



Legislation Text

File #: 2007-0608, **Version:** 2

AN ORDINANCE relating to the organization of records, elections and licensing services delivery within the executive branch; and amending Ordinance 11348, Section 4, as amended, and K.C.C. 1.05.040, Ordinance 13932, Section 3, and K.C.C. 1.05.105, Ordinance 11348, Section 6, as amended, and K.C.C. 1.05.115, Ordinance 8627, Section 3, and K.C.C. 1.06.030, Ordinance 8627, Section 4, and K.C.C. 1.06.040, Ordinance 9391, Section 1, as amended, and K.C.C. 1.08.020, Ordinance 8113, Sections 2 through 3, as amended, and K.C.C. 1.10.020, Ordinance 8113, Section 4, and K.C.C. 1.10.030, Ordinance 8113, Section 7, and K.C.C. 1.10.060, Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070, Ordinance 884, Section 1, as amended, and K.C.C. 1.12.010, Ordinance 1053, Sections 1 and 2, as amended, and K.C.C. 1.12.020, Ordinance 1346, Section 1, and K.C.C. 1.14.010, Ordinance 1346, Section 2, and K.C.C. 1.14.020, Ordinance 1346, Section 3, and K.C.C. 1.14.030, Ordinance 1346, Section 4, and K.C.C. 1.14.040, Ordinance 1346, Section 5, and K.C.C. 1.14.050, Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, Ordinance 8024, Section 2, and K.C.C. 1.18.020, Ordinance 8024, Section 5, and K.C.C. 1.18.050, Ordinance 8024, Section 6, and K.C.C. 1.18.060, Ordinance 8024, Section 7, and K.C.C. 1.18.070, Ordinance 8024, Section 8, and K.C.C.

1.1|1013|.080, Ordinance 695, Section 2, as amended, and K.C.C. 2.12.020, Ordinance 10698, Section 2, and K.C.C. 2.12.035, Ordinance 5962, Section 2, as amended, and K.C.C. 2.12.080, Ordinance 1660, Sections 1 through 2, as amended, and K.C.C. 2.12.120, Ordinance |1013|2075, Section 1, and K.C.C. 2.12.160, Ordinance 9168, Section 2, and K.C.C. 2.12.170, Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 394, Section 5, as amended, and K.C.C. 2.20.050, Ordinance 12075, Section 8, and K.C.C. 2.36.030, Ordinance 14482, Section 7, and K.C.C. 2.49.060, Ordinance 15453, Section 4, and K.C.C. 2.53.031, Ordinance 15453, Section 6, and K.C.C. 2.53.051, Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050, Ordinance 543, Section 4, as amended, and K.C.C. 3.08.040, Ordinance 543, Section 6, as amended, and K.C.C. 3.08.060, Ordinance 12014, Section 4, and K.C.C. 3.08.070, Ordinance 12026, Section 9, and K.C.C. 4.18.080, Ordinance 1888, Article I Section 2, as amended, and K.C.C. 6.01.010, Resolution 6574 (part), as amended, and K.C.C. 6.08.030, Ordinance 10498, Sections 47 through 60, as amended, and K.C.C. 6.64.660, Ordinance 5220, Section 2, as amended, and K.C.C. 6.80.020, Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030, Ordinance 11177, Section 7, as amended, and K.C.C. 6.84.050, Ordinance 11177, Section 9, as amended, and K.C.C. 6.84.070, Ordinance 11177, Section 10, as amended, and K.C.C. 6.84.080, Ordinance 12551, Section 5, and K.C.C. 6.84.095, Ordinance 1490, Section 3, as amended, and K.C.C. 8.60.030, Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120, Ordinance 1269, Section 1, as amended, and

K.C.C. 11.02.0|1013|0, Ordinance 1396, Article 1 Section 3, as amended, and K.C.C. 11.04.020, Ordinance 10423, Section 10, as amended, and K.C.C. 11.04.590, Ordinance 9464, Section 6, as amended, and K.C.C. 11.06.060, Ordinance 3732, Section 1, as amended, and K.C.C. 11.08.0|1013|0, Resolution 27312, Section 1, as amended, and K.C.C. 11.12.010, Ordinance 2473, Section 2, as amended, and K.C.C. 11.28.020, Ordinance 3232, Section 2, as amended, and K.C.C. 11.32.020, Ordinance 11992, Section 13, and K.C.C. 12.16.115, Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050, Ordinance 4257, Section 17, as amended, and K.C.C. 12.46.170, Ordinance 1454, Sections 1 through 3, and K.C.C. 12.68.010, Ordinance 10154, Section 4, as amended, and K.C.C. 12.82.040, Ordinance 10393, Section 1, as amended, and K.C.C. 12.82.070, Ordinance 10508, Section 1, as amended, and K.C.C. 12.82.080, Ordinance 10509, Section 1, as amended, and K.C.C. 12.82.090, Ordinance 10689, Section 1, as amended, and K.C.C. 12.82.100, Ordinance 10690, Section 1, as amended, and K.C.C. 12.82.110, Ordinance 10723, Section 1, as amended, and K.C.C. 12.82.120, Ordinance 10724, Section 1, as amended, and K.C.C. 12.82.130, Ordinance 10793, Section 1, as amended, and K.C.C. 12.82.140, Ordinance 11006, Section 1, as amended, and K.C.C. 12.82.150, Ordinance 11040, Section 1, as amended, and K.C.C. 12.82.160, Ordinance 11080, Section 1, as amended, and K.C.C. 12.82.180, Ordinance 11979, Section 1, as amended, and K.C.C. 12.82.190, Ordinance 11991, Section 1, as amended, and K.C.C. 12.82.200, Ordinance 11071, Section 1, as amended, and K.C.C. 12.82.400, Ordinance 7444, Section 5, as amended, and K.C.C. 15.90.050, Ordinance 13694, Section 40, and K.C.C. 19A.08.050, Ordinance 13694, Section 47, as amended,

and K.C.C. 19A.08.120, Ordinance 13694, Section 63, and K.C.C. 19A.16.030, Ordinance 13694, Section 65, and K.C.C. 19A.16.050, Ordinance 13694, Section 75, and K.C.C. 19A.20.060, Ordinance 15137, Section 1, and K.C.C. 20.36.015, Ordinance 10511, Section 7, as amended, and K.C.C. 20.3|1013|.100, Ordinance 4828, Section 7, as amended, and K.C.C. 20.62.070, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170, Ordinance 10870, Section 364, as amended, and K.C.C. 21A.1|1013|.040, Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020, Ordinance 10870, Section 408, as amended, and K.C.C. 21A.18.040, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 12823, Section 16, as amended, and K.C.C. 21A.38.210, Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090, Ordinance 13263, Section 22, as amended, and K.C.C. 23.24.030, Ordinance 13263, Section 23, as amended, and K.C.C. 23.24.040, Ordinance 13263, Section 24, as amended, and K.C.C. 23.24.050, Ordinance 13263, Section 48, as amended, and K.C.C. 23.40.010. Ordinance 13263, Section 49, as amended, and K.C.C. 23.40.020, Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040 and Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120.

STATEMENT OF FACTS:

1. One of the most important responsibilities entrusted to King County is the conduct of elections.
2. The King County citizens' elections oversight committee has recommended that elections be a "stand alone" operation.
- 3 The Elections Center in their audit of King County elections recommended that elections be a

separate division.

4. The Municipal League has recommended that elections be a separate department.

5. The director of an elections division will be better able to concentrate on the critical function of conducting, fair and accurate elections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11348, Section 4, as amended, and K.C.C. 1.05.040 are each hereby amended to read as follows:

A. No person other than a political committee shall make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor, nor shall any political committee make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor.

B. No candidate for executive, county council, sheriff, or assessor shall accept or receive during the election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any person other than a political committee, nor shall any such candidate accept or receive during the election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any political committee.

C. The limitations in this section shall not apply to:

1. A candidate's contributions of his(~~/~~) or her own resources to his(~~/~~) or her own campaign; the limitations imposed by this section shall apply to the contributions of all others; and
2. Independent expenditures as defined by this chapter; and
3. The value of in-kind labor; and
4. Contributions to or expenditures from public office funds made consistent with the provisions of RCW 42.17.243.

D. Surplus campaign funds, as defined in RCW 42.17.030, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds. A candidate must file a statement with the ((records and)) elections division and the Public Disclosure Commission which identifies any funds used pursuant to this section. The statement shall include the following information for each amount transferred: The original contributor, original date of contribution, amount originally contributed, and the portion of each contribution transferred to the current campaign.

SECTION 2. Ordinance 13932, Section 3, and K.C.C. 1.05.105 are each hereby amended to read as follows:

At the beginning of each even-numbered calendar year, the ((records and)) elections division shall increase or decrease all dollar amounts in this chapter based on changes in economic conditions as reflected in the inflationary index used by the Washington state Public Disclosure Commission under RCW 42.17.370. The new dollar amounts established by the ((records and)) elections division under this section shall be rounded off by the division to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since the effective date of this ordinance.

SECTION 3. Ordinance 11348, Section 6, as amended, and K.C.C. 1.05.115 are each hereby amended to read as follows:

The ((records and)) elections division shall adopt rules consistent with this chapter. Until new rules are

adopted, the rules adopted by Ordinance 10742, as amended by Ordinance 11348, remain in effect.

SECTION 4. Ordinance 8627, Section 3, and K.C.C. 1.06.030 are each hereby amended to read as follows:

Before any charitable organization may make a contribution or spend money collected by the organization for political purposes for the elected offices covered in ((Section)) K.C.C. 1.06.020, it shall file with the manager of the ((King County division of records and)) elections division an affidavit signed under oath by an authorized official of the entity containing or establishing the following:

- A. All contributions from the general public to be used for part or all of the campaign contribution were authorized by the donors to be used for campaign contributions for King County elected offices.
- B. A written authorization that the money may be used for campaign contributions by each donor is on file at the charitable organization's primary office.
- C. The contributions are kept in a separate segregated political fund.
- D. A list of the names and addresses of all donors and the amounts donated.

SECTION 5. Ordinance 8627, Section 4, and K.C.C. 1.06.040 are each hereby amended to read as follows:

Within five business days of making any contribution covered in ((Section)) K.C.C. 1.06.020, the organization shall file with the manager of the ((King County division of records and)) elections division an affidavit under oath stating the amount of the contributions given and the recipients.

SECTION 6. Ordinance 9391, Section 1, as amended, and K.C.C. 1.08.020 are each hereby amended to read as follows:

- A. The manager((, records and)) of the elections division((;)) is authorized and directed to compensate election inspectors and judges either the state or federal minimum hourly wage, whichever is greater.
- B. Precinct election officials shall be credited with no more than the following hours for the services provided:

Activity	Hours
Service at a polling place on election day	15.5
Transporting election supplies to and from the ballot collection depot	5
Judge accompanying an Inspector for the delivery of ballots to the collection depot	1
Attendance at training classes	3

SECTION 7. Ordinance 8113, Sections 2 through 3, as amended, and K.C.C. 1.10.020 are each hereby

amended to read as follows:

Prior to any primary, general, or special election for which a voters' pamphlet is being prepared, the ((~~King County records and~~)) elections division shall notify each city, town, and special taxing district located wholly within King County that a local voters' pamphlet will be published and distributed; except, in the event the pamphlet is authorized specifically because the election is by mail ballot, notice should be sent to those cities and special taxing districts affected by the proposed annexation and incorporation.

SECTION 8. Ordinance 8113, Section 4, and K.C.C. 1.10.030 are each hereby amended to read as follows:

Following the effective date of this chapter, the elections division ((~~of records and elections~~)), after consultation with participating jurisdictions, shall adopt and publish administrative rules necessary to facilitate the provisions of this chapter and chapter ((~~29.81A~~)) 29A.32 RCW authorizing the publication and distribution of a local ((~~voter's~~)) voters' pamphlet.

SECTION 9. Ordinance 8113, Section 7, and K.C.C. 1.10.060 are each hereby amended to read as follows:

Any challenge to an explanatory statement prepared or reviewed and approved pursuant to RCW ((~~29.81A.040(3)~~)) 29A.32.240(3) shall be brought within five days from the filing of such explanatory statement with the elections division ((~~of records and elections~~)). Any such challenge shall be brought by way of petition in the ((~~S~~))superior ((~~C~~))court for King County. The petition shall set forth the text of the explanatory statement, the objections thereto, and shall request the amendment of the text of the explanatory statement. The

decision of the ~~((S))~~superior ~~((C))~~court shall be final.

SECTION 10. Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070 are each hereby amended to read as follows:

Each January following a year in which a voters' pamphlet is produced, the executive shall submit a report to the council evaluating the experience of the elections division ~~((of records and elections experience))~~ in producing the ~~((voter's))~~ voters' pamphlet. The report shall include a statement of overall costs and costs to participating jurisdictions, level of local participation, impacts on election turnout, reception of the pamphlet by voters and participants and any other information necessary to an analysis of the program by the council.

SECTION 11. Ordinance 884, Section 1, as amended, and K.C.C. 1.12.010 are each hereby amended to read as follows:

A. Precinct Establishment. The voting precincts of King County are hereby established pursuant to state law and shall be as described in the attachments to this section which are hereby adopted, and which shall be retained officially on file in the elections division ~~((of records and elections))~~.

B. Precincts Identified. An alpha-numeric system of identifying voting precincts using a combination of letters and numbers shall be established throughout King County. Those precincts located in unincorporated areas of the county which presently have names shall retain them for public purposes in addition to the alpha-numeric designation. Names shall be given only to those new precincts in unincorporated areas of the county which are created from portions of existing named precincts.

C. Precinct Revisions. Precincts shall be divided, new precincts created~~((;))~~ and boundaries of existing precincts altered, as necessary, to implement precinct balancing~~((;))~~ and to accommodate the incorporation and annexations of unincorporated county areas into incorporated cities and for the convenience of voters.

D. Precinct Balancing. In balancing precincts, voting precincts shall be constructed so as to consist of between two hundred and four hundred registered voters per individual precinct. Where necessary to construct a precinct with less than two hundred representation, it shall be noted on the revision proposal and a full

explanation of this deviation provided.

E. Revision Approval. Proposed revisions to voting precincts, as provided for in this section, shall be submitted to the council for approval by ordinance no later than May 1~~((st))~~ of the applicable year. The proposal shall include a replacement for the attachments to this section.

F. King County District Court Electoral District Boundaries. The ~~((records and))~~ elections division shall submit to the council concurrently with any proposed revisions to voting precincts, proposed revisions to the King County district court electoral district boundaries which result from the proposed voting precinct revisions, as described in K.C.C. chapter 2.68.

SECTION 12. Ordinance 1053, Sections 1 and 2, as amended, and K.C.C. 1.12.020 are each hereby amended to read as follows:

Voting devices and vote tally systems ~~((as defined in RCW 29.01.200))~~ may be used in all primaries and elections, general or special, in all precincts within King County.

The manager~~((, records and))~~ of the elections division~~((;))~~ is authorized discretionary use of these voting devices in any type of election and any combination of precincts as provided by law.

SECTION 13. Ordinance 1346, Section 1, and K.C.C. 1.14.010 are each hereby amended to read as follows:

The elections division ~~((of records and elections))~~ shall file with the clerk of the county council sample forms of the computer printouts which shall indicate the type of information which will be contained on the copies of the computer printouts of the current precinct lists of registered voters available for purchase or inspection. The elections division ~~((of records and elections))~~ may amend the forms to include additional information or to delete information by filing additional or supplemental samples with the clerk of the county council; provided, however, that additional or supplemental filings shall not be made during the period of time commencing ninety days prior to an election and terminating on the date of the election.

SECTION 14. Ordinance 1346, Section 2, and K.C.C. 1.14.020 are each hereby amended to read as

follows:

Copies of computer printouts in the form of samples filed with the clerk of the county council may be inspected by any member of the public at the office of ~~((records and))~~ the elections division under such reasonable rules and regulations as the division ~~((of records and elections))~~ may prescribe.

SECTION 15. Ordinance 1346, Section 3, and K.C.C. 1.14.030 are each hereby amended to read as follows:

Copies of the computer printouts in the form of the samples filed with the clerk of the county council may be purchased by any registered voter of the state within ten days after a written request is filed with the elections division ~~((of records and elections))~~. Either paper copies prepared on the copying machines being currently used by the county or microfilm copies may be purchased.

SECTION 16. Ordinance 1346, Section 4, and K.C.C. 1.14.040 are each hereby amended to read as follows:

Any registered voter of the state within ten days after a written request is filed with the elections division ~~((of records and elections))~~ may purchase the use of copies of the computer magnetic tapes and format being currently used by the division ~~((of records and elections))~~, which contain the information from which the lists of current registered voters are compiled, for use in specific elections under the following rules and regulations:

- A. Copies of the tapes may not be obtained until one hundred ninety days prior to the specific election for which its use is desired.
- B. All copies obtained shall be returned within ten days after the election.
- C. The person obtaining copies of the tapes shall sign an affidavit stating the name and address of each person who will have possession of the tapes and the name and address of each person who will operate the computers on which the tapes will be used.
- D. It is unlawful for anyone to permit a duplicate copy to be made of all or any part of any computer

magnetic tape obtained pursuant to this chapter or to permit the use of the computer magnetic tapes to improve, amend, supplement or update the information contained on any other computer magnetic tape.

E. When the computer magnetic tapes obtained pursuant to this chapter are returned, the person who obtained them shall sign and deliver to the elections division (~~((of records and elections))~~) an affidavit stating: The name and address of each person who had possession of the computer magnetic tapes, the name and address of each person who operated the computers on which the computer magnetic tapes were used; a summary of the information and material which was obtained by using the tapes such as mailing labels or alphabetical or geographical lists; that duplicate copies of all or any portion of the tapes were not made; that the tapes were not used to improve, supplement, amend or update other computer magnetic tapes; and that all computer print-outs and copies with the exception of mailing labels were stamped with the statement contained in (~~(Section)~~) K.C.C. 1.14.060.P

F. The person who obtained the tapes shall also obtain and deliver to the elections division (~~((of records and elections))~~) affidavits from each person who had possession of the tapes or who operated computers on which the tapes were used containing the information required in subsection E₂ of this section.

SECTION 17. Ordinance 1346, Section 5, and K.C.C. 1.14.050 are each hereby amended to read as follows:

The purchase price of the copies of the computer tapes and paper and microfilm copies of the computer print-outs shall be established by the elections division (~~((of records and elections))~~) by filing with the clerk of the county council prior to each fiscal year a list of the charges which will be made for furnishing copies of the tapes or the computer print-outs during the next fiscal year. The charges shall be determined on the basis of the amount necessary to reimburse the county its actual costs for furnishing copies of the requested tapes and computer print-outs.

SECTION 18. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are each hereby amended to read as follows:

The clerk of the council shall assign a serial number to each initiative measure or referendum petition, using a separate series for each, and forthwith transmit one copy of the measure proposed, bearing its serial number, to the elections ~~((D))~~ division ~~((of Records and Elections))~~ and the office of the prosecuting attorney. Thereafter a measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No. . . ." or "Referendum Measure No."

SECTION 19. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are each hereby amended to read as follows:

Within five days after the filing of an initiative measure or referendum petition with the clerk of the council, the prosecuting attorney shall prepare a ballot title and transmit it to the clerk of the council and the ~~((Records and))~~ ~~((E))~~ elections ~~((D))~~ division bearing the serial number of the measure. The ballot title shall be a concise statement in the form of a question containing the essential features of the measure and not exceeding twenty words and may be drafted in common language for greater clarity. The ballot title shall be phrased in language so that a yes vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a no vote will clearly be a vote in opposition to such action or condition. In the case of a referendum to ratify or revoke some prior action, the ballot title may refer directly to the prior action rather than to the ratification or revocation of said action. The ballot title prepared by the prosecuting attorney shall be included in the referendum or initiative petition as provided for in ~~((Sections))~~ K.C.C. 1.16.070 and 1.16.080.

SECTION 20. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060 are each hereby amended to read as follows:

Upon the filing by the prosecuting attorney of the ballot title for an initiative or referendum measure in that office, the ~~((Records and))~~ ~~((E))~~ elections ~~((D))~~ division shall forthwith notify the persons proposing the measure, by mail, of the exact language thereof. Thereafter, such ballot title shall be the title of the measure in all proceedings in relation thereto.

SECTION 21. Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100 are each hereby amended as follows:

A. When petitions for initiative or referendum action are filed with the county council, the ~~((records,))~~ elections ~~((and licensing services))~~ division shall proceed to canvass and count the names of the legal voters on the initiative or referendum. The ~~((records, elections and licensing services))~~ division may use any statistical sampling techniques for this canvass that have been approved by the county council. However, no petition shall be rejected on the basis of any statistical method employed and no petition shall be accepted on the basis of any statistical method employed if that method indicates that the petition contains fewer than the requisite number of signatures of legal voters. If the ~~((records, elections and licensing services))~~ division finds the same name signed to more than one petition, it shall count only the first valid signature and shall reject all subsequent instances of the signature of the same person on the petition. After the petitions are processed, the ~~((records, and licensing services))~~ division shall transmit a certified copy of the facts relating to the filing of the petition and the canvass to the county council.

B. In the verification of signatures on initiative and referendum petitions, the ~~((records,))~~ elections ~~((and licensing services))~~ division shall use the random sampling statistical procedure as authorized by WAC 434-379-010.

SECTION 22. Ordinance 8024, Section 2, and K.C.C. 1.18.020 are each hereby amended to read as follows:

For the purpose of this chapter the following definitions are adopted:

A. ~~((ALTER/ALTERATION.))~~ 1. To "alter" means to cause alteration. "Alteration" is any change to a referendum or initiative petition which occurs between the time the form and language of the petition are approved by the clerk of the council and the time when signed petitions are returned to the clerk, with the exception of:

- a. The signatures and other information required of the petition signers;

b. Normal wear and tear, so long as such wear and tear does not prevent one from reading all of the approved language on the petition.

2. The following are representative examples of alteration:

a. The addition of any unapproved language, either printed or handwritten;

b. The crossing-out, covering or obscuring of approved language;

c. The underlining or highlighting of any words or part of the petition;

d. The physical attachment to the petition by any means - for example, by stapling, taping, gluing, or clipping - of any unapproved document.

3. Alteration is either permanent, that is, observable at the time the signed petitions are returned to the clerk of the council; or temporary, that is, occurring at any time during the solicitation of signatures for the petition but not longer observable when the signed petitions are returned to the clerk of the council.

B. ~~((CANVASSING BOARD.))~~ The "canvassing board" shall consist of the ~~((county))~~ executive, the manager of the ~~((records and))~~ elections division~~((s))~~ and the ~~((county prosecutor))~~ prosecuting attorney, or their respective designees. The powers and duties of the canvassing board as set forth in this chapter are independent of any powers and duties created by Title 29A RCW or any other state statute.

SECTION 23. Ordinance 8024, Section 5, and K.C.C. 1.18.050 are each hereby amended to read as follows:

When signed petitions are filed with the council pursuant to K.C.C. 1.16.100, the clerk of the council shall examine the petitions to determine whether they have been permanently altered. Any altered petitions shall be retained by the clerk and not transmitted to the ~~((records and))~~ elections division for canvassing and counting. The clerk shall notify the petition sponsor~~((s))~~ or sponsors of this action and shall make the altered petitions available for inspection. The ~~((records and))~~ elections division shall incorporate the fact that altered petitions were not counted in its certified copy of the facts filed pursuant to K.C.C. 1.16.100.

SECTION 24. Ordinance 8024, Section 6, and K.C.C. 1.18.060 are each hereby amended to read as

follows:

Before the (~~records and~~) elections division certifies the facts relating to the filing and canvass of an initiative petition pursuant to K.C.C. 1.16.100, or before the expiration of forty-five days after enactment of the ordinance which is the subject of a referendum petition, a registered voter may allege that petitions have been temporarily altered. This allegation shall be made by filing with the clerk of the council an affidavit which states the factual basis for the allegation. The clerk of the council shall transmit a copy of the affidavit to the (~~records and~~) elections division, which shall proceed to count and canvass the names of the legal voters on the petitions transmitted to it by the clerk of the council. If the number of signatures which would be valid if obtained on unaltered petitions is insufficient to satisfy the requirements of (~~Charter~~) Section 230.40 or 230.50 of the King County Charter, then the (~~records and~~) elections division shall certify the facts relating to the filing and canvass of the petition pursuant to K.C.C. 1.16.100. If the number of signatures which would be valid if obtained on unaltered petitions satisfies the requirements of (~~Charter~~) Section 230.40 or 230.50 of the King County Charter, then the (~~records and~~) elections division shall transmit to the members of the canvassing board both its count of the signatures and a copy of the affidavit alleging alteration.

SECTION 25. Ordinance 8024, Section 7, and K.C.C. 1.18.070 are each hereby amended to read as follows:

The members of the canvassing board, upon receipt from the (~~records and~~) elections division of an affidavit alleging temporary alteration and a count of the signatures which would be valid if obtained on unaltered petitions, shall convene a fact-finding hearing as follows:

A. The canvassing board shall determine whether temporary alteration took place as alleged, and, if so, shall determine whether the number of signatures invalidated by alteration reduces the number of signatures that can be counted below the requirements of (~~Charter~~) Section 230.40 or 230.50 of the King County Charter.

B. The members of the canvassing board must agree unanimously in order to invalidate signatures pursuant to K.C.C. 1.18.040 (~~of this chapter~~).

C. The parties to the hearing shall be the petition challenger(~~((s))~~) or challengers and the petition sponsor(~~((s))~~) or sponsors. The petition challenger(~~((s))~~) or challengers shall have the burden of proving the fact, nature(~~((s))~~) and extent of the alteration by a preponderance of the evidence.

D. The hearing shall be electronically recorded.

E. The hearing shall commence no later than three days after the affidavit which alleges alteration and the count of signatures is transmitted to the members of the canvassing board, unless both the petition challenger(~~((s))~~) or challengers and the petition sponsor(~~((s))~~) or sponsors agree upon a later date.

F. The (~~(prosecutor)~~) prosecuting attorney or (~~(his)~~) the prosecuting attorney's designee shall be responsible for scheduling the hearing, for giving timely notice of its date to the petition challenger(~~((s))~~) or challengers and petition sponsor(~~((s))~~) or sponsors, and for making procedural rulings during the hearing. These procedural decisions of the (~~(prosecutor)~~) prosecuting attorney or (~~(his)~~) the prosecuting attorney's designee shall be subject to modification by majority vote of the canvassing board.

G. The canvassing board shall transmit its findings to the (~~(records and)~~) elections division, which shall incorporate the findings into the certified copy of the facts filed pursuant to K.C.C. 1.16.100.

SECTION 26. Ordinance 8024, Section 8, and K.C.C. 1.18.080 are each hereby amended to read as follows:

The decision of the clerk of the council regarding permanent alteration and the decision of the canvassing board regarding temporary alteration shall be final unless an aggrieved petition challenger or sponsor both applies for a writ of certiorari with the (~~(King County S))~~superior (~~(C))~~court and serves a copy of the writ application on the clerk of the council within ten (~~((10))~~) calendar days of the date the (~~(records and)~~) elections division files a certified copy of the facts pursuant to K.C.C. 1.16.100.

SECTION 27. Ordinance 695, Section 2, as amended, and K.C.C. 2.12.020 are each hereby amended to read as follows:

All records of the King County council and records of the King County commissioners, prior to the

establishment of the Home Rule Charter, other than office files and memoranda shall be either photographed, microphotographed, photostated or reproduced on film by the records and ~~((elections))~~ licensing services division.

SECTION 28. Ordinance 10698, Section 2, and K.C.C. 2.12.035 are each hereby amended to read as follows:

An archives and records management program is hereby established in the records and ~~((elections))~~ licensing services division. The archives and records management program shall be responsible for:

- A. Maintaining a facility for storage of inactive and archival records.
- B. Establishing standards for records storage media to ensure continued public access to public records during their legal retention period and for preservation of archival information.
- C. Maintaining a directory to current records of county agencies, which shall serve as a public disclosure index as set forth in ~~((RCW))~~ chapter 42.17 RCW. A directory of historical, noncurrent or obsolete records designated archival shall serve as an index to King County administrative history, as provided by ~~((RCW))~~ chapter 40.14 RCW.
- D. Preserving and providing public access to the archival records of King County.

SECTION 29. Ordinance 5962, Section 2, as amended, and K.C.C. 2.12.080 are each hereby amended to read as follows:

The records, ~~((elections))~~ and licensing services division may sell copies of the King County ~~((e))~~Code to subscribers other than county agencies or departments for a fee of three hundred dollars plus an additional charge of fifteen cents per page for quarterly supplements.

SECTION 30. Ordinance 1660, Sections 1 through 2, as amended, and K.C.C. 2.12.120 are each hereby amended to read as follows:

The manager of the records ~~((elections))~~ and licensing services division shall charge such fees for the provision of recording services as are provided for county auditors in chapters 36.18 and 36.22 RCW and RCW

64.34.202. In addition, the following specific fees apply:

A. Record of survey. For land surveys, which shall be eighteen by twenty-four inches or less in size, the fee schedule is:

- | | |
|---|---------|
| 1. Basic fee for first page | \$25.00 |
| 2. Department of natural resources fees | \$26.00 |
| 3. Centennial preservation fee | \$2.00 |
| 4. State archives fee | \$1.00 |
| 5. Each additional page | \$5.00 |

B. Short plats and boundary line adjustments. For short plats and boundary line adjustments, legal size or smaller, the manager of the records (~~(elections)~~) and licensing services division shall charge such fees as are provided for county auditors in chapter 36.18 RCW. For short plats and boundary line adjustments, eighteen by twenty-four inches or less in size, the fee schedule shall be the same as record of survey under K.C.C.

2.12.120A.

C. Record of monument. The record of monument shall be filed without charge on the standard form prescribed by the state Department of Natural Resources, Bureau of Surveys and Maps.

D. Reservation of condominium name. To reserve the right to use a specific name for a condominium, the fee is fifty dollars. A reservation is subject to RCW 64.34.202.

E. Administrative surcharge. As authorized by 2002 Wash. Laws Chapter 294, five percent of the mandatory state ten-dollar surcharge on recorded instruments shall be retained as an administrative surcharge effective June 13, 2002. Of the remaining funds, forty percent shall be transmitted monthly to the state treasurer and the remaining sixty percent shall be retained by the county and deposited into a fund to be used by the county and its cities for low-income housing initiatives.

F. Administrative fee. As authorized by 2003 Wash. Laws 289, five percent of the mandatory one-dollar state surcharge on recorded deeds of trust shall be retained as an administrative fee.

SECTION 31. Ordinance 12075, Section 1, and K.C.C. 2.12.160 are each hereby amended to read as follows:

A. There is hereby established a special revenue fund titled (~~(R)~~)recorder's (~~(O)~~)operation and (~~(M)~~)m aintenance (~~(F)~~)fund (~~(N)~~)number 109(~~(=)~~), for the purpose of having deposited within it all revenues collected from the additional recording fee authorized by Chapter 204, Laws of Washington 1989. This fund shall be a first tier fund as described in K.C.C. chapter 4.08. The revenue contained in this fund shall be expended solely for the purpose of acquiring, installing and maintaining an improved system for copying, preserving and indexing documents recorded in or filed with the King County records and (~~(elections)~~) licensing services division and for further preserving those official documents filed in King County that are deemed archival (~~(per~~)) by state archival standards.

B. The (~~(director)~~) manager of the (~~(department of)~~) finance and business operations division is authorized to invest any (~~(monies)~~) moneys in the fund not required for immediate expenditure in accordance with the second paragraph of RCW 36.29.020.

C. The moneys in the fund(~~(s)~~) are to be used solely for the purposes authorized by Chapter 204, Laws of Washington 1989 and shall not be added to the county's current expense fund, but shall be distributed as follows:

1. Fifty percent of the revenue generated through this surcharge shall be transmitted monthly to the state treasurer who shall distribute such (~~(funds)~~) moneys back to the county (~~(department)~~) of the finance and business operations division and then to the (~~(special revenue F)~~)fund (~~(Number 109)~~) in July of each year pursuant to state law. The portion of the surcharge transmitted to the state shall expire on January 1, 1995, at which time the surcharge shall be reduced to one dollar per instrument.

2. Fifty percent of the revenue generated shall be retained by records and (~~(elections)~~) licensing services division and deposited directly into the (~~(F)~~)fund (~~(Number 109)~~) and not added to the county (~~(E)~~)c urrent (~~(E)~~)expense (~~(F)~~)fund. On January 1, 1995, the remaining one dollar per instrument shall continue to go

into this fund.

SECTION 32. Ordinance 9168, Section 2, and K.C.C. 2.12.170 are each hereby amended to read as follows:

A. There is established within the records and ~~((elections))~~ licensing services division an enhanced program for preserving, copying, maintaining~~((;))~~ and indexing documents officially recorded and filed with the county that require preservation in the public interest against age and environmental degradation before they are irreparably damaged. The program shall take advantage of the latest technology for records preservation to include, but not limited to, photomicrographic and computerized electronic digital storage methods.

B. To support the program the records and ~~((elections))~~ licensing services manager shall collect the two dollar fee provided by state law as amended for each document recorded in the recorder's office, which shall be in addition to any other authorized fee or charge.

C. The fee of two dollars shall be used for only those purposes outlined by state law as amended, that is, to provide for the installation and maintenance of an improved system for copying, preserving and indexing documents recorded in King County and for the preservation of those records deemed archival.

SECTION 33. Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020 are each hereby amended to read as follows:

A. King County is committed to managing its public records as a county~~((-))~~wide resource and in a manner that is efficient and economical; promotes open government and an informed citizenry; protects individual privacy; and meets county record retention and disposition standards.

B. A public records committee is hereby established. The public records committee shall advise the council and the executive on county public records policies, including both paper and electronic records. These policies must include policies for posting records on county web sites. The public records committee shall also provide guidance on the planning and implementation of a countywide records storage management plan and a

countywide electronic records management system.

C. The manager of the records (~~(,elections))~~ and licensing services division shall be the chair of the public records committee. The public records committee shall involve a broad membership of county departments and elected agencies, including at a minimum the following:

1. The council;
2. The prosecuting attorney's office;
3. The sheriff's office;
4. The assessor's office;
5. Office of management and budget;
6. The office of information resource management;
7. The department of executive service's public disclosure officer;
8. The department of executive service's chief of information security and privacy officer; and
9. The department of executive services and other departments.

D. The executive shall submit to the council for approval by motion by March 1, 2007, a document detailing the vision, guiding principles, goals, and governance and management structure of the public records committee.

SECTION 34. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are each hereby amended to read as follows:

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

A. The duties of the ~~((records,))~~ elections ~~((and licensing services))~~ division shall include ~~((the following:~~

~~1.-(C))~~ conducting all special and general elections held in the county and registering voters~~((;))~~.

~~((2.))~~ B. The duties of the records and licensing services division shall include the following:

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

~~((3.))~~ 2. Enforcing county and state laws relating to animal control;

~~((4.))~~ 3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;

~~((5.))~~ 4. Processing all real estate tax affidavits;

~~((6.))~~ 5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance; and

~~((7.))~~ 6. Managing the printing and distribution of the King County Code and supplements to the public.

~~((B.))~~ C. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;

2. Performing the functions of the county treasurer;

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

4. Processing transit revenue;

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

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

7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;
9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;
11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 4.16 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;
19. Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans; and

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

(~~C~~) D. The duties of the human resources management division shall include the following:

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs;
2. Developing proposed and administering adopted policies and procedures for employment (recruitment, examination and selection), classification and compensation, and salary administration;
3. Developing proposed and administering adopted human resources policy;
4. Providing technical and human resources information services support;
5. Developing and managing insured and noninsured benefits programs, including proposing policy recommendations, negotiating benefits plan designs with unions, preparing legally mandated communications materials and providing employee assistance and other work and family programs;
6. Developing and administering diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution training;
7. Developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;
8. Administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51 RCW;
9. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;
10. Representing county agencies in labor arbitrations, appeals and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3;
11. Administering labor contracts and providing consultation to county agencies regarding the terms

and implementation of negotiated labor agreements;

12. Advising the executive and council on overall county labor and employee policies;
13. Providing labor relations training for county agencies, the executive, the council and others;
14. Overseeing the county's unemployment compensation program;
15. Developing and maintaining databases of information relevant to the collective bargaining

process; and

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

~~((D-))~~ E. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;
2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the departments of natural resources and parks and transportation;
3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4.04, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county

property except franchises for cable television and telecommunications;

11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement and surface water management projects;

12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:

- a. administering professional services and construction contracts;
- b. acting as the county's representative during site master plan, design and construction activities;
- c. managing county funds and project budgets related to capital improvement projects;
- d. assisting county agencies in the acquisition of appropriate facility sites;
- e. formulating guidelines for the development of operational and capital improvement plans;
- f. assisting user agencies in the development of capital improvement and project program plans, as defined and provided for in K.C.C. chapter 4.04;
- g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
- h. ensuring the conformity of capital improvement plans with the adopted space plan and approved operational master plans;
- i. developing project cost estimates that are included in capital improvement plans, site master plans, capital projects and annual project budget requests;
- j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;
- k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. Title 4;
- l. providing engineering support on capital projects to user agencies as requested and for which there

is budgetary authority; and

m. providing assistance in developing the executive budget for capital improvement projects; and

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

~~((E-))~~ F. The duties of the administrative office of risk management shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 4.12.

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

1. Planning for and providing effective direction, control and coordinated response to emergencies;
2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56; and
3. Managing the E911 emergency telephone program.

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

1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22;
2. Assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;
3. Serving as the county Americans with Disabilities Act coordinator relating to public access;
4. Providing staff support to the county civil rights commission;
5. Serving as the county federal Civil Rights Act Title VI coordinator; and
6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

SECTION 35. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are each hereby amended to read as follows:

A. Exemptions from the requirements of the career service personnel system shall be consistent with

the provisions of Sections 550, 350.10 and 350.20 of the King County Charter. Key subordinate units, as determined by the county council, and departmental divisions shall be considered to be executive departments. Divisions of administrative offices shall be considered to be administrative offices for the purpose of determining the applicability of the charter provisions.

B. The county administrative officer, directors, chief officers and supervisors of departments, administrative offices, divisions, key subordinate units and other units of county government as required by law shall be exempt from the requirements and provisions of the career service personnel system.

C.1. The following are determined by the council to be key subordinate units due to the nature of the programs involved and their public policy implications and appointments to these positions shall be subject to confirmation by the council:

- a. the director of the public defense division;
- b. the chief information officer of the administrative office of information resource management;
- c. the manager of the ~~((records,))~~ elections ~~((and licensing services))~~ division; ~~((and))~~
- d. the superintendent of elections ~~((of))~~ in the elections ~~((section of the records, elections and licensing services))~~ division; and
- e. the manager of the records and licensing services division.

2. When an ordinance is enacted designating a position as a key subordinate unit, no person then serving in the position shall continue to serve for more than ninety days after such enactment, unless reappointed by the executive and confirmed by the council.

D. If an administrative assistant or a confidential secretary, or both, for each director, chief officer of an administrative office and supervisor of a key subordinate unit are authorized, those positions are exempt from the requirements and provisions of the career service personnel system.

SECTION 36. Ordinance 394, Section 5, as amended, and K.C.C. 2.20.050 are each hereby amended to read as follows:

A. Results of completed audits shall be communicated by the auditor in a written report, which may include either a formal written audit report or a management letter.

B. The report shall identify operational, managerial, financial, performance and policy matters that need to be addressed by county officials and management.

C. The auditor shall provide a draft of the audit for technical review of factual content by the director or other official who has authority over the department, agency or program under review.

D. With technical changes incorporated, the auditor shall transmit a proposed final report to the agency. The elected official presiding over the agency shall provide a formal written response to the auditor within fourteen calendar days after receipt of the proposed final audit report. The written response shall indicate:

1. Concurrence, partial concurrence or nonconcurrence with audit recommendations, including any explanation of why full concurrence may not be feasible; and

2. Actions that will be taken to implement the recommendations and to correct deficiencies cited. The agency shall also establish a timeline for implementing the audit recommendations or alternate corrective actions.

E. The final audit report shall include the formal agency response. The auditor may add comments to the final audit report based on the nature of the agency response. If an agency response is not transmitted to the auditor, the auditor shall note this and the reason, if known. The auditor's office shall present the final report to the council or a designated council committee within thirty calendar days of completing the final report. If a presentation is not scheduled within that thirty-day period, the auditor's office, at the auditor's discretion, shall publish the final audit report.

F. The council shall designate a committee to receive and review all audits and special studies. That committee shall also be charged with providing on-going oversight for the performance of the office including the development of the work program.

G. After the release of the audit to the council, the auditor shall file a copy as matter of public record

with the records (~~(,elections)~~) and licensing services division of the department of executive services.

SECTION 37. Ordinance 12075, Section 8, and K.C.C. 2.36.030 are each hereby amended to read as follows:

A. As prescribed by RCW 3.38.010, there is established a justice court districting committee within King County with membership composed of the following:

1. A judge of the superior court selected by the judges of that court;
2. The prosecuting attorney or a deputy selected by him/her;
3. A practicing lawyer of the county selected by the president of the King County Bar Association;
4. A judge of an inferior court of the county selected by the president of the Washington State

Magistrates Association; and

5. The mayor, or (~~(his/her)~~) the mayor's representative, of each first, second and third class city of the county;

6. One person to represent the fourth class cities of the county, to be designated by the President of the Association of Washington Cities;

7. The executive; and

8. The county manager of the division of (~~(records and)~~) elections.

B. Duties of the committee and standards for districting shall beas prescribed in (~~(RCW)~~) chapter 3.38 (~~(as amended by the 40th Session of the Legislature or as hereafter revised)~~) RCW.

SECTION 38. Ordinance 14482, Section 7, and K.C.C. 2.49.060 are each hereby amended to read as follows:

The charter of the cultural development authority, as set forth in Attachment A to Ordinance 14482, is hereby approved. The clerk of the council shall, within ten days of October 11, 2002, issue the charter in duplicate originals, each bearing the county seal attested by the clerk of the council. The clerk of the council shall file and record one original charter with the records (~~(,elections)~~) and licensing services division and

provide one original charter to the county executive on behalf of the cultural development authority. The county may amend the charter by ordinance after providing notice to and an opportunity for the directors to be heard and present testimony.

SECTION 39. Ordinance 15453, Section 4, and K.C.C. 2.53.031 are each hereby amended to read as follows:

The mission of the committee is to help King County restore and maintain public confidence in elections. The committee shall make recommendations to the council to:

- A. Improve performance of the ~~((King County))~~ elections ~~((section))~~ division; and
- B. Help ensure that accountability and performance of the elections ~~((section))~~ division is provided in a transparent manner that is meaningful to the residents of King County.

SECTION 40. Ordinance 15453, Section 6, and K.C.C. 2.53.051 are each hereby amended to read as follows:

- A. The council shall provide for appropriate staffing of the committee.
- B. County staff in the department of executive services and the ~~((records and))~~ elections ~~((licensing services))~~ division shall provide information requested by the committee in a timely manner.
- C. By March 31, 2009, the citizens' elections oversight committee shall evaluate the extent to which county elections operations have changed or improved over the previous four years and whether there is a need for an ongoing elections oversight committee. This evaluation shall be submitted to the clerk of the council. The council shall then make its own determination on the need for an ongoing elections oversight committee.

SECTION 41. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are each hereby amended to read as follows:

- A. All candidates for county elective office, and nominees for appointment to any county elective office except for judicial candidates, within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall

file with the board of ethics a statement of financial and other interests as defined in this section. These requirements may be satisfied by filing with the board of ethics a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The board of ethics shall forward a copy of such statements, reports and forms to the ~~((division of records and))~~ elections division, or its successor agency, within ten days of their receipt.

B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section, with the board of ethics: all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C. of this section. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file a written statement of financial and other interests, as defined in this section, with the board of ethics.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B₂ of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D.1. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

a. compensation, gifts and things of value:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and

(2) the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;

b. financial interests:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee;

c. positions:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;

(2) the name of the individual who held the position and the individual's relationship to the employee; and

(3) the title of the position; and

d. real property:

(1) real property, listed by street address, assessor parcel number or legal description that was either involved in or the subject of an action by King County, in which the employee or a member of the employee's immediate family possessed a financial interest;

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

(3) the name of the King County department involved in the transaction.

2. Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are

required to file a report. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.

F. An individual filing a statement of financial affairs in accordance with subsections A. and B. of this section shall execute a written declaration that:

1. Recites that the statement is declared by the person to be true, complete and correct under penalty of perjury;
2. Is signed by the person;
3. States the date and place of the declaration's execution; and
4. States that the declaration is so declared under the laws of the state of Washington.

G. The financing of election campaigns shall continue to be governed by other applicable local, state and federal laws, and not by the provisions of this chapter.

H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

I. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

J. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section.

The board, if adopting the rules, regulations and forms, shall adopt them as provided in K.C.C. chapter 2.98.

SECTION 42. Ordinance 543, Section 4, as amended, and K.C.C. 3.08.040 are each hereby amended to read as follows:

Candidates for county personnel board member shall file declarations of candidacy with the ((~~records and~~)) elections division not earlier than twenty-nine days and not later than twenty-five days prior to the primary during each election year prescribed herein. Any candidate may withdraw his or her declaration not later than nineteen days prior to the first election during each election year prescribed herein. A non-refundable five dollar filing fee shall be charged for filing a declaration of candidacy.

SECTION 43. Ordinance 543, Section 6, as amended, and K.C.C. 3.08.060 are each hereby amended to read as follows:

A. Notice of the candidacy filing period and of each primary and election shall be prepared by the ((~~records and~~)) elections division and distributed to all county agencies employing persons eligible to vote. Agency directors and managers shall ensure that eligible employees under their supervision are provided notification. Copies of the notices shall be posted in prominent places within buildings in which eligible employees are employed.

B. The notice for the candidacy filing period shall be made not later than thirty-five days prior to the date of the primary. The notice of the primary and election shall be made not later than twenty-five days prior to the date of the primary prescribed by this chapter.

SECTION 44. Ordinance 12014, Section 4, and K.C.C. 3.08.070 are each hereby amended to read as follows:

The primaries and elections called for in this chapter shall be conducted by the ((~~records and~~)) elections division generally following the procedures for conducting county elections except as otherwise provided in this chapter or as prescribed by administrative rules promulgated by the ((~~records and~~)) elections division manager. The manager is authorized to conduct such elections by mail ballot including distribution with

employee paychecks or by the ~~((U.S.))~~ United States ~~((p))~~Postal ~~((s))~~Service. Ballots may be returned to the ~~((~~records and~~))~~ elections division via the ~~((U.S.))~~ United States ~~((p))~~Postal ~~((s))~~Service or in a secure manner as approved by the manager of the ~~((records and~~)) elections division. The results of the election shall be certified by the ~~((records and~~)) elections division manager. The manager shall issue certificates of nomination as applicable and a certificate of election to the successful candidate.

Any resident of the ~~((S))~~state of Washington, except a current employee of the county, is eligible to file for candidacy for the position of career service employee representative.

SECTION 47. Ordinance 12026, Section 9, and K.C.C. 4.18.080 are each hereby amended to read as follows:

A. The executive, through the administrator, shall have the responsibility for monitoring implementation of the requirements of this chapter and shall have the power to request from departments, responding parties and/or contractors any relevant records, information and documents.

B. Contract awarding authorities shall keep complete and detailed records regarding compliance with this chapter. The records shall include the dollar value and the subject matter of each contract along with the name of the contractor, the participation levels (in dollars, number of contracts awarded, and type of work), of minority/women's businesses where the contract award provides for participation, and other information as the administrator deems necessary.

C. The administrator shall be responsible for gathering all information concerning compliance with this chapter and shall have access to all pertinent county records.

D. With the assistance of the administrator, each department shall submit to the administrator an annual report on its performance in meeting the utilization goals required by this chapter on or before March 15th of each year. This report shall include the number and dollar amount of contracts awarded, by contract category and the dollar amount and the percentage of minority/women's business participation by contract and contract category and by number of set-aside contracts, percentage preference contracts, contracts requiring affirmative

efforts, and contracts for which waivers were granted. The report shall also identify problems in meeting the requirements of this chapter, if any, and suggestions for improvements.

E. Monitoring of Effects. The administrator shall establish procedures to collect evidence and monitor the effects of the provisions of this chapter in order to assure, insofar as is practical, that the remedies set forth herein do not disproportionately favor one or more racial or ethnic groups and that the remedies do not remain in effect beyond the point that they are required to eliminate the effects of discrimination in the local contracting industries. To the extent further amendments to this chapter are required to effect these ends, the administrator shall prepare appropriate ordinances for the council's consideration.

F. Certification and Recognition Process.

1. Pursuant to Chap. 328, Laws of 1987, the Office of Minority and Women's Businesses of the State of Washington shall be solely responsible for certifying and decertifying businesses. The county's minority and women's business enterprise program is only for minorities and minority business and women's businesses and combination businesses as defined in ((Section)) K.C.C. 4.18.010; therefore the administrator shall recognize only those combination minority and women's business enterprises or minority business enterprises certified by the ((S))state of Washington which also meet the definitions of ((Section)) K.C.C. 4.18.010, according to minority status information provided to the county by the Office of Minority and Women's Businesses of the ((S))state of Washington. Businesses are only eligible for the county's programs so long as they remain certified by the ((S))state of Washington.

2. It shall be considered a violation of this chapter to obtain, or attempt to obtain, certification or the benefits of any provision of this chapter, on the basis of false or misleading information, whether provided to the county or to the Office of Minority and Women's Businesses of the ((S))state of Washington.

3. No contract requiring or proposing minority/women's business participation may be entered into unless all minority/women's businesses identified to meet the utilization goals by a responding party were, at

the time the bid was submitted, certified by the Office of Minority and Women's Businesses of the State of Washington and recognized by the administrator as eligible to participate in the county's minority/women's business program and the administrator determines all identified minority/women's businesses appear able to perform a commercially useful function on that contract as proposed. Lists of certified and recognized minority/women's businesses shall be provided to all departments and made available to the public.

4. No business shall apply to the county in order to participate in the programs established by this chapter.

G. Where a complaint is filed within one year of the completion of all work on a contract alleging a violation of this chapter by a contractor, subcontractor or contract-awarding authority, or where, within that time period, evidence of a violation is discovered from information gained through compliance monitoring, 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. 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 the investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or the respondent wishes to submit.

1. The administrator shall have 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 subpoenaed, and access to evidence for the purpose of examination and copying as is necessary for the investigation. The administrator shall consult with the county prosecuting attorney before issuing any subpoena under this section.

If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the administrator may invoke the aid of the county prosecuting attorney who shall petition to the ~~((S))~~superior ~~((C))~~court for King County for an order or other appropriate

action necessary to secure enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the violation.

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 in writing within a reasonable time by granting or denying the request.

H. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor or subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may include monetary compensation, the creation of additional opportunities for minority or women's utilization 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 order shall be delivered to all affected parties and the original thereof filed with the ((division of)) records and ((elections)) licensing services division.

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 the respondent. The preliminary order shall also include:

1. A finding that a violation has occurred;
2. The basis for such finding.

I. 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.

A hearing shall 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. chapter 20.24. 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 the date of the hearing to each affected party and to the administrator.

Each party shall have 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 him to testify;
5. To rebut evidence against him/her; and
6. To represent himself(~~/~~) ~~or~~ herself or to be represented by anyone of his(~~/~~) or her choice who is

lawfully permitted to do so.

J. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and 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. Suspension or cancellation of the contract in part or in whole;
3. Disqualification and/or debarment 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;

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 perform a commercially useful function or has operated as a broker, front, conduit or pass through business, liquidated damages specified in the contract shall be imposed unless the hearing examiner finds that imposition of such damages would be clearly inequitable, in which case the hearing examiner may order appropriate relief.

K. If a finding is made that there is reasonable cause to believe that a contract awarding authority has committed a violation, the finding shall be forwarded to the executive, who shall review the evidence and shall 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;
4. Enforcement of any other remedy available under the laws of the county.

L. Upon receipt of a written and signed allegation that a business owner is improperly being considered to be, or has improperly been rejected as, a minority business or women's business as defined in this chapter, or that a waiver or reduction of set-aside requirements has been improperly denied or granted, or if such information is discovered from information gained through compliance monitoring, the administrator shall conduct or cause to be conducted an investigation. The pendency of such allegations or of subsequent hearings on such allegations shall not be grounds to postpone or restrain the award of any contracts then being advertised or for which bids have been received. If there is reasonable cause to believe that corrective action is warranted, the administrator will, upon ten days written notice to all interested parties of whom he/she is aware, and upon publication of notice of the hearing in the manner provided for the advertising of contracts, conduct or cause to be conducted a hearing to determine whether or not the allegation is correct. The hearing shall be recorded and

each interested party shall have the right to call and examine witnesses, to produce documentary and physical evidence, to cross-examine witnesses, and to be represented by anyone of his(~~/~~) or her choice lawfully permitted to do so. The hearing officer designated by the administrator shall permit testimony to be given by any parties which would be directly affected by the matter, and a representative of the executive department or administrative office affected by the investigation.

After the hearing, the administrator or designated hearing officer shall make findings and conclusions and shall order appropriate corrective action, if any.

M. In addition to any other remedy available under the laws of the county and the (~~(S)~~)state of Washington any person, firm, corporation, business, union, or organization which prevents or interferes with or retaliates against a contractor and/or subcontractor's efforts to comply with the requirements of this chapter or which 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 46. Ordinance 1888, Article I Section 2, as amended, and K.C.C. 6.01.010 are each hereby amended to read as follows:

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

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

B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of the records(~~(;~~ ~~elections)~~) and licensing services division, department of executive services, or his or her duly authorized representative. For all other business licenses, "director" means the director of the department of development and environmental services, or his or her duly authorized representative;

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

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

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

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

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

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

SECTION 47. Resolution 6574 (part), as amended, and K.C.C. 6.08.030 are each hereby amended to read as follows:

All license fees required by K.C.C. 6.08.020 are due and payable to the ((King County)) records and licensing ((section)) services division at least twenty days before the opening of entertainment.

SECTION 48. Ordinance 10498, Sections 47 through 60, as amended, and K.C.C. 6.64.660 are each hereby amended to read as follows:

A. A driver shall neither drink any alcoholic beverage while on duty or eight hours before going on duty nor have in his or her possession an open or unsealed container of any alcoholic beverage (Class M).

B. A driver shall, at the end of each trip, check his or her vehicle for any article that is left behind by his or her passenger or passengers. The articles are to be reported as found property on the TAXI Hotline, as well as to the service organization, and the articles are to be returned to the service organization or affiliated representative at the end of the shift or sooner if possible. Unaffiliated taxicabs or for-hire vehicles shall deposit the articles at the records((elections)) and licensing services division (Class M).

C. A driver shall have in his or her possession a valid for-hire driver's license at any time he or she is

driving, in control of or operating a taxicab or for-hire vehicle and the license shall be displayed as prescribed by the director (Class I).

D. A driver shall comply with any written notice of violation or notice of correction by the director including removal from service (Class M).

E. A driver shall not operate a taxicab or for-hire vehicle when the taxicab or for-hire vehicle has been placed out-of-service by order of the director (Class M).

F. A driver shall immediately surrender the vehicle license plate or decal to the director upon written notice that the vehicle is out-of-service (Class M).

G. A driver shall be in control of a taxicab or for-hire vehicle for neither more than twelve consecutive hours nor for more than twelve hours spread over a total of fifteen hours in any twenty-four-hour period. Thereafter, driver shall not drive any taxicab until eight consecutive hours have elapsed (Class I).

H. A driver shall not drive, operate or be in control of a taxicab or for-hire vehicle other than that designated on the driver's temporary for-hire permit (Class I).

I. A driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the customer information board, as required under K.C.C. 6.64.410 is not present and contains the required information (Class I).

J. A driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and convenience of passengers (Class I).

K. A driver shall neither solicit for prostitution nor allow the vehicle to be used for such an unlawful purpose (Class M).

L. A driver shall not knowingly allow the taxicab or for-hire vehicle to be used for the illegal solicitation, transportation, sale or any other activity related to controlled substances (Class M).

M. A driver shall deposit all refuse appropriately and under no circumstances may litter (Class I).

N. A driver shall not use offensive language, expressions or gestures to any person while the driver is

driving, operating or in control of a taxicab or for-hire vehicle (Class I).

O. A driver shall not operate a wheelchair accessible taxicab unless the driver has successfully completed the special training requirements in K.C.C. 6.64.570.

P. A driver shall not use a cell phone while a passenger is in the taxicab.

SECTION 49. Ordinance 5220, Section 2, as amended, and K.C.C. 6.80.020 are each hereby amended to read as follows:

The county shall distribute the marriage license fees as follows. For each license sold:

A. King County fees:

1. \$8.00 - King County ~~((G))~~general ~~((F))~~fund (RCW 36.18.010)~~((:))~~;
2. \$8.00 - King County ~~((F))~~family ~~((C))~~court ~~((F))~~fund (RCW 26.12.220), to be used to pay for expenses of family court under chapter 25.12 RCW~~((:))~~;
3. \$2.00 - King County Records Preservations Fund (RCW 36.22.170, to be deposited in the ~~((Records and Elections))~~ recorder's ~~((O))~~operational and ~~((M))~~maintenance fund for ongoing preservation of historical documents~~((:))~~;
4. \$15.00 - King County ~~((F))~~family services ~~((F))~~fund (RCW 26.04.160), to be used to fund family services.

Fees collected in K.C.C. 6.80.020A.1, through ~~((K.C.C.))~~ 6.80.020A.4, ~~((above))~~ shall be deposited in the same manner as other county funds and shall be maintained in a separate account~~((:))~~; and

B. State of Washington ~~((F))~~fees:

1. \$10.00 - State of Washington Displaced Homemaker program (RCW 36.18.010), to be transmitted monthly to the state treasurer and deposited in the state general fund for the purposes of the displaced homemaker act, chapter 28B.04 RCW~~((:))~~;
2. \$5.00 - State of Washington Child Abuse program (RCW 36.18.010), to be transmitted monthly to the state treasurer for use and support of the prevention of child abuse and neglect activities~~((:))~~;

3. \$2.00 - State of Washington Records Preservation program (RCW 36.22.170), to be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in RCW 36.22.190 for ongoing preservation of historical documents of all county offices and departments((-)); and

4. \$2.00 - Surcharge for ((A))archives and ((R))records ((M))management (RCW 36.22.175), to be transmitted monthly to the state treasurer for deposit in the archives and records management account. (Ord. 12919 § 1-2, 1997: Ord. 5220 § 2, 1980).

SECTION 50. Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030 are each hereby amended to read as follows:

The operators of all existing shooting sports facilities shall apply for an operating license no later than ((~~three months from the effective date of this chapter (January)~~) April 9, 1994((+))). The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. ((~~Said~~) The application shall be made on a form prescribed by the manager of the ((~~King County~~) records and licensing ((~~and regulatory~~)) services division. The ((~~King County~~) records and licensing ((~~and regulatory~~)) services division is authorized to issue such a license after a determination that the application is accurate and complete, and includes a notarized certification by the shooting sports facility operator that the facility meets commonly accepted shooting facility safety and design practices and will be operated in a manner which protects the safety of the general public. The records and licensing ((~~and regulatory~~)) services division shall base its licensing determination on the review and concurrence of the King County departments of public safety and development and environmental services or their designees. This section shall not relieve the applicant of any obligation to obtain any other required land use or building permits or approvals, except shooting sports facilities in operation ((~~prior to the effective date of this chapter~~)) before January 9, 1994((+)), shall not be required to seek new land use or building permits solely for issuance of a license.

SECTION 51. Ordinance 11177, Section 7, as amended, and K.C.C. 6.84.050 are each hereby amended to read as follows:

The manager of the records and licensing (~~((and regulatory))~~) services division may deny, suspend or revoke any license issued under this chapter, consistent with K.C.C. chapter 6.01, if the applicant, any of its officers, directors, partners, or members have violated any of the provisions of this chapter. Further, if the (~~((King County department of public safety sheriff director))~~) sheriff determines that any participant, spectator, neighboring property or member of the public has been injured or endangered as a result of range design, operation or management of shooting activities, the manager of the records and licensing (~~((and regulatory))~~) services division may immediately suspend or revoke any shooting sports facility license issued pursuant to this chapter. Reinstatement or re-issuance of any license suspended or revoked pursuant to the provisions of this chapter will be contingent on review and determination by the (~~((King County))~~) records and licensing (~~((and regulatory))~~) services division or its designee that the range operator has made sufficient and appropriate modifications to the design or operation of the facility to reasonably address the specific deficiencies found to have contributed to the injury or endangerment.

SECTION 52. Ordinance 11177, Section 9, as amended, and K.C.C. 6.84.070 are each hereby amended to read as follows:

The operating license shall be reviewed and renewed every five years. New shooting types shall not be permitted until authorized by a new license. Applications for license renewal shall be made in writing on forms prescribed by the manager of the records and licensing (~~((and regulatory))~~) services division at least thirty days prior to the expiration of the existing license.

SECTION 53. Ordinance 11177, Section 10, as amended, and K.C.C. 6.84.080 are each hereby amended to read as follows:

All shooting sports facilities licensed pursuant to this chapter shall comply with the following safety standards and specifications:

A. All structures, installations, operations, and activities shall be located at such a distance from property lines as will protect off-site properties from hazard, when the ranges are used in accordance with range safety rules and practices.

B. Range site design features and safety procedures shall be installed and maintained to discourage errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.

C. A plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backdrops or butts; and approximate location of buildings on adjoining properties.

D. A safety plan shall be submitted which cites rules for each range, sign-in procedures, and restrictions on activities in the use of ranges, and every safety plan shall prohibit loaded firearms except as provided by the range safety specifications and operating procedures.

E. All shooting sports facilities shall have a designated range master. A range master must be present whenever the shooting sports facility is open to the public and may oversee as many as three simultaneous public events within a shooting sports facility.

F. Where urban residentially zoned property or residential streets are located adjacent to property containing an outdoor shooting sports facility, warning signs shall be installed and maintained along the shooting sports facility property line.

G. Shooting sports facilities shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

H. The range operator shall report in writing to the manager of the records and licensing (~~and regulatory~~) services division all on-site and off-site gunshot wounds resulting from activity at the shooting sports facility.

I. All shooting sports facilities shall provide a telephone available to range participants and spectators

for the purpose of contacting emergency medical services.

J. A first-aid kit approved by the manager of the records and licensing (~~(and regulatory)~~) services division shall be readily available at each shooting sports facility for emergency treatment or care of minor injuries.

SECTION 54. Ordinance 12551, Section 5, and K.C.C. 6.84.095 are each hereby amended to read as follows:

A. Upon receiving a written complaint involving the operation or activities of any shooting sports facility, the manager of the records and licensing (~~(and regulatory)~~) services division shall cause the following to be performed:

1. Issue a notice of complaint to the shooting sports facility operator advising such person of the allegation(s) made in the complaint;
2. Request the shooting sports facility operator to respond, in writing, to the allegation(s) in the notice of complaint within thirty days of receipt of the notice of complaint;
3. Investigate the allegation(~~((s))~~) or allegations in the written complaint and the response submitted by the shooting sports facility operator;
4. Make a finding as to the validity of the allegation(~~((s))~~) or allegations in the written complaint. If it is found that violation of any of the shooting sports facility safety standards has occurred, issue a notice and order pursuant to the process described in K.C.C. 6.01.130.

B. Failure to comply with the notice and order issued as a result of the above process will result in the suspension and/or revocation of the license involved. Such a suspension/revocation will last one year from the date the license is surrendered.

C. Nothing in this section shall be construed to limit authority to issue a notice and order or take such enforcement or investigative actions deemed appropriate to protect the public's health and safety.

SECTION 55. Ordinance 1490, Section 3, as amended, and K.C.C. 8.60.030 are each hereby amended

to read as follows:

Three copies of each disclosure or alternative waiver form must be prepared. One copy shall be retained by the prospective vendor; one copy shall be retained by the prospective purchaser. If the prospective purchaser enters into a binding agreement to purchase, the vendor shall record the third copy with the ((King County)) records((,-elections)) and licensing services division when other documents are recorded.

SECTION 56. Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120 are each hereby amended to read as follows:

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

1. Under a maintenance guarantee or defect guarantee;
2. A private road conveyance system;
3. Released from all required financial guarantees prior to July 7, 1980 ((the effective date of Ordinance 4938))):
4. Located within and serving only one single family residential lot;
5. Located within and serving a ((multi-family)) multifamily or commercial site unless the facility is part of an approved shared facility plan;
6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
7. Previously terminated for assumption of maintenance responsibilities by the department in accordance with K.C.C. 9.04.110; or
8. Not otherwise accepted by the county for maintenance.

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

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

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

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

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

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

SECTION 57. Ordinance 1269, Section 1, as amended, and K.C.C. 11.02.010 are each hereby amended

to read as follows:

There is established an animal care and control section in the records(~~(, elections)~~) and licensing services division. The animal care and control section is by this chapter designated the agency authorized to provide animal care services and enforce animal control laws.

SECTION 58. Ordinance 1396, Article 1 Section 3, as amended, and K.C.C. 11.04.020 are each hereby amended to read as follows:

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

A. "Abate" means to terminate any violation by reasonable and lawful means determined by the manager of the animal care and control authority in order that an owner or a person presumed to be the owner shall comply with this chapter.

B. "Animal" means any living creature except Homo sapiens, insects and worms.

C. "Animal care and control authority" means the county animal care and control section of the records (~~(, elections)~~) and licensing services division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals.

D. "Animal care and control officer" means any individual employed, contracted or appointed by the animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the care and licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

E. "Cattery" means a place where four or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.

F. "Domesticated animal" means a domestic beast, such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep, hog or other animal made to be domestic.

G. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

H. "Fostering" means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats. Individuals who wish to foster dogs and cats, and who through the activity shall routinely or from time to time harbor, keep or maintain more dogs and cats than allowed in K.C.C. Title 21A, must obtain either an individual or organizational private animal placement permit.

I. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

J. "Harbored, kept or maintained" means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner.

K. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number allowed in K.C.C. Title 21A.

L. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number allowed in K.C.C. Title 21A.

M. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

N. "Kennel" means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

O. "Livestock" has the same meaning as in K.C.C. 21A.06.695.

P. "Owner" means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

Q. "Pack" means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

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

S. "Pet" means a dog or a cat or any other animal required to be licensed by this chapter. "Dog," "cat" and "pet" may be used interchangeably.

T. "Pet shop" means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

U. "Private animal placement permit - individual" means a permit issued to persons engaged in fostering dogs and cats who meet certain requirements to allow the persons to possess more dogs and cats than is specified in K.C.C. Title 21A. Persons holding an individual private animal placement permit and fostering dogs and cats must locate an adoptive home for a dog or cat within six months of acquisition of the dog or cat.

V. "Private animal placement permit - organizational" means permits issued to organizations engaged in fostering dogs and cats, the organizations having first met certain requirements. These organizations may

distribute these permits to individuals who will foster the dogs and cats in their homes. The permits will allow the individuals to possess more dogs and cats than is specified in K.C.C. Title 21A. The organizations must be approved by the manager of the animal care and control section, and their permit holders must locate an adoptive home for a dog or cat within six months of acquisition of the dog or cat.

W. "Running at large" means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control.

X. "Service animal" means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

Y. "Shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

Z. "Special hobby kennel license" means a license issued under certain conditions to pet owners, who do not meet the requirements for a hobby kennel license, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of the animals reduces the number they possess to the legal limit in K.C.C. Title 21A, the King County zoning code.

AA. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner.

BB. "Vicious" means having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.

SECTION 59. Ordinance 10423, Section 10, as amended, and K.C.C. 11.04.590 are each hereby

amended to read as follows:

Funds collected from the animal care and control license canvassing program and the sale of juvenile licenses should be used for the following purposes:

A. Fifty percent to pay for or provide reimbursements for the cost of spaying and neutering of cats and dogs. Although the subsidy shall be available to all people who own unaltered dogs or cats, the emphasis should be for pets owned or harbored by low-income or fixed-income residents or senior citizens on a low or fixed income to make spaying and neutering affordable and convenient for them.

B. Fifty percent to provide public education to prevent the overpopulation of dogs and cats and to encourage licensing and the responsible treatment of cats and dogs. The education program shall include but not be limited to public advertising and informational campaigns.

C. If the records(~~(, elections)~~) and licensing services division cannot adhere to the expenditure targets listed in subsections A. and B. of this section, it shall be noted in the annual budget proposed by the King County executive.

SECTION 60. Ordinance 9464, Section 6, as amended, and K.C.C. 11.06.060 are each hereby amended to read as follows:

Ongoing administrative support to the committee shall be provided by the manager of the records(~~(, elections)~~) and licensing services division.

SECTION 61. Ordinance 3732, Section 1, as amended, and K.C.C. 11.08.040 are each hereby amended to read as follows:

A. Petitions requesting the King County council to create a dog control zone shall be submitted to the office of the clerk of the council. The clerk of the council shall forward copies of the petitions and other materials to:

1. The office of the councilmember in whose district the proposed zone is requested;
2. The animal care and control section of the records(~~(, elections)~~) and licensing services division; and

3. The manager of the records(~~(, elections))~~) and licensing services division.

B. Petitions shall be accompanied by a map and should include a legal description of the proposed zone. In addition, the petitions should contain:

1. The signatures, both written and printed legibly, of at least ten percent of the registered voters within the proposed zone; and

2. The popular addresses of the petitioners.

C. Upon receipt of the copy of the filed petition, the animal care and control section shall conduct a comprehensive review of the enforceability of the proposed boundaries and if necessary recommend alternative boundaries to the director of the department of executive services and the affected councilmember.

D. The records(~~(, elections))~~) and licensing services division shall:

1. Determine the approximate number of registered voters within the proposed zone;

2. Determine the number of signatures of registered voters in the petition; and

3. Forward the conclusions regarding the number of signatures of registered voters and total number of registered voters residing within the proposed zone to the office of the affected councilmember and the director of the department of executive services.

E. The executive may recommend by ordinance a proposed dog control zone to the council based on the recommendation of the director of the department of executive services.

F. In addition to other statutory requirements, the council may cause to occur any public meetings or notification through the local media as it considers necessary to ensure that affected citizens are aware of the proposed ordinance to create a dog control zone.

G. If the King County council finds the formation of the petitioned area to be beneficial to be public health, safety and general welfare, it shall establish such a dog control zone by ordinance. The council shall consider, but is not limited to considering, the location, terrain and surrounding land use of the petitioned area.

SECTION 62. Resolution 27312, Section 1, as amended, and K.C.C. 11.12.010 are each hereby

amended to read as follows:

Whenever the director of the Seattle-King County department of public health has cause to suspect that an animal capable of transmitting rabies is infected with the disease, the director shall order a period of quarantine of not less than ten days. The director shall notify in writing the owner or keeper of the infected animal of the quarantine order. The infected animal shall be quarantined by the animal care and control section in the records(~~(, elections))~~) and licensing services division in its shelter or upon the premises of the owner or licensed veterinarian where conditions of quarantine are strictly kept. The place of quarantine shall be at the discretion of the director, unless the animal had been exposed to rabies by contact, in which case K.C.C. 11.12.040 shall apply. Delivery of a copy of the quarantine order to some person of suitable age and discretion residing upon the premises where the animal is found shall be notice of the quarantine. Good cause for such an order of quarantine shall include, but is not limited to, evidence that the animal has bitten, or that there is reasonable certainty that the animal has bitten, a human being. During the period of quarantine, the officers, agents and employees of the animal care and control section, and other police officers, are authorized to enter any premises for the purpose of apprehending any such an animal and impounding the animal, except where the animal is kept upon the premises of the owner or licensed veterinarian as provided in this section.

SECTION 63. Ordinance 2473, Section 2, as amended, and K.C.C. 11.28.020 are each hereby amended to read as follows:

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

A. "Animal care and control authority" means the animal care and control section in the records(~~(, elections))~~) and licensing services division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals.

B. "Director" means director of the department of executive services.

C. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomesticated species of felines;
5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and
6. The order Crocodylia, including alligators, crocodiles, caimans and gavials.

SECTION 64. Ordinance 3232, Section 2, as amended, and K.C.C. 11.32.020 are each hereby amended to read as follows:

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

A. "Animal care and control authority" means the animal care and control section in the records((elections)) and licensing services division, acting alone or in concert with other municipalities in the enforcement of the animal care and control laws of the county and state.

B. "Director" means director of the department of executive services.

C. "Guard dog" means any member of the dog family Canidae that has been trained or represented as trained to protect either person or property, or both, by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

D. "Guard dog purveyor" means any person, firm or corporation supplying guard dogs to members of the public.

E. "Guard dog trainer" means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

F. "Rules and regulations of the animal care and control authority" means such rules and regulations, consistent with the intent of this chapter, as may be adopted by the animal care and control authority under K.C.C. chapter 2.98.

SECTION 65. Ordinance 11992, Section 13, 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, 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 the investigation is conducted by a party selected by the administrator, 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 the complainant or the respondent wishes to submit.

1. 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.

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 ~~((prosecutor))~~ prosecuting attorney petition the ~~((S))~~s superior ~~((C))~~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. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor or 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 minorities, women or persons with disabilities to be employed 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 ((~~division of~~)) records and ((~~elections~~)) licensing services division.

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 finding that a violation has occurred;
2. The basis for such finding.

C. 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.

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. 24.170. 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 the date of the hearing to each affected party and to the administrator.

Each party shall have 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 such witness to testify;
5. To rebut evidence presented against a party;
6. 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. Suspension or cancellation of the contract in part or in whole;
3. Disqualification and/or debarment 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;
5. Enforcement of any provision of the contract providing remedies, such as penalties or liquidated

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 not to exceed the entire contract amount 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;
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 which prevents or interferes with or retaliates against a contractor and/or subcontractor's efforts to comply with the requirements of this chapter or which 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 66. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are each hereby amended to read as follows:

A.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that an unfair contracting practice occurred, the office of civil rights shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion, which may include as a condition of settlement:

- a. elimination of the unfair contracting practice;
- b. payment of actual damages including payment of lost profits not in excess of the amount of monetary damage actually incurred;
- c. payment of damages caused by emotional distress, humiliation and embarrassment;
- d. payment of attorneys' fees and costs; and
- e. such other requirements as may be agreed upon by the parties and the office of civil rights.

2. A settlement agreement shall be reduced to writing and signed by the respondent and the charging party and shall be approved by the office of civil rights. An order shall then be entered by the office of civil rights setting forth the terms of the agreement. Copies of the order shall be delivered to all affected parties and the original of the order filed with the ~~((division of))~~ records and ~~((elections))~~ licensing services division.

Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.17.070.

Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the office of civil rights shall make a finding to that effect, incorporate the findings in the order and furnish a copy of the order to all affected parties. The order shall also include:

- a. a finding that an unfair contracting practice has occurred;
- b. the basis for the finding; and
- c. an order requiring the respondent to cease and desist from the unfair practice and to take

appropriate affirmative measures, which may include:

- (1) payment of actual damages including payment of lost profits not in excess of the amount of monetary damages actually incurred;
- (2) payment of damages caused by emotional distress, humiliation and embarrassment;
- (3) payment of attorneys' fees and costs; and
- (4) such other action as in the judgment of the office of civil rights will effectuate the purposes of

this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of civil rights finds the respondent willfully or knowingly committed any unfair contracting practice, the office of civil rights may further order the respondent to pay a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

C. If there is a failure to reach an agreement for the elimination of any unfair contracting practice where the respondent is an executive department, division or office of the county, the office of civil rights may compel compliance by the executive department, division or office with any settlement agreement agreed to between the complainant and the office of civil rights.

SECTION 67. Ordinance 4257, Section 17, as amended, and K.C.C. 12.46.170 are each hereby amended to read as follows:

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other ordinance, the director may order a condition in violation of this chapter to be abated. The director may order any person who creates or maintains such a violation to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances.

B. If the required corrective work is not commenced or completed within the time specified, the director may proceed to abate the violation and cause the necessary work to be accomplished. King County shall have a lien for the cost of the work accomplished pursuant to this ordinance, which shall be the joint and separate personal obligations of the person or persons responsible for the violation. The director shall cause a claim for lien to be recorded with the records and ~~((elections))~~ licensing services division, or its successor agency.

C. The lien created by this chapter shall be paramount to all other liens, except for federal, state and county taxes, with which it shall be on a parity. The prosecuting attorney on behalf of King County may collect the abatement work costs by use of all appropriate legal remedies, including foreclosure of the lien.

SECTION 68. Ordinance 1454, Sections 1 through 3, and K.C.C. 12.68.010 are each hereby amended to read as follows:

A. Petitions requesting the ((King County)) council to create a no shooting area or dissolve an existing no-shooting area shall be filed with the clerk of the ((King County)) council. Petitions shall contain the signatures of at least ten elector-residents of each voting precinct in the area under consideration. A map and legal description of the area shall be included with the petitions.

B. After petition signatures have been verified by the ((King County)) records and ((elections)) licensing services division, the ((King County)) council shall set a date of hearing. Legal notice of the hearing shall be published once in the official county newspaper and once in a newspaper of general circulation within the proposed area, at least ten days prior to the hearing.

C. If the ((King County)) council finds the formation or dissolution of the petitioned area to be beneficial to the public health, safety and general welfare, it shall establish such a no shooting area by ordinance. The council shall consider, but is not limited to, the location, terrain and surrounding land-use of the petitioned area.

SECTION 69. Ordinance 10154, Section 4, as amended, and K.C.C. 12.82.040 are each hereby amended to read as follows:

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

SECTION 70. Ordinance 10393, Section 1, as amended, and K.C.C. 12.82.070 are each hereby amended to read as follows:

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

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

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

SECTION 71. Ordinance 10508, Section 1, as amended, and K.C.C. 12.82.080 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - H located within the Federal Way School District are hereby adopted:

- A. Camelot Elementary School~~((:))~~;
- B. Lake Dolloff Elementary and Kilo Junior High Schools~~((:))~~;
- C. Lakeland Elementary School~~((:))~~;
- D. North Lake Elementary School~~((:))~~;
- E. Rainier View Elementary School~~((:))~~;
- F. Valhalla Elementary School
- G. Woodmont Elementary School~~((:))~~; and

H. Thomas Jefferson High School.

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

SECTION 72. Ordinance 10509, Section 1, as amended, and K.C.C. 12.82.090 are each hereby amended to read as follows:

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

A. Louisa May Alcott Elementary School(~~(,)~~);

B-1 and B-2. Emily Dickinson Elementary and Evergreen Junior High Schools(~~(,)~~);

C. Robert Frost Elementary School(~~(,)~~);

D. Christa McAuliffe Elementary School(~~(,)~~);

E. Margaret Mead Elementary School(~~(,)~~);

F. John Muir Elementary School(~~(,)~~);

G. Carl Sandburg Elementary School(~~(,)~~);

H-1 and H-2. Samantha Smith Elementary School(~~(,)~~);

I. Henry David Thoreau Elementary School(~~(,)~~);

J-1 and J-2. Laura Ingalls Wilder Elementary School(~~(,)~~);

K. Finn Hill Junior High School(~~(,)~~);

L-1, L-2 and L-3. Inglewood Junior High School(~~(,)~~);

M. Kamiakin Junior High School(~~(,)~~); and

N-1 and N-2. Site 86.

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

these schools within the Lake Washington School District, as supported by the Lake Washington School District, are on file with the department of transportation, road services division and the department of executive services, records(~~(-and elections)~~) and licensing services division.

SECTION 73. Ordinance 10689, Section 1, as amended, and K.C.C. 12.82.100 are each hereby amended to read as follows:

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

- A. Carriage Elementary School(~~(-)~~);
- B. Cedar Valley Hill Elementary(~~(-)~~);
- C. Covington Elementary School(~~(-)~~);
- D. Crestwood Elementary School(~~(-)~~);
- E. Fairwood Elementary School(~~(-)~~);
- F. Grass Lake Elementary School(~~(-)~~);
- G. Horizon Elementary School(~~(-)~~);
- H. Jenkins Creek Elementary School(~~(-)~~);
- I. Lake Youngs Elementary School(~~(-)~~);
- J. Martin Sortun Elementary School(~~(-)~~);
- K. Meridian Elementary School(~~(-)~~);
- L. Panther Lake Elementary School(~~(-)~~);
- M. Park Orchard Elementary School(~~(-)~~);
- N. Pine Tree Elementary School(~~(-)~~);
- O. Ridgewood Elementary School(~~(-)~~);
- P. Soos Creek Elementary School(~~(-)~~);
- Q. Springbrook Elementary School(~~(-)~~);

- R. Sunrise Elementary School((:));
- S. Administration Center((:));
- T. Mattson Junior High School((:));
- U. Meeker Junior High School((:));
- V. Meridian Junior High School((:));
- W. Junior High Site No. 6((:));
- X. Kentridge Senior High School((:)); and
- Y. Kentwood Senior High School.

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

SECTION 74. Ordinance 10690, Section 1, as amended, and K.C.C. 12.82.110 are each hereby amended to read as follows:

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

- A. Benson Hill Elementary School((:));
- B. Campbell Hill Elementary School((:));
- C. Cascade Elementary School((:));
- D. Hazelwood Elementary School((:));
- E. Lakeridge Elementary School((:));
- F. Maplewood Heights Elementary School((:));
- G. Renton Park Elementary School((:));
- H. Sierra Heights Elementary School((:));

- I. A. W. Dimmitt Middle School((:));
- J. Lindbergh High School((:));
- K. Renton Alternative School((:));
- L. John A. Thompson School((:)); and
- M. Bryn Mawr Elementary School.

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

SECTION 75. Ordinance 10723, Section 1, as amended, and K.C.C. 12.82.120 are each hereby amended to read as follows:

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

- A. Apollo Elementary School((:));
- B. Briarwood Elementary School((:));
- C. Cougar Ridge Elementary School((:));
- D. Challenger Elementary School((:));
- E. Discovery Elementary School((:));
- F. Maple Hills Elementary School((:));
- G. Sunny Hills Elementary School((:));
- H. Sunset Elementary School((:));
- I. Maywood Middle School((:));
- J. Pine Lake Middle School((:)); and
- K. Liberty Senior High School

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

SECTION 76. Ordinance 10724, Section 1, as amended, and K.C.C. 12.82.130 are each hereby amended to read as follows:

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

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

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Snoqualmie Valley School District No. 410, as supported by the Snoqualmie Valley School District No. 410, are on file with the department of transportation, road services division and the department of executive services(~~(-elections)~~) and licensing services division.

SECTION 77. Ordinance 10793, Section 1, as amended, and K.C.C. 12.82.140 are each hereby amended to read as follows:

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

- A. Westwood Elementary School.

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

this school within the Enumclaw School District 216, as supported by the Enumclaw School District 216, are on file with the department of transportation, road services division and the department of executive services, records(~~(elections)~~) and licensing services division.

SECTION 78. Ordinance 11006, Section 1, as amended, and K.C.C. 12.82.150 are each hereby amended to read as follows:

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

- A. Briarcrest Elementary School and Shorecrest High School(~~(-)~~);
- B. Brookside Elementary School(~~(-)~~);
- C. Cedarbrook Elementary School(~~(-)~~);
- D. Echo Lake Elementary School(~~(-)~~);
- E. Highland Terrace Elementary School(~~(-)~~);
- F. Park Elementary School(~~(-)~~);
- G. Meridian Park Elementary School(~~(-)~~);
- H. North City Elementary School(~~(-)~~);
- I. Parkwood Elementary School(~~(-)~~);
- J. Ridgecrest Elementary School(~~(-)~~);
- K. Sunset Elementary School(~~(-)~~);
- L. Syre Elementary School(~~(-)~~);
- M. Einstein Middle School(~~(-)~~);
- N. Kellogg Middle School(~~(-)~~);
- O. Shorewood High School(~~(-)~~);
- P. Shoreline Center(~~(-)~~); and
- Q. Aldercrest Annex.

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

SECTION 79. Ordinance 11040, Section 1, as amended, and K.C.C. 12.82.160 are each hereby amended to read as follows:

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

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

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Tahoma School District No. 409, as supported by the Tahoma School District No. 409, are on file with the department of transportation, road services division and the department of executive services, records(~~(elections)~~) and licensing services division.

SECTION 80. Ordinance 11080, Section 1, as amended, and K.C.C. 12.82.180 are each hereby amended to read as follows:

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

- A. Carnation Elementary School(~~(-)~~);

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

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

SECTION 81. Ordinance 11979, Section 1, as amended, and K.C.C. 12.82.190 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "C" located within the Vashon School District No. 402 are hereby adopted:

- A. Burton Elementary School((-);
- B. Vashon School District No. 402 - Central Campus((-); and
- C. Vashon Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Vashon School District No. 402, as supported by the Vashon School District No. 402, are on file with the department of public works, roads and engineering division and the department of executive administration, records(~~(-elections)~~) and licensing services division.

SECTION 82. Ordinance 11991, Section 1, as amended, and K.C.C. 12.82.200 are each hereby amended to read as follows:

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

The map produced by the county engineer of the location and boundaries of the drug-free zone

surrounding this school, as supported by the board of directors of the Snoqualmie Valley Christian School, is on file with the department of transportation, road services division and the King County department of executive services, records(~~(elections)~~) and licensing services division.

SECTION 83. Ordinance 11071, Section 1, as amended, and K.C.C. 12.82.400 are each hereby amended to read as follows:

The boundaries of drug-free zones surrounding the following parks as listed in Exhibits "A" through "U" located within King County are hereby adopted:

- A. Hamlin Park(~~(-)~~);
- B. Richmond Beach Park(~~(-)~~);
- C. Big Finn Hill Park(~~(-)~~);
- D. White Center Park(~~(-)~~);
- E. Lakewood Park(~~(-)~~);
- F. Salmon Creek Park(~~(-)~~);
- G. Puget Sound Junior High Park(~~(-)~~);
- H. Skyway Park(~~(-)~~);
- I. Lake Geneva Park(~~(-)~~);
- J. Lake Meridian Park(~~(-)~~);
- K. Springwood Park(~~(-)~~);
- L. Lake Wilderness(~~(-)~~);
- M. O.O. Denny(~~(-)~~);
- N. Juanita Beach(~~(-)~~);
- O. Pine Lake(~~(-)~~);
- P. Beaver Lake(~~(-)~~);
- Q. Fort Dent(~~(-)~~);

R. Tracy Owen Station((-));

S. Petrovitsky((-));

T. Richmond Highlands; and

U. Si View.

Copies of the county assessor's maps reproduced by the parks and recreation division which depict the location and boundaries of the drug-free zones surrounding these parks within King County, are on file with the parks and recreation division, and the department of executive services, records(~~(, elections)~~) and licensing services division.

SECTION 84. Ordinance 7444, Section 5, as amended, and K.C.C. 15.90.050 are each hereby amended to read as follows:

The charter of the authority, Exhibit A of Ordinance 7444, is hereby approved. The charter shall be issued in duplicate originals, each bearing the county seal attested by the council clerk. One original shall be recorded with the records(~~(, elections)~~) and licensing services division, or its successor agency; a duplicate original shall be provided to the authority. The charter shall be amended only by county ordinance adopted at or after a public hearing held with notice to the public authority and authority directors and affording them a reasonable opportunity to be heard and present testimony.

SECTION 85. Ordinance 13694, Section 40, and K.C.C. 19A.08.050 are each hereby amended to read as follows:

The final recording map and legal description of a plat, short plat, boundary line adjustment or binding site plan shall be prepared by a land surveyor in accordance with chapter 58.09 RCW and chapter 332-130 WAC, Surveys and Recording, and be recorded with the (~~(county office of)~~) records and (~~(elections)~~) licensing services division as required by this title.

SECTION 86. Ordinance 13694, Section 47, as amended, and K.C.C. 19A.08.120 are each hereby amended to read as follows:

A. Any map page or document recorded with the records and ((elections)) licensing services division, or its successor agency, under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown easement; or
5. Any other error or omission where the error or omission is ascertainable from the data shown on the

recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.

E. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval and shall include signatures of the development engineer, the director of the department, the ((King County)) assessor and the manager of the ((King County)) records and ((elections)) licensing services division, or its successor agency. After department approval, the affidavit shall be recorded with the records and ((elections)) licensing services division, or its successor agency. Submittals shall include payment of fees as authorized by K.C.C. Title 27.

F. Should a nonsurvey-related error occur on the recorded document as a result of information required to be placed on the document by the department, the department's responsible land surveyor may prepare the

affidavit providing the original land surveyor has no objections. The seal and signature of the department's responsible land surveyor making the correction shall be affixed to the affidavit. A copy of the affidavit shall be mailed by the department to the original land surveyor following recording.

SECTION 87. Ordinance 13694, Section 63, and K.C.C. 19A.16.030 are each hereby amended to read as follows:

A. Following submittal of the engineering plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval by the development engineer prior to recording. If more than one sheet is required, an index sheet shall be included that must show the entire segregation with road names and lot numbers;

B. All final plats and final short plats shall conform to the conditions of preliminary approval;

C. Plat certificates or owner's duplicate certificates for land registered pursuant to chapter 65.12 RCW shall be provided to the department prior to recording along with a copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within thirty days of the original certificate or supplemental certificate date;

D. All applicable processing fees specified by K.C.C. Title 27 and any civil penalty assessed pursuant to K.C.C. Title 23 against a site being reviewed under this section shall be paid prior to recording;

E. A deposit to cover anticipated taxes and assessments is required for final plats pursuant to chapter 58.08 RCW. A deposit, however, shall not be required for the filing of a final short plat. The applicant shall also provide certification from the King County (~~(office of)~~) finance and business operations division that property taxes for the subject property are not delinquent prior to the issuance of a final approval;

F. Proof of sewer and water availability, including any required water rights, shall be submitted to the department and final health department approval shall be obtained prior to recording, if applicable;

G. Upon approval by the department, the final plat or short plat shall be recorded with the (~~(county)~~) records and (~~(elections)~~) licensing services division; and

H. A typewritten copy of protective deed covenants shall accompany the final plat or short plat, if applicable.

SECTION 88. Ordinance 13694, Section 65, and K.C.C. 19A.16.050 are each hereby amended to read as follows:

The following information shall be shown on a final plat or final short plat:

A. Name of subdivision and department file number for final plats or department file number for final short plats;

B. Location by section, township and range, and by legal description;

C. The signature and seal of the land surveyor;

D. Survey map requirements as specified in chapter 332-130 WAC and chapter 58.09 RCW;

E. Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090;

F. Exact location, width and name of all streets within and adjoining the plat or short plat, and the exact location and widths of all alleys. The naming of a street shall conform to the county's process for naming streets;

G. Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat;

H. Municipal, township, county or section lines accurately tied to the lines of the plat or short plat distances and courses;

I. All easements for rights-of-way provided for public utilities;

J. Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility;

K. Blocks in numbered additions to plats bearing the same name may be numbered or lettered

consecutively through the several additions;

L. Accurate location of all existing and proposed permanent control monuments at each corner of the subdivision or short subdivision consistent with RCW 58.17.240 and at all road intersections and curve control points that fall within the pavement;

M. A traverse line established along the shore not more than twenty feet landward of the ordinary high water mark when a subdivision or short subdivision borders on a body of water. This line shall be labeled "Plat traverse line" or "Short plat traverse line", as applicable, on the final plat or short plat documents;

N. Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon; and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners;

O. The boundary description of the property being platted or short platted matching the description recorded in the most recent real estate transfer document encompassing the property. If the description is incorrect, a true and exact description shall be shown upon the plat or short plat together with the original description. The original description shall be labeled "original description" and the true and exact description shall be labeled "surveyor's corrected description." The surveyor's corrected description shall be preceded by the verbiage: "The intent of the original description is to encompass all of the property described within the surveyor's corrected description";

P. Dedication with notarized acknowledgments by all parties having an ownership interest, as required by RCW 58.17.165 and K.C.C. (~~(19A.08.010)~~) 19A.04.230, acknowledging the adoption of the plat and the dedication of streets and other public areas. Dedications by corporations shall include corporate acknowledgment and dedications by individuals shall include individual acknowledgment;

Q. Restrictions, title encumbrances and notes required by the conditions of approval;

R. Certification by a land surveyor to the effect that the plat or short plat correctly represents a survey made by the surveyor, or under the surveyor's direction, and that the existing monuments are located as shown

on the final plat or final short plat;

S. Approval and signature blocks for the department, the department of assessments and the finance and business operations division;

T. Approval of the county council to the extent such approval is required; and

U. Recording certificate required for the signature of the ((King County)) records and ((elections)) licensing services division.

SECTION 89. Ordinance 13694, Section 75, and K.C.C. 19A.20.060 are each hereby amended to read as follows:

A. Plat certificates or owner's duplicate certificates for registered land pursuant to chapter 65.12 RCW shall be provided to the department by the owner along with a copy of the last real estate transaction for all adjoining unplatted parcels.

B. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

C. The approved binding site plan recording documents shall include the following:

1. Except for a binding site plan for a condominium, identification of lots by number on a binding site plan containing more than one lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the land surveyor who prepared the binding site plan in accordance with chapter 332-130 WAC and chapter 58.09 RCW;

3. Reference to the recording number of the completed survey if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;
5. Notarized signatures of all parties having an ownership interest in the land being divided;
6. Satisfaction of health department requirements, unless previously approved on a recorded final planned unit development, a building permit, an as-built plan for developed sites or a site development permit for the entire site;
7. Approval of the King County development engineer;
8. Approval of the King County ~~((office of))~~ finance and business operations division;
9. Approval of the King County assessor;
10. Approval of the director;
11. Recording certificate required for signature of ~~((King County))~~ the records and ~~((elections))~~ licensing services division; and
12. Department file number.

D. A deposit to cover anticipated taxes and assessments is required for binding site plans pursuant to chapter 58.08 RCW. The applicant shall be required to provide certification from the King County ~~((office of))~~ finance and business operations division that property taxes for the subject property are not delinquent prior to issuance of a final approval.

E. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

F. No person shall sell, transfer or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan or without binding site plan approval.

G. The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and containing a provision that any development of the site shall be in conformity with the approved

binding site plan.

SECTION 90. Ordinance 15137, Section 1, and K.C.C. 20.36.015 are each hereby amended to read as follows:

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

A. "Certified local government programs" are those historic preservation programs that are formally certified by the National Park Service and Washington state Office of Archaeology and Historic Preservation.

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

C. "Enrolled parcel" means a parcel for which a public benefit rating system open space application has been received, that is receiving tax reduction benefits and for which an open space taxation agreement, as described in WAC 458.30.240, has been executed and recorded with the records(~~(elections)~~) and licensing services division.

D. "Native plant" or "native vegetation" means native vegetation as defined in K.C.C. 21A.06.790.

E. "Reevaluate" means to examine the characteristics of a property currently designated under current use taxation provisions of the open space program for qualification under the current public benefit rating system provided for in this chapter.

SECTION 91. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are each hereby amended to read as follows:

To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section.

These resources are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. The department shall review each application and recommend award of credit for current use of property that is the subject of the application. In making such a recommendation, the department shall utilize the point system described in subsections A. and B. of this section.

A. The following open space resources are each eligible for the points indicated:

1. Active or passive recreation area - five points. For the purposes of this subsection A.1, "active or passive recreation area" means land devoted to providing nonmotorized active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. To be eligible as an active or passive recreation area, the facilities must be open to the general public or to specific public user groups, such as youth, senior citizens or people with disabilities. A property must be identified by the responsible agency within whose jurisdiction the property is located, as meeting the definition of an active or passive recreation area. Enrolling property must adhere to best management practices or standards, as defined in K.C.C. 21A.06.098, where available. If a fee is charged for use, it must be comparable to the fee charged by a like public facility;

2. Aquifer protection area - five points. For the purposes of this subsection A.2, "aquifer protection area" means property that has a plant community in which native plants are dominant and that is located within an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24. To be eligible as an aquifer protection area, at least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. The enrolling open space area must have a plant community in which native plants are dominant, or a plan for revegetation must be submitted and approved by the department, and be implemented according to its proposed schedule of activities;

3. Buffer to public land - three points. For the purposes of this subsection A.3, "buffer to public land" means land that has a plant community in which native plants are dominant and that is adjacent and provides a buffer to a publicly owned park, forest, wildlife preserve, natural preserve, sanctuary, parkway, trail, highway, designated greenway or is adjacent and provides a buffer to a property participating in a current use taxation program under chapter 84.34 RCW. The buffer shall be no less than fifty feet in length and fifty feet in width. Public roads may separate the public land, or land in private ownership classified under chapter 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road

easement. Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under chapter 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements or other local regulations;

4. Equestrian-pedestrian trail linkage - thirty-five points. For the purposes of this subsection A.4, "equestrian-pedestrian trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public right of way to a trail system. Use of motorized vehicles is prohibited on trails receiving tax reductions in this category, except for maintenance or for medical, public safety or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian trail linkage, the owner shall provide a trail easement to an appropriate public or private entity, acceptable to the department. The easement shall be recorded with the records(~~(, elections)~~) and licensing services division. In addition to the area covered by the trail easement, adjacent land used as pasture, barn or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as lands eligible for current use taxation. Private roads or driveways open to the public for this purpose may also qualify. Driveways and sidewalks, used primarily by the landowner, do not qualify under this category. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

5. Farm and agricultural conservation land - five points. For the purposes of this subsection A.5, "farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. To be eligible as farm and agricultural conservation land, the property must be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner must commit to return the property to farm or agricultural activities. An applicant must have a department-approved farm management plan in accordance with K.C.C. 21A.24.051 that is being implemented according to its proposed schedule of activities prior to receiving credit for this category. The property must be at least five acres in size; or greater than two acres and be actively farmed on more than seventy-five percent of the property. Eligible land must be zoned to allow agricultural uses. Combining separate parcels under different owners is not allowed under this category;

6. Forest stewardship land - five points. For the purposes of this subsection A.6, "forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the timberland program under chapter 84.34 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest stewardship land, the property must contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. An applicant shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting or a combination of both;

7. Historic landmark or archeological site: buffer to a designated site - three points. For the purposes of this subsection A.7, "historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by the historic preservation officer of King County or other jurisdiction in which the property is located that manages a certified local government program. To be eligible as a historic landmark or

archeological site: buffer to a designated site, a property must have a plant community in which native plants are dominant and be adjacent to or in the immediate vicinity of and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. For the purposes of this subsection A.7, "significant buffer" means land and plant communities that provide physical, visual, noise or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

8. Historic landmark or archeological site: designated site - five points. For the purposes of this subsection A.8, "historic landmark or archaeological site: designated site" means land that constitutes or upon which is situated a historic landmark formally designated by King County or other certified local government program. Historic landmarks include buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. To be eligible as a historic landmark or archeological site: designated site, a property must be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

9. Historic landmark or archeological site: eligible site - three points. For the purposes of this subsection A.9, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being formally designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. An

eligible property must be determined by the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located to be eligible for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed on the state or national Registers of Historic Places may qualify under this category;

10. Rural open space - five points. For the purposes of this subsection A.10, "rural open space" means an area of ten or more contiguous acres that has a plant community in which native plants are dominant and that is located outside of the urban growth area as identified in the King County Comprehensive Plan, except that an eligible site may include former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation;

11. Rural stewardship land-five points. For the purposes of this subsection A.11, "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F (forest), that has a department-approved and implemented rural stewardship plan as provided in K.C.C. chapter 21A.24. On RA-zoned property, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space must be at least one acre and feature a plant community in which native plants are dominant or be in the process of restoration, reforestation or enhancement of native vegetation. Lands receiving credit for this category shall not receive credit for the resource restoration or the forest stewardship land public benefit rating system categories;

12. Scenic resource, viewpoint or view corridor - five points. For the purposes of this subsection A.12, "scenic resource" means an area of ten or more enolling acres of natural or recognized cultural features visually significant to the aesthetic character of the county. A site eligible as a scenic resource must be

significant to the identity of the local area and must be visible to a significant number of the general public from public rights-of-way, must be of sufficient size to substantially preserve the scenic resource value and must enroll at least ten acres of open space. For the purposes of this subsection A.12, a "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. To be eligible as a viewpoint, a site must provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area and must allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way. For the purposes of this subsection A.12, a "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. A site eligible as a view corridor must contain at least one acre of open space that contributes to a view corridor visible to the public that provides views of a scenic natural resource area significant to the local area. Recognized cultural areas must be found significant by the King County historic preservation officer or equivalent officer of another certified local government program and must contain significant inventoried or designated historic properties. Eligibility is subject to determination by the department or applicable jurisdiction;

13. Shoreline: conservancy environment - five points. For the purposes of this subsection A.13, "shoreline: conservancy environment" means marine, lake and river shoreline and associated wetlands designated as a conservancy environment in an adopted shoreline master plan under chapter 90.58 RCW, the Shoreline Management Act of 1971. To be eligible as shoreline: conservancy environment, the property enrolling must feature a plant community in which native plants are dominant, adjacent to the water for a length of more than twenty-five feet, and provide additional buffer width. The buffer width must be at least twenty-five percent greater than the buffer required by regulation. Credit for this category cannot overlap with credit for the shoreline natural environment category;

14. Shoreline: natural environment - three points. For the purposes of this subsection A.14,

"shoreline: natural environment" means marine, lake or river shoreline and its associated wetlands designated as a natural environment in an adopted shoreline master plan under chapter 90.58 RCW, the Shoreline Management Act of 1971. To be eligible as shoreline: natural environment, the property enrolling must feature a plant community in which native plants are dominant, adjacent to the water and be greater than twenty-five feet in length, and provide additional buffer width. The buffer width must be at least twenty-five percent greater than the buffer required by regulation. Credit for this resource cannot overlap with credit for the shoreline conservancy environment category;

15. Significant plant site - five points. For the purposes of this subsection A.15, "significant plant site" means: an area with naturally occurring concentrations of those plants defined as being monitor species and meeting the criteria for native plant communities by the Washington state Department of Natural Resources as of the effective date of this ordinance; or an old growth forest stand at least ten acres in size. An eligible site must be listed in the Natural Heritage Data Base as of the effective date of this ordinance, or be identified by an expert acceptable to the department confirming that qualified species are present on the property. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings are ineligible for this category;

16. Significant wildlife or salmonid habitat - five points.

a. For the purposes of this subsection A.16, "significant wildlife or salmonid habitat" means:

(1) an area used by animal species listed as endangered, threatened, sensitive or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources as of the effective date of this ordinance, or used by species of local significance that are so listed by the King County Comprehensive Plan or a local jurisdiction;

(2) an area where the species listed in subsection A.16.a.(1). of this section are potentially found with sufficient frequency for critical ecological processes to occur such as reproduction, nesting, rearing, wintering, feeding or resting;

(3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife that is so listed by the King County Comprehensive Plan or the local jurisdiction in which the property is located; or

(4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction.

b. To be eligible as significant wildlife or salmonid habitat, the property must be verified by the department, or by expert determination acceptable to the department that qualified species are present or that the land fulfills the functions described in subsection A.16.a. of this section. To receive credit for salmonid habitat, the owner must provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible for this category;

17. Special animal site - three points. For the purposes of this subsection A.17, "special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the effective date of this ordinance. To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or where expert verification acceptable to the department or local jurisdiction is provided. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

18. Surface water quality buffer - five points. For the purposes of this subsection A.18, "surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant adjacent to a lake, pond, stream, wetland or marine waters, that provides buffers beyond that required by any applicable regulation. To be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than the buffer required by any applicable regulation and longer than twenty-five feet. The qualifying

buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or use by livestock;

19. Urban open space - five points.

a. For the purposes of this subsection A.19, "urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use. To be eligible as urban open space, the enrolling area must be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

(3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;

(4) the land enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(5) the land enhances recreation opportunities to the general public; or

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement of subsection A. 19. a. of this section may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

20. Watershed protection area - five points. For the purposes of this subsection A.20, "watershed protection area" means property in a watershed contributing to the forest cover that provides run-off reduction and groundwater protection. To be eligible as watershed protection area, the property must consist of contiguous native forest or be in the process of reforestation. The enrolling forested area must consist of an additional fifteen percent of forest cover beyond that required by county or applicable local government

regulation and must be at least one acre or twenty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement a department-approved forest stewardship or rural stewardship plan.

B. Property qualifying for an open space category in subsection A. of this section may receive credit for additional points as follows:

1. Resource restoration - five points. For the purposes of this subsection B.1, "resource restoration" means restoration of an enrolling area benefiting an area in an open space resource category. Emphasis shall be placed on restoration of anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and wetland habitats. To be eligible as resource restoration, the owner must provide and implement a department-approved restoration plan developed in cooperation with the Soil Conservation Service, the state Department of Fisheries and Wildlife, King County or other appropriate local or county agency. Historic resource restoration must be approved by the King County historic preservation officer or officer of another certified local government and must be accompanied by a long-term maintenance plan. For resource restoration credit, the owner shall provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Credit for this category cannot overlap with credit for the forest stewardship land category or the rural stewardship land category. If a property owner implements an approved restoration plan after enrolling in the public benefit rating system program and did not receive credit for the restoration in the initial evaluation of the property, the owner may reapply to amend the application and receive the bonus points credit without paying an additional application fee;

2. Additional surface water quality buffer - three or five points. For the purposes of this subsection B.2, "additional surface water quality buffer" means an undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a buffer width of at least twice that required by regulation. To

be eligible as additional surface water quality buffer, the property must qualify for the surface water quality buffer or a shoreline category in subsection A. of this section. Three points are awarded for additional buffers no less than two times the buffer width required by any applicable regulation. Five points are awarded for additional buffers no less than three times the buffer width required by any applicable regulation;

3. Contiguous parcels under separate ownership - two points per participating owner above one owner. The points under this subsection B.3. accrue to all of the owners. However withdrawal of participating owner means the loss to each of the remaining owners of the two points for the withdrawing owner's participation under this subsection B.3. For the purposes of this subsection B.3, "contiguous parcels" means enrolling parcels abutting each other without any significant natural or manmade barrier separating them or enrolling parcels abutting a publicly owned open space but not necessarily abutting each other without any significant natural or manmade barriers separating the publicly owned open space and the parcels seeking open space classification. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Treatment as contiguous parcels shall include: the requirement to pay only a single application fee; and the requirement that the total area of all parcels combined must equal or exceed any required minimum area, rather than each parcel being required to meet the minimum area. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, but the combined area of the parcels remaining in open space classification must still qualify for their original enrolling public benefit rating system category or categories. To be eligible as contiguous parcels under separate ownership, the property must include two or more parcels under different ownership. The owners of each parcel included in the application must agree to identical terms and conditions for enrollment in the program;

4. Conservation easement or historic preservation easement - fifteen points. For the purposes of this subsection B.4, "conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The granting of this conservation easement or historic preservation easement provides additional value through permanent protection of a resource. These easements are typically donated or sold to a government or nonprofit organization, such as a land trust or conservancy. To be eligible as conservation easement or historic preservation easement, the easement must be approved by the department and be recorded with the records(~~(;~~ elections)) and licensing services division. The easement shall be conveyed to the county or to an organization acceptable to the department. In addition, historic preservation easements shall also be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required;

5. Public access - points dependent on level of access. For the purposes of this subsection B.5, "public access " means the general public is allowed to access for uses such as, but not limited to, recreation, education or training. Access is required on only the enrolling portion of the property. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, that are mutually agreed to by the landowner and the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. To be eligible for public access at one of the levels described in a. through d. of this subsection B.5, a property owner shall demonstrate that the property is open to public access and is used by the public. Public access points for historic properties shall be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access because of resource sensitivity - five points. Access may be reasonably limited due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed shall generally be for an educational, scientific or research purpose and may require special arrangements with the owner.

c. Environmental education access - three points. The landowner enters into an agreement with a school, an organization with 501(c)(3) tax status, or with the agreement of the department, other community organization that allows membership by the general public, to provide environmental education on the enrolled parcel to its members or the public at large. The landowner and the department must mutually agree that the enrolled parcel has value for environmental education purposes.

d. Seasonally limited public access - three points. Access by the public is allowed, with or without special arrangements with the property owner, during only part of the year based on seasonal conditions, as mutually agreed to by the landowner and the department.

e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and

6. Easement and access - thirty five points. For the purposes of this subsection B.6, "easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. To be eligible a property must receive credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner must agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category cannot overlap with the equestrian-pedestrian trail linkage category.

SECTION 92. Ordinance 4828, Section 7, as amended, and K.C.C. 20.62.070 are each hereby amended

to read as follows:

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040.

The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate.

Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record.

The notice shall include:

1. A copy of the commission's preliminary determination; and

2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for

designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
2. The significant features and such other information concerning the historic resource as the commission deems appropriate;
3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and
4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no

longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records((~~-elections~~)) and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource.

SECTION 93. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are each hereby amended to read as follows:

A. Residential land uses.

KEY		RESOURCE			RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	U		
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H							A
		R							A	O							L
		E							L	O							
									D								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I				
	DWELLING UNITS, TYPES:																

*	Single Detached	P C13	P2		P C11	P C13	P C13	P C13	P C13	P17				
*	Townhouse				C4	C4	P C12	P	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C4	P	P	P3	P3	P3	P3	
*	Mobile Home Park				S14		C8	P						
*	Cottage Housing						C16							
	GRO UP RESI DEN CES:													
*	Community Residential Facility-I				C	C	P5 C	P	P	P3	P3	P3	P3	
*	Community Residential Facility-II							P	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P						

*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7			P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P	P			P	P	P	P	P	P	P	
*	Home Industry	C				C	C	C					
	TEMPORARY LODGING:												
7011	Hotel /Motel (1)									P	P	P	
*	Bed and Breakfast Guest house	P9 C10				P10	P10	P10	P10	P11	P11		

7041	Orga nizati on Hotel /Lodg ing Hous es												P	
<p>GENERAL CROSS REFILand Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.</p>														

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
 - a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems and driveways. Additional site disturbance for raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved only if a farm management (conservation) plan is prepared in accordance with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

b. A forest management plan shall be required for any new residence in the forest production district, that shall be reviewed and approved by the King County department of natural resources and parks prior to building permit issuance; and

c. A fire protection plan for the subject property is required and shall be reviewed and approved by the Washington state department of natural resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire that might originate from the residential use. This plan shall provide for setbacks from existing forestry

uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

4.a. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

b. In the R-1 zone, apartment units are permitted, provided that:

(1) The proposal shall be subject to a conditional use permit when exceeding base density,

(2) At least fifty percent of the site is constrained by unbuildable critical areas. For purposes of this section, unbuildable critical areas shall include wetlands, streams and slopes forty percent or steeper and associated buffers; and

(3) The density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

c. In the R-4 through R-8 zones, apartment units are permitted, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

5. Apartment units are permitted outright as follows:

a. In the R-1 zone when at least fifty percent of the site is constrained by unbuildable critical areas that for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

b. In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

6. Only as an accessory to a school, college, university or church.

7.a. Accessory dwelling units:

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on an urban lot that is less than ten thousand square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4)(a) One of the dwelling units shall not exceed a floor area of one thousand square feet except when one of the dwelling units is wholly contained within a basement or attic, and

(b) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

(7) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records(~~(, elections)~~) and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone.

(8) Accessory dwelling units and accessory living quarters are not allowed in the F zone.

(9) In the A zone, one accessory dwelling unit is allowed on any lot under twenty acres in size, and

two accessory dwelling units are allowed on lots that are twenty acres or more, provided that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, provided there is:

- (1) no aircraft sales, service, repair, charter or rental; and
- (2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.

8. Mobile home parks shall not be permitted in the R-1 zones.

9. Only as an accessory to the permanent residence of the operator, and:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. There shall be no more than five guests per night.

10. Only as an accessory to the permanent residence of the operator, and:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

11. Only if part of a mixed use development, and subject to the conditions of K.C.C. 21A.08.030B.10.

12. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.

13. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030B.7.

14. No new mobile home parks are allowed in a rural zone.
15. Limited to domestic violence shelter facilities.
16. Only in the R4-R8 zones limited to:
 - a. developments no larger than one acre;
 - b. not adjacent to another cottage housing development such that the total combined land area of the cottage housing developments exceeds one acre; and
 - c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in subsection B.25. of this section or the floor area and footprint limits in K.C.C. 21A.14.025.B.
17. The development for a detached single-family residence shall be consistent with the following:
 - a. The lot must have legally existed prior to March 1, 2005;
 - b. The lot has a comprehensive plan land use designation of Rural Neighborhood or Rural Residential; and
 - c. The standards of this title for the RA-5 zone shall apply.

SECTION 94. Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170 are each hereby amended to read as follows:

Provided that the required setbacks from regional utility corridors of K.C.C. 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C. 21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained, structures may extend into or be located in required setbacks, including setbacks as required by K.C.C. 21A.12.220.B, as follows:

- A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:
 1. Limited to two per facade;

2. Not wider than ten feet; and
 3. Not more than twenty-four inches into an interior setback or thirty inches into a street setback;
- B. Uncovered porches and decks that exceed eighteen inches above the finished grade may project:
1. Eighteen inches into interior setbacks; and
 2. Five feet into the street setback;
- C. Uncovered porches and decks not exceeding eighteen inches above the finished grade may project to the property line;
- D. Eaves may not project more than:
1. Eighteen inches into an interior setback;
 2. Twenty-four inches into a street setback; or
 3. Eighteen inches across a lot line in a zero-lot-line development;
- E. Fences with a height of six feet or less may project into or be located in any setback;
- F. Rockeries, retaining walls and curbs may project into or be located in any setback provided these structures:
1. Do not exceed a height of six feet in the R-1 through R-18, UR, RA and resource zones;
 2. Do not exceed a height of eight feet in the R-24 and R-48 zones; and
 3. Do not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the standards established in the King County Building Code, Title 16;
- G. Fences located on top of rockeries, retaining walls or berms are subject to the requirements of K.C.C. 21A.14.220;
- H. Telephone, power, light and flag poles;
- I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the ((King County department of)) records and ((elections)) licensing

services division prior to the installment or construction of the structure:

1. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
 2. Security system access controls;
 3. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as benches, picnic tables and drinking fountains; and
 4. Surface water management facilities as required by K.C.C. 9.04;
- J. Mailboxes and newspaper boxes may project into or be located within street setbacks;
- K. Fire hydrants and associated appendages;
- L. Metro bus shelters may be located within street setbacks;
- M. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument signs four feet or less in height, with a maximum sign area of twenty square feet may project into or be located within street setbacks;
- N. On a parcel in the RA zone, in the interior setback that adjoins a property zoned NB or CB, structures housing refrigeration equipment that extends no more than ten feet into the setback and is no more than sixty feet in length; and
- O. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:
1. Consistent with setback, easement and access requirements specified in the Surface Water Design Manual; or
 2. In the absence of said specifications, not within five feet of the property line.

SECTION 95. Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040 are each hereby amended to read as follows:

Residential lot clustering is allowed in the R, UR and RA zones. If residential lot clustering is

proposed, the following requirements shall be met:

A. In the R zones, any designated open space tract resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Open spaces may be retained under ownership by the subdivider, conveyed to residents of the development or conveyed to a third party. If access to the open space is provided, the access shall be located in a separate tract;

B. In the RA zone:

1. No more than eight lots of less than two and one-half acres shall be allowed in a cluster;
2. No more than eight lots of less than two and one-half acres shall be served by a single cul-de-sac street;
3. Clusters containing two or more lots of less than two and one-half acres, whether in the same or adjacent developments, shall be separated from similar clusters by at least one hundred twenty feet;
4. The overall amount, and the individual degree of clustering shall be limited to a level that can be adequately served by rural facilities and services, including, but not limited to, on-site sewage disposal systems and rural roadways;
5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040, shall be provided along the frontage of all public roads. The planting materials shall consist of species that are native to the Puget Sound region. Preservation of existing healthy vegetation is encouraged and may be used to augment new plantings to meet the requirements of this section;
6. Except as provided in subsection B.7. of this section, open space tracts created by clustering in the RA zone shall be designated as permanent open space. Acceptable uses within open space tracts are passive recreation, with no development of active recreational facilities, natural-surface pedestrian and equestrian foot trails and passive recreational facilities. A resource tract created under K.C.C. 16.82.152.E. may be considered an open space tract for purposes of this subsection B.6;
7. In the RA zone a resource land tract may be created through a cluster development in lieu of an

open space tract. A resource tract created under K.C.C. 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7. The resource land tract may be used as a working forest or farm if the following provisions are met:

- a. Appropriateness of the resource land tract for forestry or agriculture has been determined by the county;
- b. The subdivider shall prepare a forest management plan, that must be reviewed and approved by the King County department of natural resources and parks, or a farm management plan, if a plan is required under K.C.C. chapter 21A.30, that must be developed by the King Conservation District. The criteria for management of a resource land tract established through a cluster development in the RA zone shall be set forth in a public rule. The criteria must assure that forestry or farming will remain as a sustainable use of the resource land tract and, except as otherwise provided for resource tracts created pursuant to K.C.C. 16.82.152.E, that structures supportive of forestry and agriculture may be allowed in the resource land tract. The criteria must also set impervious surface limitations and identify the type of buildings or structures that will be allowed within the resource land tract;
- c. The recorded plat or short plat shall designate the resource land tract as a working forest or farm;
- d. Resource land tracts that are conveyed to residents of the development shall be retained in undivided interest by the residents of the subdivision or short subdivision;
- e. A homeowners association shall be established to assure implementation of the forest management plan or farm management plan if the resource land tract is retained in undivided interest by the residents of the subdivision or short subdivision;
- f. The subdivider shall file a notice with the King County department of executive services, records(~~, elections~~) and licensing services division. The required contents and form of the notice shall be set forth in a public rule. The notice shall inform the property owner or owners that the resource land tract is designated as a working forest or farm, that must be managed in accordance with the provisions established in the approved

forest management plan or farm management plan;

g. The subdivider shall provide to the department proof of the approval of the forest management plan or farm management plan and the filing of the notice required in subsection B.7.f. of this section before recording of the final plat or short plat;

h. The notice shall run with the land; and

i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and passive recreational facilities, with no development of active recreational facilities, are allowed uses in resource land tracts; and

8. The requirements of subsection B.1., 2., or 3. of this subsection may be modified or waived by the director if the property is encumbered by critical areas containing habitat for, or there is the presence of, species listed as threatened or endangered under the Endangered Species Act when it is necessary to protect the habitat; and

C. In the R-1 zone, open space tracts created by clustering required by K.C.C. 21A.12.030 shall be located and configured to create urban separators and greenbelts as required by the comprehensive plan, or subarea plans or open space functional plans, to connect and increase protective buffers for critical areas, to connect and protect wildlife habitat corridors designated by the comprehensive plan and to connect existing or planned public parks or trails. The department may require open space tracts created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. In the absence of such a requirement, open space tracts shall be retained in undivided interest by the residents of the subdivision or short subdivision. A homeowners association shall be established for maintenance of the open space tract.

SECTION 96. Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020 are each hereby amended to read as follows:

A. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the requirements of this chapter. In addition, K.C.C.

21A.18.110 I. and J. establish residential parking limitations applicable to existing, as well as new, residential uses.

B. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. If the site is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than seventy-five percent of the anticipated demand. In the study, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director.

C. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with this chapter. The contracts shall be reviewed by the director for compliance with this chapter, and if approved, the contracts shall be recorded with the ((county)) records((; elections)) and licensing services division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the director.

D. Upon request from the proponent of any use subject to the this chapter located in a rural town, rural neighborhood center, any commercial zone located in a rural area or natural resource production district designated by the Comprehensive Plan, or any agricultural product production, processing or sales use allowed in the A or F zones the director may waive or modify this chapter in order to protect or enhance the historic character of the area, to reduce the need for pavement or other impervious surfaces, to recognize the seasonal nature of any such activity or to minimize the conversion of agriculturally productive soils. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the director shall base allowable waivers or modifications on the policies and guidelines in such a plan.

SECTION 97. Ordinance 10870, Section 408, as amended, and K.C.C. 21A.18.040 are each hereby amended to read as follows:

The amount of off-street parking required by K.C.C. 21A.18.030 may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:

- A. The total parking area exceeds 5,000 square feet;
- B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than eight hundred feet from the most remote shared facility;
- C. The amount of the reduction shall not exceed ten percent for each use, unless:
 1. The normal hours of operation for each use are separated by at least one hour; or
 2. A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if shared parking reductions are authorized;
 3. The director will determine the amount of reduction subject to paragraph D of this section.
- D. The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;
- E. A covenant or other contract for shared parking between the cooperating property owners is approved by the director. This covenant or contract must be recorded with ((King County)) the records and ((elections)) licensing services division as a deed restriction on both properties and cannot be modified or revoked without the consent of the director; and
- F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

SECTION 98. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection of C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development shall file a notice approved by King County with the records(~~(, elections))~~) and licensing services division. The notice shall inform the public of:

1. The presence of critical areas or buffers or mitigation sites on the property;
2. The application of this chapter to the property; and
3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist.

B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording of the subdivision, short subdivision or binding site plan.

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility; or
2. The development proposal does not require sensitive area review under K.C.C. 21A.24.100.C.

SECTION 99. Ordinance 12823, Section 16, as amended, and K.C.C. 21A.38.210 are each hereby amended to read as follows:

A. The purpose of the heron habitat protection area special district overlay is to provide a means to designate areas that provide essential feeding, nesting and roosting habitat for identified great blue heron rookeries. A district overlay will usually contain several isolated areas of known heron habitat in the general region surrounding the heron rookery.

B. The following development standards shall be applied in addition to all applicable requirements of

K.C.C. chapter 21A.24 and Title 25 to development proposals located within a heron habitat protection area district overlay:

1. The following conditions shall apply to the wetland or along the main channel of the stream riparian zone containing the heron rookery (tributary streams are excluded):

a. The one-hundred-year floodplain shall be left undisturbed. Development proposals on individual lots shall require the one-hundred-year floodplain to retain the native vegetation and be placed in a county-approved conservation easement or notice shall be placed on the title of the lot. The notice shall be approved by King County and filed with the records(~~(elections)~~) and licensing services division. The notice shall inform the public of the presence and location of the floodplain and heron habitat on the property and that limitations on actions in or affecting the area exist. Subdivisions, short subdivisions and binding site plans shall require the one-hundred-year floodplain to retain the native vegetation and be placed in a critical areas tract, to be dedicated to the homeowner's association or other legal entity that assumes maintenance and protection of the tract. Determination of the floodplain shall be done for each permit application based on actual field survey using county-approved floodplain elevations;

b. There shall be a six-hundred-sixty-foot radius buffer maintained around the periphery of the great blue heron rookery. If the critical areas and buffers are not adequate to provide the radius, then the buffer shall be expanded to meet the requirement. A rookery and its buffer shall be designated as critical area tract, easement or noticed on title as required in this subsection; and

c. All access shall be restricted under nest trees from February 15 to July 31 and noted on signage at the floodplain or buffer edge, whichever is further from the rookery. Access may be further restricted with fencing or dense plantings with native plant material approved by the county. All developments in R-12 or higher density zones shall restrict access and provide an interpretive sign that provides information about the stream or wetland and its wildlife, biological, and hydrological functions. All signs shall be consistent with critical area signage requirements and subject to review and approval of the county;

2. Subdivisions, short subdivisions, binding site plans, site development permits or other commercial or multifamily permits adjacent to stream reaches and wetlands designated on the heron habitat protection area district overlay map, shall provide buffers that are fifty feet greater than required pursuant to K.C.C. chapter 21A.24 along those streams and wetlands to provide habitat for herons. This additional fifty-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the department. If conformance with the additional buffer requirement results in an unbuildable lot, then the minimum variation necessary to accommodate the proposed development shall be determined in consultation with county biologists and be reviewed and approved by the department;

3. Along the shoreline of lakes and river corridors included in the heron habitat protection area, all subdivisions, short subdivisions, binding site plans, site development permits or other commercial or multifamily permits shall provide a fifty-foot buffer in addition to required shoreline setbacks of K.C.C. itle 25 and chapter 21A.24. Along the shoreline of the major rivers (Sammamish, Green, Cedar, Snoqualmie, Snohomish, Skykomish and White rivers), the setback requirement may be waived if a special wildlife study shows no great blue heron nesting, roosting and feeding areas on the site. These studies shall be done by a wildlife biologist and approved by county biologists. This additional fifty-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the department; and

4. New docks, piers, bulkheads and boat ramps constructed within the heron habitat protection area shall mitigate for loss of heron feeding habitat by providing enhanced native vegetation approved by the county adjacent to the development or between the development and the shoreline. Bulkheads shall be buffered from the water's edge by enhanced plantings of native vegetation approved by the county.

SECTION 100. 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.

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 ~~((office of))~~ records and ~~((elections))~~ 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 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 waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and that if the department determines the terms of the voluntary compliance agreement are not met, 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 has the right to be served with a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement, has the right to administratively appeal any such a citation, notice and order or stop work order, and that he or she is knowingly, voluntarily and intelligently waiving those rights.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the department

determines the terms of the voluntary compliance agreement are not met, he or she is liable for the civil penalty available under K.C.C. chapter 23.32 and 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 101. Ordinance 13263, Section 22, as amended, and K.C.C. 23.24.030 are each hereby amended to read as follows:

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 ((King County office of)) records and ((elections)) 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 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 102. Ordinance 13263, Section 23, as amended, and K.C.C. 23.24.040 are each hereby amended to read as follows:

A. Whenever a notice and order is served on a person responsible for code compliance, the director

shall record a copy of the notice and order with the ((King County)) records and ((elections)) licensing services division, or its successor agency.

B. When all violations specified in the notice and order have been corrected or abated, the director shall record a certificate of compliance with the ((King County)) records and ((elections)) licensing services division, or its successor agency. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties for which liens have been recorded are still outstanding and continue as liens on the property.

SECTION 103. Ordinance 13263, Section 24, as amended, and K.C.C. 23.24.050 are each hereby amended to read as follows:

A. Whenever there is new information or a change in circumstances, a director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this title.

B. A director may revoke or modify a notice and order issued under this title if the original notice and order was issued in error or if a party to an order was incorrectly named. The revocation or modification shall identify the reasons and underlying facts for revocation and shall be recorded with the ((King County)) records and ((elections)) licensing services division, or its successor agency.

SECTION 104. Ordinance 13263, Section 48, as amended, and K.C.C. 23.40.010 are each hereby amended to read as follows:

A. Within ninety days from the date any civil penalty, civil fine, abatement cost, or enforcement cost is due pursuant to this title, a director may record a lien against the property of a person responsible for code compliance for the amount owing with the ((King County)) records and ((elections)) licensing services division, or its successor agency.

B. The lien shall contain the following information:

1. The King County Code provision;
2. A brief description of the violation and its duration at the date of recording;
3. A brief description of the abatement work done, if any, and who performed the abatement work;
4. The owner of the property, if known, or a statement that the owner is not known;
5. A legal description of the property;
6. The amount of penalties, fines or costs that are owing; and
7. A sworn statement signed by a director that the director believes the claim is just.

SECTION 105. Ordinance 13263, Section 49, as amended, and K.C.C. 23.40.020 are each hereby amended to read as follows:

A director may record supplemental liens with the ((King County)) records and ((elections)) licensing services division, or its successor agency, to update information regarding penalties, fines, costs or fees contained in any existing lien.

SECTION 106. Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040 are each hereby amended to read as follows:

A. No lien created by this title binds the property subject to the lien for a period longer than three years after the lien claim has been recorded, unless an action to enforce that lien is commenced in the proper court within three years after the recording.

B. When all penalties or abatement costs, or both, assessed against the property owner have been paid, the director shall expeditiously record a satisfaction of lien with the ((King County)) records and ((elections)) licensing services division, or its successor agency. The satisfaction shall include a legal description of the property where the violation occurred.

SECTION 107. Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120 are each hereby amended to read as follows:

Any pier, moorage, float or launching facility authorized by K.C.C. 25.16.090 through 25.16.140 shall

be subject to the following conditions:

A. No structure may be located nor extend further waterward of the ordinary high water mark than one-fourth the total distance from the shoreline associated with the structure to the opposite shoreline. This total distance shall be measured from the point where the authorized structure abuts the ordinary high water mark to the nearest opposite high water mark as measured along a straight line; provided, when the structure does not abut the ordinary high water mark, the distance from one ordinary high water mark to the opposite ordinary high water mark shall be measured along the shortest straight line passing through the center of that structure which commences from the property associated with such a structure.

B. No covered pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark, except that submerged, free-standing mechanical boat lifts associated with single-family residential piers and recreational watercraft may be covered with a canopy, provided:

1. No canopy shall be more than 25 feet in length or wider than 15 feet;
2. No portion of the canopy shall exceed a height of 10 feet above the Ordinary High Water Line (OHWL);
3. The canopy shall at no time have any side partly or wholly enclosed;
4. The highest portion of the canopy shall be located below the topographical grade of existing homes on surrounding properties;
5. Canopies shall be made out of canvas or other such non-toxic materials;
6. Canopies shall be of a solid color and should be of a shade which is non-obtrusive;
7. The canopy shall be included in the square footage calculations for piers, as enumerated in K.C.C. 25.16.140.E; and
8. Only one boat lift canopy per single-family residence shall be allowed.

C. No pier, moorage, float, or overwater structure or device shall be located closer than fifteen feet from the side property line extended, except that such structures may abut property lines for the common use of

adjacent property owners when mutually agreed to by the property owners in a contract recorded with the ((~~King County division of~~)) records and ((~~elections~~)) licensing services division, a copy of which must accompany an application for a building permit or a shoreline permit; such joint use piers may be permitted up to twice the surface area allowed by this title.

D. All piers, moorages, floats or other such structures shall float at all times on the surface of the water or shall be of open pile construction, provided no portion of the structure shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than five feet above the surface of the water, except as provided in subsection B₂.

E. No pier, including finger pier, moorage, float, or overwater structure or device shall be wider than fifty percent of the lot with which it is associated.

F. No dwelling unit may be constructed on a pier.