retention of existing vegetation; and

2. Placement of new vegetation to augment existing vegetation.

G.1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

2. The department may approve alterations to critical areas, critical areas buffers and critical area setbacks that are not otherwise allowed as an alteration exception under K.C.C. 21A.24.070 when the applicant demonstrates that:

a. the proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the site;

b. the proposed impacts to critical areas, critical area buffers and critical area setbacks shall be controlled and compensated for in accordance with the requirements of K.C.C. 21A.24.125;

c. for proposed alterations within steep slope or landslide areas:

(1) the alterations are necessary to bring existing racing or access road surfaces into compliance with applicable racing association safety standards, or to construct noise barriers or for the placement of spectator seating on the interior portion of the road course; and

(2) the alterations can be constructed to maintain the stability of the hazard area through the use of

structural mitigations identified through a geotechnical analysis by a licensed and qualified geotechnical professional; and

d. for proposed alterations to wetlands or aquatic areas and their buffers:

(1) the alterations are necessary to comply with applicable racing association safety standards either for existing racing surfaces or for providing to emergency vehicles access roads to the existing racing surfaces;

(2) there is no feasible alternative to the development proposal with less adverse impact on the critical area;

(3) the alteration is the minimum necessary to accommodate the development proposal;

(4) the alternation has the least possible adverse impact on the critical area and critical area buffer;

(5) the critical area is not used as a salmonid spawning area;

(6) the director may only approve an alteration in a category III or IV wetland; and

(7) the alterations to any wetland shall be mitigated in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

H. Uses proposed under the master planning proposal shall comply with the King County surface water design manual and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos and Soosette creeks and operation of the Soos Creek Hatchery, while protecting groundwater quality. The department shall consider the proposed use in determining whether spill control or special oil control measures in excess of the King County surface water design manual requirements are necessary to achieve the required environmental protections;

2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on-site and in Big Soos and Soosette creeks;

4. Conduct flow monitoring in Big and Soosette creeks before, during and after construction to ensure that normal or preexisting flows are being maintained.

5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during and after construction;

6. If the department determines it to be environmentally beneficial and if it is in compliance with the surface water design manual requirements for discharge to the natural location and is approved through an adjustment, channel surface water from impervious surfaces, including buildings, structures, pit areas or raceways to drain away from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the alternative discharge location; and

7. Develop and implement an adaptive management program to correct any flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks caused by the development.

I. Site development that entails extraction and grading of soils to achieve the final site contours for development shall be subject to the following limits:

1. The amount of materials that may be extracted during any specific phase of project construction shall be only as necessary to construct that phase of the project approved for construction; and

2. The on-site processing of the extracted materials shall be limited to the sorting of the material into separate dirt, sand and gravel components.

J. The master planning proposal shall include site designs and features to reduce the level of noise impacts upon nearby residential neighborhoods.

K. The department shall:

1. Schedule and conduct a preapplication meeting with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed

expansion of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues.

2. Provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section within thirty days after the date of the preapplication meeting;

3. Accept for filing a master planning proposal application submitted by the applicant only if it provides the information and studies required by subsection K.2. of this section;

4. Determine whether the master planning proposal is a complete application under this section and K.C.C. 20.20.050;

5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In addition to notice required under K.C.C. 20.20.060.B, the department shall provide mailed notice to:

a. all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

b. persons requesting notification of any county land use action regarding Pacific Raceways; and

c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;

6. Not later than seven days after the applicant has filed with the department its master planning proposal, issue a determination of significance and proceed with the environmental review of the master planning proposal under Ordinance 17287, Section 6;

7. Conduct one or more public meetings on the master planning proposal application to gather information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal application with the department and may be combined with a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be

provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal application and shall provide an opportunity for the applicant to respond to questions at each public meeting;

8. Issue the final environmental impact statement within eighteen months of either issuing to the applicant a notice of complete application or the master planning proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant may request additional time to prepare the final environmental impact statement;

9. Not later than thirty days after the final environmental impact state is issued, propose for public review and comment a development and operating agreement consistent with this section. The department shall provide notice of the proposed development and operating agreement in the same manner as it provided the notice of application under subsection K.5. of this section. The department shall present the proposed development and operating agreement at a public meeting within fourteen days after the notice is provided under this subsection K.9; and

10. Within sixty days after the public meeting required by subsection K.9. of this section:

a. transmit to the hearing examiner the department's recommended development and operating agreement, together with a proposed ordinance authorizing the executive to execute the development and operating agreement;

b. publish its recommended development and operating agreement on the department's website; and

c. provide notice of its recommended development and operating agreement in the same manner as it provided the notice of application under subsection K.5.a. through c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The notice shall also advise:

(1) that the department's recommendation is subject to an open record public hearing before the

hearing examiner;

(2) the date that the department's recommendation has been transmitted to the hearing examiner; and

(3) that interested persons may appear as parties at the open record public hearing by filing a notice of appearance with the hearing examiner within fourteen days of the date that the department's recommendation has been transmitted to the hearing examiner. The applicant will be presumed to be a party without having to file a notice of appearance.

L.1. Before the transmittal of the department's recommended development and operating agreement to the hearing examiner, the transportation, economy and environment committee or its applicable successor may request reports or briefings from the department and applicant regarding how the demonstration project is proceeding. The department shall solicit input from those identified in subsection K.5.a. through c. of section to inform the committee in the report and briefing.

2. If the department or the applicant is unable to meet a timeline established by this section as part of the process for review of the master planning proposal, the department shall provide written notice to the council within fourteen days after the missed deadline in the form of a letter to the chair of transportation, economy and environment committee or its applicable successor describing the causes for the delay, and the steps or actions needed to be taken by the department or the applicant to continue timely processing of the proposal.

M.1. No sooner than fourteen days after receiving the department's recommended development and operating agreement, the hearing examiner shall set the date for the prehearing conference and notify the parties of interest.

2. Unless otherwise agreed to by those that appear as parties, the hearing examiner shall conduct an open record public hearing within ninety days of the prehearing conference and, if necessary, shall hold the public hearing over consecutive days.

3. When the hearing examiner sets the department's recommended development and operating

agreement for an open record public hearing, the department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department's recommendation. At least fourteen calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection K.5.a. through c. of section.

4. The hearing examiner's recommendation may be to approve or reject the department's recommended development and operating agreement, or the examiner may recommend that the council adopt the department's recommended development and operating agreement with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King County.

5. Within fourteen days after the conclusion of the open record public hearing, the hearing examiner shall issue a written recommendation and shall transmit a copy thereof to all persons who appeared as parties in the open record public hearing. The recommendation shall include findings of fact and conclusions from the record that support the decision and the findings and conclusions shall set forth and demonstrate the manner in which the recommendation is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287.

6. To appeal the hearing examiner's recommendation, an aggrieved party must file a notice of appeal with the clerk of the council within fourteen days of the date of the mailing of the hearing examiner's recommendation. The clerk shall notify the hearing examiner and the parties of record to the hearing examiner's open record public hearing in writing of the council's receipt of the appeal. The clerk shall also cause to have posted on the council's web page the notice of the appeal. The appellant shall file a statement of appeal with the clerk within twenty-one days of filing its notice of appeal, together with proof of service of the statement of appeal to the other parties of record. The statement of appeal must specify the basis for the appeal

and any arguments in support of the appeal. Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk shall cause to have the statement of appeal posted on the council's web page. Any written responsive statements or arguments to the appeal, together with proof of service on the other parties of record, must be filed with the clerk within fourteen days after the filing of the statement of appeal. The clerk shall cause to have these responsive statements and arguments posted on the council's webpage.

7. At least fourteen days before the closed record hearing by the council of the appeal, the clerk will provide the parties of record with written notice of the hearing time and date. The council's consideration of the appeal shall be based upon the record as presented to the hearing examiner at the open record public hearing and upon written appeal statements and arguments submitted by the parties that are based on the open record public meeting. The council may allow the parties to the appeal a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, county staff may provide a written or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by council members at the appeal hearing. 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.

8. If, after consideration of the record, written appeal statements and any oral argument the council determines that:

a. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. The recommendation of the hearing examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the hearing examiner.

9. a. The council's final action on any recommendation of the hearing examiner shall be by ordinance,

which shall include findings of fact and conclusions from the record of the hearing examiner's public hearings. The findings and conclusions shall set forth and demonstrate the manner in which the council's decision is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287. The council may adopt as its own all or portions of the hearing examiner's findings and conclusions.

b. Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective. The ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted. The council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period.

N. If the hearing examiner's recommendation is not appealed pursuant to subsection M. of this section:

1. The clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting for adoption;

2. No final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance that amends or reverses the examiner's recommendation;

3. The council may either:

a. Refer the matter to the transportation, economy and environment or its successor for further consideration deemed necessary before the council takes final action on the matter or remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. Adopt the hearing examiner's recommendation by an ordinance satisfying the requirements of

subsection M.9. of this section.

4. Any final action by the county council may be reconsidered by the council pursuant to K.C.C. 20.24.250, as recodified by this ordinance; and

5. Any appeal of the council's final action shall comply with the requirements of K.C.C 20.24.240.A., as recodified by this ordinance.

O.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this section shall prospectively control the operations and design for the site and supersede the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006 regarding activities that occurred before the execution of a development agreement shall not be affected.

2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months before the agreement expires. The department shall provide a notice of the renewal request under subsection K.5.a. through c. of this section and shall conduct at least one public meeting on the request as provided in subsection K.7. of this section.

c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days before the development and operating agreement expires.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to laws in effect at the time the subsequent application is filed.

P. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to subsequent permits necessary for the uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete application for any permits necessary for a use authorized by the development and operating agreement shall apply:

a. surface water management standards under K.C.C. Title 9;

b. public health and safety codes under K.C.C. Title 13;

c. road standards under K.C.C. Title 14;

c. building codes under K.C.C. Title 16; and

d. fire codes under K.C.C. Title 17.

R. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection K.5.a. through c. of this section. The department shall submit to the hearing examiner its recommendation on the request not later than August 1.

S. The hearing examiner shall conduct the following annual monitoring and reporting activities for the council:

1. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection K.5.a. through c. of this section.

2. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

a. describes the current status of the phases of the development;

b. evaluates compliance with development and operation agreement conditions during the preceding year;

c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;

d. evaluates proposed modifications to the development and operating agreement; and

e. outlines potential steps to ensure compliance with the development and operating agreement.

3. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

T. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The department shall solicit comments from the applicant, the hearing examiner, and the public, identified in subsection K.5.a. through c. of this section, on the master planning process and include a synopsis of those comments in the report. A paper copy and an electronic copy of the report shall be filed with the clerk of the

council, who shall retain the paper original and shall forward electronic copies to each councilmember.

U. Before the application for a master planning proposal application, the applicant shall be permitted to undertake the following activities, subject to an interim use permit:

1. Construct up to four hundred thousand square feet of buildings, including required excavation and processing of materials, for uses allowed for a regional motor sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site improvements; and

2. Excavation and processing of materials shall be subject to the following limits:

a. Under the interim use permit ,the amount of materials shall be only as is necessary to construct the buildings and any required site improvements associated with the construction of the buildings, subject to review by the department;

b. The on-site processing of the extracted materials shall be limited to the sorting of the materials into separate dirt, sand and gravel components, and crushing and washing of those components that will be used for on-site construction of the buildings and required site improvements; and

c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday.

V. A preapplication meeting shall be required for the interim use permit. The applicant shall submit the following information to the department with a request to schedule a preapplication meeting:

1. Affidavit of application, on a form approved by the department;

2. Project narrative and questions for department staff;

3. Preliminary site plan, which shall include:

a. location of the property, with a vicinity map showing cross street;

b. address, if an address has been assigned;

c. parcel number or numbers;

d. zoning of parcel or parcels and adjacent parcel or parcels;

e. north arrow and scaled dimensions;

f. existing and proposed building footprints, with overhangs and projections;

g. existing and proposed grade contours;

h. site area in square feet or acres of the project site;

i. area of either disturbance or development, or both, including utilities, septic and internal circulation, as needed;

j. existing and proposed easements, including ingress, egress, utilities or drainage; and

k. critical areas and their buffers; and

4. Preliminary building plan.

W. An interim use permit application shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed site plan that identifies the location and dimensions of the proposed buildings, vehicular circulation and parking areas, critical areas and buffers, landscaping, stormwater facilities, utilities and fire protection;

2. A proposed drainage plan under the surface water design manual for the improvements proposed under the interim use permit;

3. A proposed grading plan that complies with the submittal, operating and performance requirements in K.C.C. chapter 16.82;

4. A proposed restoration plan that complies with this section;

5. A deposit as required by K.C.C. 27.02.210 for review of the interim use permit; and

6. Any necessary information identified through the preapplication process.

X. The interim use permit shall contain development conditions related to the grading activities and buildings and shall include, but not be limited to:

1. An approved site plan and conditions that establish:

a. location, size and proposed uses of the buildings;

b. location and dimensions of vehicular circulation and parking, including required parking for the existing uses;

c. location of stormwater facilities, sewage treatment facilities, water, and related features;

d. landscaping requirements, as required by K.C.C. chapter 21A.16;

e. location of on-site critical areas. Development or operations are not allowed within critical areas or their buffers, and alterations of critical areas or their buffers are not permitted, as part of the activities allowed with the interim use permit or related construction permits; and

f. necessary on-site and off-site traffic control for construction impacts on vehicular circulation and on roadways in the vicinity of the project site;

2. An approved grading plan in compliance with the requirements of K.C.C. chapter 16.82;

3. An approved drainage plan in compliance with the surface water design manual;

4. A restoration plan in compliance with the following requirements:

a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and the following:

(1) be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification; and

(2) result in drainage patterns that reestablish natural conditions of aquifer recharge, water velocity, volume and turbidity within six months of restoration and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual; and

b. All areas subject to clearing, grading or backfilling shall:

(1) be planted with a variety of trees, shrubs, legumes and grasses indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions; and

(2) except for roads and areas incorporated into drainage facilities, be surfaced with soil of a quality

at least equal to the topsoil of the land areas immediately surrounding, and to a depth of the topsoil of land area immediately surrounding six inches, whichever is greater;

5. A condition requiring that all grading and construction activities be completed within sixty months of the effective date of this ordinance, except as allowed to be extended in accordance K.C.C. 20.20.105.

Y. For the interim use permit, the executive shall appoint a special project manager.

1. The special project manager shall either be an employee of, or hired as a consultant by, the regional planning unit of the office of performance, strategy and budget.

2. The Pacific Raceways property has been designated as a project of statewide significance under chapter 43.157 RCW.

3. The special project manager will coordinate the reviews with the department and other agencies, be the primary point of contact for the applicant and interested parties, and ensure that the timelines established for review of the interim use permit in this section are met.

4. The special project manager shall evaluate, and provide a recommendation to the executive, regarding the efficacy of options, such as review by another jurisdictions or using outside staff to complete the substantive review, for expediting the permit review process. As part of this review, the special project manager shall ensure that any recommended option will produce a review that complies with this chapter and other applicable laws, regulations and adopted policies.

Z.1. In reviewing the interim use permit, the department shall:

a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter 20.20 shall apply, except as modified by this section;

b. conduct a mandatory preapplication meeting within fourteen days of the applicant's request for a preapplication meeting;

c. within twenty one days of the preapplication meeting, provide a detailed listing of the required information or studies required for review of the interim permit, in conformance with this section, the other

building, construction and environmental permits that will be required, and an estimate of cost for review of the interim use permit;

d. accept the interim use permit application if the applicant provides the information and studies required by the detailed listing provided in subsection Z.1.c. of this section;

e. determine whether the interim use permit application is complete within seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the application requirements in subsection W. of this section;

f. provide a notice of complete application under K.C.C. 20.20.050, within seven days of determining that the application is complete;

g. provide a notice of application under K.C.C. 20.20.060 within fourteen days of providing the notice of complete application. In addition to the notice required by these two sections, the department shall provide mailed notice to:

(1) all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

(2) persons requesting notification of any county land use action regarding Pacific Raceways; and

(3) residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;

h. complete environmental review on the interim use and activities authorized by the interim use permit;

i. transmit to the hearing examiner the department's recommendation on the interim use permit and provide notice of the recommendation under K.C.C. 20.20.090. The recommendation shall be based on the conformance of the proposal with the requirements of this section; and:

(1) For a determination of nonsignificance or mitigated determination of nonsignificance, transmit

the recommendation within forty-five days of the end of the comment period on threshold determination;

(2) For a determination of significance, transmit the recommendation within forty five days of the end of the appeal period for the final environmental impact statement; and

j. coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department's recommendation. At least seven calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection Z.1.g. of this section.

2. The exceptions to permit review timelines descried in K.C.C. 20.20.100.C. shall apply to the review period deadlines outlined in subsection Z. of this section. If the department is unable to meet 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 recommendation to the hearing examiner. In no case shall the review of the interim use permit, from the date a complete application is filed through the date the department issues the recommendation to the hearing examiner, excluding the timeframes outlined in K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an extension.

AA.1. The hearing examiner shall:

a. within fourteen days of receiving the department's recommendation on the interim use permit, set the date for the prehearing conference and notify the interested parties.

b. within seven days of the prehearing conference, issue a prehearing order that includes a tentative schedule and order of proceedings for the hearing required under this subsection.

c. conduct an open record public hearing within thirty days of the prehearing conference.

d. within ten days of the public hearing, issue a decision on the interim use permit. The examiner's determination may be to grant or deny the application, and may include any conditions, modifications and restrictions as the examiner finds necessary to carry out the provisions of this section. The examiner's decision

may be appealed to the council according to K.C.C. 20.24.210, as recodified by this ordinance.

2. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence or to otherwise assure that due process is afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this section may be extended by the examiner at the examiner's discretion for an additional thirty days. With the consent of all parties, the periods may be extended indefinitely. The reason for the deferral shall be stated in the examiner's decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner.

BB. Issuance of the interim use permit by the county under this section does not relieve the applicant of its obligations to obtain other approvals required under state and federal law.

CC. The applicant shall pay fees to the county to cover the actual cost of providing project management, review and inspection services for the interim use permits and including environmental review, in accordance with K.C.C. 27.02.100.

SECTION 140. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010 are each hereby amended to read as follows:

The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. "Civil code violation" means and includes one or more of the following:

1. Any act or omission contrary to any ordinance, resolution, regulation or public rule of the county that regulates or protects public health, the environment or the use and development of land or water, whether or not the ordinance, resolution or regulation is codified; and

2. Any act or omission contrary to the conditions of any permit, notice and order or stop work order issued pursuant to any such an ordinance, resolution, regulation or public rule.

C. "Contested hearing" means a hearing requested in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation.

D. "Director" means, depending on the code violated:

1. The director of the department of permitting and environmental review;

2. The director of the Seattle-King County department of public health, or ((~~:~~))"local health officer" as that term is used in chapter 70.05 RCW((~~)~~));

3. The director of the department of natural resources and parks;

4. The director of any other county department authorized to enforce civil code compliance;

5. Authorized representatives of a director, including compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; or

6. Such other person as the council by ordinance authorizes to use this title.

E. "Found in violation" means that:

1. A citation, notice and order or stop work order has been issued and not timely appealed;

2. A voluntary compliance agreement has been entered into; or

3. The hearing examiner has determined that the violation has occurred and the hearing examiner's determination has not been stayed or reversed on appeal.

F. "Hearing examiner" means the office of the King County hearing examiner, as provided in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

G. "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

H. "Mitigation hearing" means a hearing requested in response to a citation to explain mitigating circumstances surrounding the commission of a violation.

I. "Permit" means any form of certificate, approval, registration, license or any other written permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

J. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation or legal entity.

K. "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, or the owner, lessor, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation occurs, or both.

L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement code provisions.

M. "Remediate" means to restore a site to a condition that complies with critical area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare.

N. "Resolution" means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

SECTION 141. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070 are each hereby amended to read as follows:

A. The department shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and data systems for tracking violations and applicable county codes, whether or not a violation has occurred. As soon as a department has reasonable cause to determine that a violation has occurred, it shall document the violation and promptly notify the owner, occupant or other person responsible for code compliance.

B. Except as provided in subsection D. of this section, a warning shall be issued verbally or in writing promptly when a field inspection reveals a violation, or as soon as the department otherwise determines that a violation has occurred. The warning shall inform the person determined to be responsible for code compliance of the violation and shall include a reference to the applicable permit or zoning condition, ordinance or code related to the violation. The warning shall also allow the person an opportunity to correct the violation or enter into a voluntary compliance agreement as provided for by this title. Verbal warnings shall be logged and followed up with a written warning within two weeks, and the site shall be reinspected within thirty days.

C. The guidelines in this section for warnings, notifications and reinspections are not jurisdictional, and failure to meet them in any particular case shall not affect the county's authority to enforce county code provisions with regard to that case.

D. Nor warning need be issued in cases involving, emergencies that pose an imminent threat to environmental health or to the public safety.

E. A department may issue a citation if it determines that the violation is likely to be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

F. A department may issue notice and orders in cases where it determines that the violation is unlikely be fully corrected in a reasonable period of time.

G. The department shall use all reasonable means to determine and cite the person or persons actually responsible for the violation occurring when the owner has not directly or indirectly caused the violation.

H. If the violation is not corrected or a voluntary compliance agreement is not achieved within a reasonable time ((~~period~~)), a citation, notice and order or stop work order should be issued. As a guideline, citations should be issued within sixty days from receipt of a complaint, and notice and orders should be issued within one hundred twenty days from receipt of a complaint. Stop work orders should be issued promptly upon discovery of a violation in progress.

I. Any complainant who provides a mailing address and requests to be kept advised of enforcement

efforts should be mailed a copy of all written warnings, voluntary compliance agreements, citations, notice and orders, stop work orders and notices of settlement conferences issued by a department with regard to the alleged violation. Any complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order or a determination not to issue a citation or order under K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance). The appeal under this subsection shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

SECTION 142. Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080 are each hereby amended to read as follows:

A. Service of a citation, notice of compliance, notice and order or penalty waiver decision shall be made on a person responsible for code compliance by one or more of the following methods:

1. Personal service of a citation, notice of noncompliance, notice and order or penalty waiver decision may be made on the person identified by the department as being responsible for code compliance, or by leaving a copy of the citation or notice and order at that person's house of usual abode with a person of suitable age and discretion who resides there.

2. Service directed to either the landowner or occupant of the property, or both, may be made by posting the citation, notice of noncompliance, notice and order or penalty waiver decision in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.

3. Service by mail may be made for a citation, notice of noncompliance, notice and order or penalty waiver decision by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the person responsible for code compliance at the person's last known address, at the address of the violation or at the address of the person's place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the

landowner of the property where the violation occurred. ((~~Service by mail shall be presumed effective upon the third business day following the day upon which the citation, notice of noncompliance, notice and order or penalty waiver decision was placed in the mail.~~))

B. For notice and orders only, when the address of the person responsible for code compliance cannot reasonably be determined, service may be made by publication once in a local newspaper with general circulation.

C. Service of a stop work order on a person responsible for code compliance may be made by posting the stop work order in a conspicuous place on the property where the violation occurred or by serving the stop work order in any other manner permitted by this section.

D. The failure of the director to make or attempt service on any person named in the citation, notice of noncompliance notice and order, stop work order or penalty waiver decision shall not invalidate any proceedings as to any other person duly served.

SECTION 143. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090 are each hereby amended to read as follows:

A. Whenever the applicable department determines that a code violation has occurred or is occurring, the department shall make reasonable efforts to secure voluntary compliance from the person responsible for code compliance. Upon contacting the person responsible for code compliance, the department may enter into a voluntary compliance agreement as provided for in this section.

B. A voluntary compliance agreement may be entered into at any time after issuance of a verbal or written warning, a citation, a notice and order or a stop work order and before an appeal is decided pursuant to K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

C. The voluntary compliance agreement is a commitment by the person responsible for code compliance under which the person agrees to do any combination of abating the violation, remediating the site or mitigating the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name and address of the person responsible for code compliance;

2. The address or other identification of the location of the violation;

3. A description of the violation and a reference to the provision or provisions of the ordinance, resolution or regulation that has been violated;

4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed. For the purpose of this subsection C.4., the department may either require that compliance be achieved by a specific date or that compliance be achieved by a date to be determined based on the occurrence of some future event;

5. The amount of the civil penalty that will be imposed pursuant to K.C.C. chapter 23.32 if the voluntary compliance agreement is not satisfied;

6. An acknowledgment that the voluntary compliance agreement will be recorded against the property in the records and licensing services division, the recording to be accomplished as provided for in notice and order cases;

7. An acknowledgment that if the department determines that the terms of the voluntary compliance agreement are not met, the department may issue a notice of noncompliance, and if the notice of noncompliance is not successfully appealed pursuant to K.C.C. 20.24.090, as recodified by this ordinance, that the county may, without issuing a citation, notice and order or stop work order, impose any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit;

8. An acknowledgment that if any assessed penalty, fee or cost is not paid, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for code compliance, and that the unpaid amount may be a joint and several personal obligation of

all persons responsible for code compliance;

9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil violation; and that the person responsible waives the right to administratively appeal the existence of the conditions and the fact that they constituted a civil code violation, and that if a notice of noncompliance is issued and not successfully appealed, the person is subject to and liable for any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and

10. An acknowledgment that the person responsible for code compliance understands that he or she knowingly, voluntarily and intelligently waives the right to administratively appeal a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the department issues a notice of noncompliance, and if the notice of noncompliance is not successfully challenged through administrative appeal, he or she is liable for the civil penalty available under K.C.C. chapter 23.32. The person identified in the voluntary compliance agreement is liable for the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in K.C.C. chapter 23.24 and is subject to all other remedies provided for in this title.

E. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the department if the person responsible for code compliance has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the

original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

SECTION 144. Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100 are each hereby amended to read as follows:

If the department determines that terms of the voluntary compliance agreement are not completely met, the director may issue a notice of noncompliance. A notice of noncompliance shall include a description of all incomplete or untimely corrective or abatement action required under the voluntary compliance agreement. The notice of noncompliance shall also include the civil penalty to be imposed based upon the failure to comply with the voluntary compliance agreement. The person or persons responsible for code compliance may appeal the facts and conclusions described in the notice of noncompliance as provided by K.C.C. 20.24.090, as recodified by this ordinance. If the director issues a notice of noncompliance, and the notice of noncompliance is not successfully challenged through administrative appeal, the department may abate the violation in accordance with this title, and the person responsible for code compliance may, without being issued a citation, notice and order or stop work order, be assessed a civil fine or penalty, in accordance with the penalty provisions of the voluntary compliance agreement, plus all costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that notice of noncompliance was issued.

SECTION 145. Ordinance 12024, Section 7, and K.C.C. 23.10.070 are each hereby amended to read as follows:

A. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the vehicle on the land stating the reason for such denial. If it is determined by the hearing officer that the vehicle was placed on the land without consent of the land owner and that the land owner has not

subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

B. Nothing in this chapter shall relieve the landowner of any civil penalties which may accrue from any zoning code violation related to the improper placement, parking or storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

C. In addition to determination of responsibility as provided for in paragraph A, the hearing examiner shall receive and examine evidence on other relevant matters, including whether a public nuisance as defined in this chapter exists. The decision of the hearing examiner shall be final. Any further ((~~approval~~)) appeal shall be as prescribed in K.C.C. 20.24.240.B., as recodified by this ordinance.

SECTION 146. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020 are each hereby amended to read as follows:

A. A citation represents a determination that a civil code violation has been committed and that the person cited is a person responsible for code compliance. The determination is final unless contested as provided in this title.

B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for code compliance to an illegal dumping cleanup restitution payment.

D. The person issued a citation shall respond to the citation as provided in K.C.C. 23.20.060 and 23.20.070 within ((~~fourteen~~)) seventeen days of the date of service of the citation.

E. Failure to respond to the citation within ((~~fourteen~~)) seventeen days shall render the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the person cited is liable as a person responsible for code compliance.

F. Imposition of a civil fine creates a joint and several personal obligation in all persons responsible for

code compliance who are served with the citation. The prosecuting attorney on behalf of King County may collect the civil fines assessed by any appropriate legal means.

G. Issuance of a citation in no way limits a director's authority to issue a notice and order or stop work order to the same person responsible for code compliance pursuant to this title. Payment of the civil fine assessed under the citation does not relieve a person responsible for code compliance of his or her duty to correct the violation or to pay any and all civil penalties accruing under a notice and order or stop work order issued pursuant to this title.

SECTION 147. Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030 are each hereby amended to read as follows:

A citation shall contain the following:

A. A reasonable description of the location of the property on which the violation occurred;

B. The name and address of the person responsible for code compliance;

C. A brief description of the violation or violations found;

D. A statement of the specific ordinance, resolution, regulation, public rule, permit condition, notice and order provision, or stop work order provision that was violated;

E. The date that the citation was served;

F. A statement that the citation represents a determination that a civil code violation has occurred and that the person cited is subject to civil fines;

G. A statement of the amount of the civil fine assessed;

H. A statement of the options provided in this title for responding to the citation and the procedures necessary to exercise these options;

I. A statement that, at any hearing to contest the determination that a civil code violation has occurred, the county has the burden of proving, by a preponderance of the evidence, that the violation was committed;

J. A statement that, at any hearing requested for the purpose of explaining mitigating circumstances

surrounding the commission of the violation, the person cited will be deemed to have committed the violation;

K. A statement that the person cited must respond to the citation as provided in this chapter within ((~~fourteen~~)) seventeen days;

L. A statement that failure to respond to the citation or to appear at a requested hearing renders the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the person cited is liable as a person responsible for code compliance;

M. A statement advising that a failure to respond to the citation or appear at a requested hearing may be referred to the prosecuting attorney for prosecution; and

N. A statement, made under penalty of perjury as provided in RCW 9A.72.085, setting forth facts supporting issuance of the citation.

SECTION 148. Ordinance 16278, Section 16, and K.C.C. 23.20.060 are each hereby amended to read as follows:

A. A person issued a citation must respond within ((~~fourteen~~)) seventeen days after service of the citation in one of the following ways:

1. If the person issued the citation does not contest the determination, the person shall pay the amount of the civil penalty plus cleanup restitution payment, if applicable, specified in the citation. The record shall show a finding that the person cited is the person responsible for code compliance.

2. If the person issued the citation does not contest the determination, but wishes to explain the circumstances surrounding the commission of the violation, the person shall request in writing a mitigation hearing and provide a mailing address to which notice of the hearing may be sent; or

3. If the person issued the citation wishes to contest the determination that a violation occurred or that the person issued the citation is responsible for the violation, the person shall request in writing a contested hearing and provide a mailing address to which notice of the hearing may be sent.

B. The person issued the citation shall respond to the citation by mail to the address provided on the

citation. The response shall be postmarked not later than ((~~fourteen~~)) seventeen days after the date the citation was served.

C. If a person fails to respond to a citation within ((~~fourteen~~)) seventeen days, the person shall be deemed to have committed the violation stated in the citation. The department may assess the penalty and restitution payment specified in the citation.

SECTION 149. Ordinance 16278, Section 18, and K.C.C. 23.20.080 are each hereby amended to read as follows:

A. If a person requests a hearing in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation, the department shall notify the hearing examiner that a contested hearing has been requested. The office of the hearing examiner shall:

1. Schedule a hearing to be held within sixty days after the department provides notice of the request; and

2. At least twenty days before the date of the hearing, provide notice of the time, place and date of the hearing by first class mail to the address provided in the request for hearing.

B. Except as otherwise provided in this section, contested hearings shall be conducted pursuant to K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance) and the rules of procedure of the ((~~King County~~)) hearing examiner. The hearing examiner may issue subpoenas for witnesses and order limited discovery. The requirements ((~~of K.C.C. 20.24.145~~)) relating to ((~~pre-hearing~~)) prehearing conferences do not apply to the contested hearing.

C. If the rights of the alleged violator to receive notice that meets due process requirements are not prejudiced:

1. A citation shall not be deemed insufficient by reason of formal defects or imperfections, including a failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed; and

2. A citation may be amended prior to the conclusion of the hearing so as to conform to the evidence presented.

D. The burden of proof is on the county to establish by a preponderance of the evidence that the violation was committed. The hearing examiner shall consider the citation and any other written report made as provided in RCW 9A.72.085, submitted by the person who issued the citation or whose written statement was the basis for the issuance of the citation in lieu of that person's personal appearance at the hearing as prima facie evidence that a violation occurred and that the person cited is responsible. The statement and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any additional certification or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the violation did not occur or that the person contesting the citation is not responsible for the violation.

E. If the citation is sustained at the hearing, the hearing examiner shall enter an order finding that the person cited committed the violation. If an ongoing violation remains uncorrected, the hearing examiner shall impose the applicable penalty. The hearing examiner may reduce the penalty as provided in K.C.C. 23.20.070 if the violation has been corrected. If the hearing examiner finds by a preponderance of the evidence that the violation did not occur, an order shall be entered dismissing the citation.

F. The hearing examiner's decision ((~~is a final agency action~~)) shall be final and conclusive unless an appeal is timely filed with the appropriate court or tribunal.

G. A cited person's failure to appear for a scheduled hearing shall result in an order being entered that the person cited is the person responsible for code compliance and assessing the applicable civil penalty and if applicable, cleanup restitution payment.

SECTION 150. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020 are each hereby amended to read as follows:

A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order represents a

determination that a civil code violation has been committed, that the person cited is a person responsible for code compliance, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies including cleanup restitution payment, if applicable, specified in the notice and order.

B. Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:

1. Additional civil penalties and costs;

2. A requirement that abatement, remediation or mitigation be performed;

3. An agreement to perform community service as prescribed by this chapter;

4. Permit suspension, revocation, modification or denial as prescribed by this chapter; or

5. Abatement by a director and recovery of the costs of abatement according to the procedures described in this chapter.

C. Any person identified in the notice and order as responsible for code compliance may appeal the notice and order ((~~within fourteen days~~)) according to the procedures in K.C.C. chapter 23.36.

D. Failure to appeal the notice and order within the applicable time limits shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.

E. Issuance of a notice and order in no way limits a director's authority to issue a citation or stop work order to a person previously cited through the notice and order process pursuant to this title. Payment of the civil penalties assessed under the notice and order does not relieve a person found to be responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under citations or stop work orders issued pursuant to this title.

SECTION 151. Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030 are each hereby amended to read as follows:

The notice and order shall contain the following information:

A. The address, when available, or location of the civil code violation;

B. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators;

C. A statement that the director has found the named person to have committed a civil code violation and a brief description of the violation or violations found;

D. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

E. The dollar amount of the civil penalty per separate violation;

F. A statement advising that any costs of enforcement that exceed the amount of the penalty may also be assessed against the person to whom the notice and order is directed;

G. A statement advising that the notice and order will be recorded against the property in the records and licensing services division subsequent to service;

H. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

I. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, a director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of any persons responsible for code compliance;

J. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by a person responsible for code compliance and as a joint and several personal obligation of all persons responsible for code compliance;

K. A statement advising that any person named in the notice and order or having any record or

equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the hearing examiner within ((~~fourteen~~)) twenty-four days of the date of service of the notice and order;

L. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent King County permit applications on the subject property;

M. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance; and

N. A statement advising the person responsible for code compliance of his or her duty to notify the director of any actions taken to achieve compliance with the notice and order.

SECTION 152. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100 are each hereby amended to read as follows:

A. A director may suspend, revoke or limit any permit issued by that director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;

2. The permit holder has interfered with a director in the performance of his or her duties relating to that permit;

3. The permit was issued in error or on the basis of materially incorrect information supplied to the county;

4. Permit fees or costs were paid to the county by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled;

5. For a permit or approval that is subject to critical areas review, the applicant has failed to disclose a change of circumstances on the development proposal site which materially affects an applicant's ability to meet the permit or approval conditions or which makes inaccurate the critical areas study that was the basis for

establishing permit or approval conditions; or

6. For a permit or approval for which fees that have been billed are sixty days or more past due. If the applicant has filed a timely written notice for a fee waiver under K.C.C. 27.02.040, the permit shall not be suspended, revoked or otherwise limited under this subsection A.6. until at least ((~~fourteen~~)) seventeen days after the fee waiver decision has been issued.

B. A suspension, revocation or modification authorized by subsection A. of this section shall be carried out through the notice and order provisions of this chapter and shall be effective upon the compliance date established by the notice and order. The revocation, suspension or cancellation may be appealed to the hearing examiner using the appeal provisions of this title.

C. Notwithstanding any other provision of this title, a director may immediately suspend operations under any permit by issuing a stop work order pursuant to K.C.C. chapter 23.28.

SECTION 153. Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050 are each hereby amended to read as follows:

A. The invoice for newly assessed civil penalties imposed under this title shall include a statement advising the person responsible for code compliance that there is a right, within twenty-((~~one~~))four days from service of the invoice, to request a waiver from the director of some or all of the penalties.

B. Civil penalties, in whole or in part, may be waived or reimbursed to the payer by the director, with the concurrence of the director of the department of executive services, under the following circumstances:

1. The citation, notice and order, notice of noncompliance or stop work order was issued in error;

2. The civil penalties were assessed in error; or

3. Notice failed to reach the property owner due to unusual circumstances.

C. Civil penalties, in whole or in part, may be waived by the director, with the concurrence of the director of the department of executive services or its successor agency, under the following circumstances:

1. The code violations have been cured under a voluntary compliance agreement;

2. The code violations which formed the basis for the civil penalties have been cured, and the director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or

3. Other information warranting waiver has been presented to the director since the citation, notice and order, notice of noncompliance, stop work order or newly assessed penalty invoice was issued.

D. In cases where additional penalties may be assessed and liens issued, or where compliance or other factors may provide a later ground for waiver, the director may postpone consideration of the waiver request. New penalties may be assessed as warranted, but interest shall not accrue on, and collection shall not be pursued for, penalties subject to a pending waiver request.

E. When the director reaches a final determination on a waiver request, the department shall provide a written decision to the person filing the waiver request, either in person or by mail. The written decision shall inform the person of the right to appeal the waiver decision and shall provide notice of the appeal deadlines and requirements established in this chapter.

F. The director shall document the circumstances under which a decision was made to waive penalties and such a statement shall become part of the public record unless privileged.

SECTION 154. Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100 are each hereby amended to read as follows:

A. A person who filed a penalty waiver request under K.C.C. 23.32.050 may appeal the director's decision denying all or a portion of the request waiver.

B. In order to be effective, a written notice and statement of appeal must be received by the department within ((~~fourteen~~)) seventeen days from service of the director's penalty waiver decision. The statement of appeal must include:

1. The identity of the person filing the appeal;

2. The address of the property where the violations were determined to exist;

3. A description of the actions taken to achieve compliance and, if applicable, the date of compliance;

and

4. Any other reasons why the person believes the penalties are erroneous or excessive under the circumstances.

C. Failure to effectively appeal the director's penalty waiver decision within the applicable time limits renders the decision final.

SECTION 155. Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110 are each hereby amended to read as follows:

The burden is on the appellant to demonstrate by a preponderance of the evidence that civil penalties were assessed after achieving compliance or that the penalties are otherwise erroneous or excessive under the circumstances. If the hearing examiner grants the appeal, in whole or in part, the examiner shall modify the assessment of civil penalties accordingly. If the hearing examiner denies the appeal in full ((~~whole or in part~~)), the assessed civil penalties shall be reinstated in full. The hearing examiner's decision is final.

SECTION 156. Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120 are each hereby amended to read as follows:

A. In an appeal of the assessment of civil penalties, the appellant may not challenge findings, requirements or other items((,)) that could have been challenged during the appeal period for a citation, notice and order, notice of noncompliance, stop work order or earlier penalty.

B. The appeal of the assessment of civil penalties to the hearing examiner shall be governed by K.C.C. chapters ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and 23.36, except that where specific provisions in this chapter conflict with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) or 23.36, ((~~the provisions of~~)) this chapter shall govern.

C. Upon the timely receipt of a statement of appeal, the assessment of civil penalties shall be tolled pending the hearing examiner's decision. New penalties may be assessed and liens issued as warranted, but interest shall not accrue on, and collection shall not be pursued for, penalties subject to a pending appeal.

Should the hearing examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively from the date that compliance was required in the notice and order, stop work order, voluntary compliance agreement or the compliance dates set in the hearing examiner's decision on an appeal of a notice and order.

SECTION 157. Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010 are each hereby amended to read as follows:

A.((~~1.~~)) Any person named in a notice and order or stop work order and any owner of the land where the violation occurred for which a notice and order or stop work order is issued may ((~~file with the issuing department a notice of~~)) appeal ((~~of~~)) the notice and order or stop work order in accordance with K.C.C. 20.24.090, as recodified by this ordinance. ((~~The notice of appeal shall be filed within fourteen days of the service of the notice and order or stop work order.~~))

((~~2.~~)) B. Any complainant who has alleged a violation of K.C.C. chapter 9.12, 16.82 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to be kept advised in accordance with K.C.C. 23.02.070.H. may (~~file with the issuing department a notice of~~)) appeal ((~~of~~)) a citation, notice and order, stop work order or a determination not to issue a citation or order in accordance with K.C.C. 20.24.090, as recodified by this ordinance. ((~~The notice of appeal shall be filed within fourteen days of the service of the citation, notice and order, stop work order or notice of decision not to issue a citation or order.~~

~~B. If a notice of appeal has been filed within the time period provided in this section, the appellant shall file a statement of appeal with the issuing department within twenty-one days of the service of the citation, notice and order, stop work order or notice of decision not to issue a citation or order.~~))

C. Any person issued a citation shall respond to the citation as provided in K.C.C. chapter 23.20.

D. A ((~~notice~~)) statement of appeal shall comply with the form, content and service requirements of K.C.C. chapters 20.20 and ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and adopted public rules.

SECTION 158. Ordinance 13263, Section 44, and K.C.C. 23.36.020 are each hereby amended to read

as follows:

A. The appeal hearing shall be conducted as provided for in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) except that where specific provisions in this title conflict with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), the provisions of this title shall govern.

B. Enforcement of any notice and order of a director issued pursuant to this title shall be stayed as to the appealing party during the pendency of any administrative appeal under this title, except when a director determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in any notice and order issued.

C. Enforcement of any stop work order of a director issued pursuant to this title shall not be stayed during the pendency of any administrative appeal under this title.

D. When multiple citations, stop work orders, or notices and orders have been issued simultaneously for any set of facts constituting a violation, only one appeal of all the enforcement actions shall be allowed.

SECTION 159. Ordinance 16026, Section 11, and K.C.C. 27.50.020 are each hereby amended to read as follows:

An applicant disputing a fee estimate must do so in writing filed with the department not later than seventeen days after the date that the department mailed the fee estimate letter or estimate revision to the applicant. Within fourteen days after the applicant files the fee estimate dispute with the department, the department shall mail the director's decision on the fee estimate dispute to the applicant. The director's decision shall be final unless the applicant then files a written combined notice and statement of appeal with the director, together with the required appeal fee, not later than seventeen days after the department mailed the director's decision to the applicant. The applicant may only appeal an adverse decision, in which the director has denied all or a portion of the applicant's dispute. The department shall forward a copy of the combined notice and statement of appeal to the hearing examiner. The department shall also preserve the record((~~,~~)) and comply

with the appeal provisions in K.C.C. 20.24.090.((~~D~~))E, as recodified by this ordinance.

SECTION 160. Ordinance 16026, Section 15, and K.C.C. 27.50.060 are each hereby amended to read as follows:

A. An applicant appealing any billing on a project managed permit or approval must file a written combined notice and statement of appeal with the director, together with the required appeal fee not later than twenty-one days after the date the department issues the written notice of completion or permit issuance document to the applicant. The department shall forward the combined notice and statement of appeal to the hearing examiner. The department shall also preserve the record((~~,~~)) and comply with the appeal provisions outlined in K.C.C. 20.24.090.((~~D~~))E, as recodified by this ordinance.

B. The director shall respond to the combined notice and statement of appeal filed under this section within twenty-one days after the combined notice and statement is filed with the department. The director shall determine whether to grant, partially grant((~~,~~)) or deny the billing appeal. The department shall mail the director's decision to the applicant and the examiner. If the director grants the appeal of the billing, the examiner shall dismiss the appeal and the department shall refund the applicant's appeal fee. If the director partially grants or denies the applicant's billing appeal request, the examiner shall conduct an open record hearing((~~,~~)) and affirm, modify or reverse the decision of the director.

SECTION 161. Ordinance 11034, Section 9, and K.C.C. 28.84.100 are each hereby amended to read as follows:

The following ((~~provisions~~)) shall govern appeals from decisions of the director related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060((~~.~~)):

A. Any person ((~~allegedly~~)) aggrieved by ((~~any such~~)) a decision of the director shall, before filing ((~~any~~)) an appeal ((~~with~~)) to the ((~~King County~~)) hearing examiner, request that the director reconsider the decision. The request must be made within fifteen calendar days of the date of the decision. The request shall state the decision to be appealed, the grounds for the appeal and the relief ((~~being~~)) sought. The director shall

promptly issue a final decision, which shall be appealable only as provided ((~~herein.~~)) in K.C.C. 20.24.090, as recodified by this ordinance;

B. ((~~Within fifteen calendar days of the date of issuance of the director's final decision, the~~ ~~person allegedly aggrieved may file a written appeal statement with the King County hearing examiner. The appeal shall state the decision being appealed and the grounds for appeal~~

~~C.~~)) The examiner shall hear the appeal, determine whether the decision of the director was consistent with K.C.C. 28.84.050 or 28.84.060, as applicable, this chapter and rules and regulations promulgated by the director((~~,~~)) and promptly issue a final decision ~~((K.C.C. 20.24.080.))~~; and

((~~D.~~)) C. Appeals of the examiner's final decision shall be to the superior court or the state Pollution Control Hearings Board, as provided by law.

SECTION 162. In accordance with K.C.C. 20.12.205, the executive shall submit this ordinance to the state Department of Ecology for its approval of the standards in sections 34, 35, 113, 114 and 115 of this ordinance, as provided in RCW 90.58.090.

SECTION 163. Sections 34, 35, 113, 114 and 115 of this ordinance take effect within the shoreline jurisdiction fourteen days after the Department of Ecology provides written notice of final action stating that the proposal is approved.