King County

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Transportation, Economy and Environment Committee

Councilmembers: Rod Dembowski, Chair; Jane Hague, Vice Chair; Kathy Lambert, Joe McDermott, Larry Phillips, Dave Upthegrove, Pete von Reichbauer

Staff: Mary Bourguignon, Lead Staff (206-477-0873)
Janice Mansfield, Committee Assistant (206-477-0882)

9:30 AM | **Tuesday, December 1, 2015** | **Room 1001**

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

To show a PDF of the written materials for an agenda item, click on the agenda item below.

1. Call to Order

2. Roll Call

3. Approval of Minutes

November 17, 2015 Meeting Minutes pp. 9-15

4. Public Comment

Discussion and Possible Action

Consent

5. Proposed Motion No. 2015-0484 pp. 17-23

A MOTION confirming the executive's appointment of Doug Schindler, who resides in council district three, to the King County rural forest commission.

Sponsors: Ms. Lambert

Mary Bourguignon, Council Staff

Sign language and communication material in alternate formats can be arranged given sufficient notice (296-1000).
TDD Number 296-1024.
ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.

6. **Proposed Motion No. 2015-0487 pp. 25-31**

A MOTION confirming the executive's appointment of Monica Paulson Priebe, Ph.D., who resides in council district seven, to the King County rural forest commission.

Sponsors: Mr. von Reichbauer

Mary Bourguignon, Council Staff

7. **Proposed Motion No. 2015-0490 pp. 33-39**

A MOTION confirming the executive's appointment of Leann Krainick, who resides in council district nine, to the King County agriculture commission.

Sponsors: Mr. Dunn

Mary Bourguignon, Council Staff

8. **Proposed Ordinance No. 2015-0482 pp. 41-51**

AN ORDINANCE approving the City of Snoqualmie General Sewer/Wastewater Facility Plan.

Sponsors: Ms. Lambert

Leah Krekel-Zoppi, Council Staff

9. **Proposed Ordinance No. 2015-0481 pp. 53-63**

AN ORDINANCE approving the Lakehaven Utility District Water System Plan Update.

Sponsors: Mr. Dembowski

Leah Krekel-Zoppi, Council Staff

10. **Proposed Ordinance No. 2015-0452 pp. 65-122**

AN ORDINANCE approving and adopting the collective bargaining agreement negotiated by and between King County and Professional and Technical Employees, Local 17 (Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, Transportation) representing employees in the departments of natural resources and parks, permitting and environmental review, and transportation; and establishing the effective date of said agreement.

Sponsors: Mr. Phillips

Nick Wagner, Council Staff

11. **Proposed Ordinance No. 2015-0505** **pp. 123-351**

AN ORDINANCE relating to the hearing examiner; amending Ordinance 263, Art. 5, Section 2, as amended, and K.C.C. 20.24.020, Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080, Ordinance 12196, Section 25, and K.C.C. 20.24.072, Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070, Ordinance 4461, Section 3, as amended, and K.C.C. 20.24.090, Ordinance 11502, Section 12, and K.C.C. 20.24.095, Ordinance 4461, Section 5, as amended, and K.C.C. 20.24.140, Ordinance 11502, Section 12, as amended, and K.C.C. 20.24.145, Ordinance 263, Art. 5, Section 11, as amended, and K.C.C. 20.24.150, Ordinance 4461, Section 9, as amended, and K.C.C. 20.24.180, Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190, Ordinance 13687, Section 7, as amended, and K.C.C. 20.24.510, Ordinance 13147, Section 34, and K.C.C. 20.24.400, Ordinance 9544, Section 16, as amended, and K.C.C. 20.24.195, Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197, Ordinance 4461, Section 11, as amended, and K.C.C. 20.24.210, Ordinance 4461, Section 12, as amended, and K.C.C. 20.24.220, Ordinance 263, Art. 5, Section 18, as amended, and K.C.C. 20.24.230, Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235, Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240, Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250, Ordinance 11502, Section 17, and K.C.C. 20.24.300, Ordinance 11502, Section 18, and K.C.C. 20.24.310, Ordinance 11502, Section 19, and K.C.C. 20.24.320, Ordinance 11502, Section 20, and K.C.C. 20.24.330, Ordinance 263, Art. 5, Section 13, as amended, and K.C.C. 20.24.170, Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130, Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150, Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205, Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030, Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110, Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050, Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700, Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130, Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150, Ordinance 13548, Section 20, and K.C.C. 6.09.190, Ordinance 6836, Section 4, and K.C.C. 6.26.040, Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080, Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060, Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140, Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240, Ordinance 16553, Section 4, and K.C.C. 7.09.030, Ordinance 16553, Section 5, and K.C.C. 7.09.040, Ordinance 16553, Section 6, and K.C.C. 7.09.050, Ordinance 16553, Section 13, and K.C.C. 7.09.120, Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080, Ordinance 1396, Article II, Section 12, as amended, and K.C.C. 11.04.140, Ordinance 1396, Article III, Section 9, as amended, and K.C.C. 11.04.260, Ordinance 1396, Article III, Section 10, as amended, and K.C.C. 11.04.270, Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 5280, Section 7, as amended, and K.C.C.

12.20.100, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Ordinance 10095, Section 8, as amended, and K.C.C. 13.24.090, Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015, Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020, Ordinance 10733, Section 8, as amended, and K.C.C. 14.60.080, Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030, Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150, Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170, Ordinance 13694, Section 41, as amended, and K.C.C. 19A.08.060, Ordinance 13694, Section 67, and K.C.C. 19A.16.070, Ordinance 13694, Section 69, and K.C.C. 19A.16.090, Ordinance 263, Art. 1, Section 11, as amended, and K.C.C. 20.08.120, Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057, Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058, Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020, Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120, Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090, Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100, Ordinance 3064, Section 11, and K.C.C. 20.54.110, Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110, Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070, Ordinance 10870, Section 19, as amended, and K.C.C. 21A.02.090, Ordinance 10870, Section 38, and K.C.C. 21A.04.170, Ordinance 10870, Section 25, and K.C.C. 21A.06.425, Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081, Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030, Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040, Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050, Ordinance 10870, Section 523, and K.C.C. 21A.28.130, Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 10870, Section 618, as amended, and K.C.C. 21A.42.100, Ordinance 10870, Section 627, and K.C.C. 21A.44.060, Ordinance 17287, Section 3, and K.C.C. 21A.55.105, Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010, Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070, Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080, Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090, Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100, Ordinance 12024, Section 7, and K.C.C. 23.10.070, Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020, Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030, Ordinance 16278, Section 16, and K.C.C. 23.20.060, Ordinance 16278, Section 18, and K.C.C. 23.20.080, Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020, Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030, Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100, Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050, Ordinance 17191, Section 55, as amended, and K.C.C.

23.32.100, Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110, Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120, Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010, Ordinance 13263, Section 44, and K.C.C. 23.36.020, Ordinance 16026, Section 11, and K.C.C. 27.50.020, Ordinance 16026, Section 15, and K.C.C. 27.50.060 and Ordinance 11034, Section 9, and K.C.C. 28.84.100, adding +a new section to K.C.C. chapter 20.08, adding a new chapter to K.C.C. Title 20, adding a new chapter to K.C.C. Title 4A, recodifying K.C.C. 20.24.020, K.C.C. 20.24.080, K.C.C. 20.24.072, K.C.C. 20.24.070, K.C.C. 20.24.090, K.C.C. 20.24.095, K.C.C. 20.24.140, K.C.C. 20.24.145, K.C.C. 20.24.150, K.C.C. 20.24.180, K.C.C. 20.24.190, K.C.C. 20.24.510, K.C.C. 20.24.400, K.C.C. 20.24.195, K.C.C. 20.24.520, K.C.C. 20.24.197, K.C.C. 20.24.210, K.C.C. 20.24.220, K.C.C. 20.24.230, K.C.C. 20.24.235, K.C.C. 20.24.240, K.C.C. 20.24.250, K.C.C. 20.24.300, K.C.C. 20.24.310, K.C.C. 20.24.320, K.C.C. 20.24.330 and K.C.C. 20.24.170, decodifying K.C.C. 14.40.017 and repealing Ordinance 263, Art. 5, Section 1, and K.C.C. 20.24.010, Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030, Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040, Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050, Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060, Ordinance 11502, Section 16, and K.C.C. 20.24.065, Ordinance 16026, Section 2, as amended, and K.C.C. 20.24.085, Ordinance 11502, Section 14, as amended, and K.C.C. 20.24.097, Ordinance 11502, Section 15, as amended, and K.C.C. 20.24.098, Ordinance 263, Art. 5, Section 7 (part), as amended, and K.C.C. 20.24.100, Ordinance 263, Art. 5, Section 8, and K.C.C. 20.24.110, Ordinance 263, Art. 5, Section 9, as amended, and K.C.C. 20.24.120, Ordinance 4461, Section 4, as amended, and K.C.C. 20.24.130, Ordinance 263, Art. 5, 12, as amended, and K.C.C. 20.24.160, Ordinance 11502, Section 13, as amended, and K.C.C. 20.24.175, Ordinance 12196, Section 41, as amended, and K.C.C. 20.24.222 and Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450.

Sponsors: Mr. Dembowski

Erin Auzins, Council Staff

12. **Proposed Ordinance No. 2015-0502 pp. 353-362**

AN ORDINANCE renewing for six-months an existing moratorium on the establishment or location of medical marijuana dispensaries and collective gardens asserted to be or actually authorized under Chapter 181, Laws of Washington 2011, and chapter 69.51A RCW; and declaring and emergency.

Sponsors: Mr. McDermott

Erin Auzins, Council Staff

13. **Proposed Ordinance No. 2015-0451 pp. 363-389**

AN ORDINANCE allowing for the issuance of transit passes to AmeriCorps service members; and amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188.

Sponsors: Mr. Dembowski

Paul Carlson, Council Staff

14. **Proposed Ordinance No. 2015-0506 pp. 391-439**

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the city of Sammamish relating to the annexation of the Klahanie Potential Annexation Area.

Sponsors: Ms. Lambert

Erin Auzins, Council Staff

Briefing

15. **Briefing No. 2015-B0217 p. 441**

Metro/Sound Transit Preparation for March 2016 Service Changes

Matt Hansen, Manager, Customer Communications and Services, Transit Division, Department of Transportation
Craig Davison, Executive Director of Communications and External Affairs, Sound Transit

16. **Briefing No. 2015-B0226 pp. 443-534**

Review of Executive's Public Review Draft of the 2016 Comp Plan

Christine Jensen, Council Staff

Discussion and Possible Action

17. **Proposed Motion No. 2015-0379 pp. 535-551**

A MOTION requiring that the executive prepare a report evaluating the feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 for the enforcement of speed limits in school zones in unincorporated King County.

Sponsors: Mr. Dembowski

Clifton Curry and Gregory Doss, Council Staff

18. **Proposed Ordinance No. 2015-0503 pp. 553-557**

AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the King County flood control zone district to provide service to the district.

Sponsors: Mr. Dunn

Erin Auzins, Council Staff

19. **Proposed Ordinance No. 2015-0475 pp. 559-569**

AN ORDINANCE revising the legal description of the annexation of approximately 0.29 acres of land into fire district 27, known as Harkleroad Annexation, for the purpose of providing fire suppression and emergency medical services; and repealing Ordinance 18042, Section 1, as amended, Ordinance 18042, Section 2, Ordinance 18042, Section 3, and Ordinance 18042, Section 4.

Sponsors: Ms. Lambert

Erin Auzins, Council Staff

20. **Proposed Ordinance No. 2015-0432 pp. 571-650**

AN ORDINANCE authorizing the executive to amend the 2007 interlocal agreement implementing a transfer of development rights program between King County and the city of Issaquah.

Sponsors: Mr. Phillips

Mary Bourguignon, Council Staff

21. **Proposed Motion No. 2015-0330 pp. 651-668**

A MOTION approving the Second Quarter 2015 Expenditures for Emergent Needs and Unanticipated Project Costs Summary Report prepared by the road services division in the department of transportation as required in the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 53, Proviso P2.

Sponsors: Ms. Lambert

Lise Kaye, Council Staff

22. **Proposed Motion No. 2015-0401 pp. 669-710**

A MOTION approving a report by the fleet administration division on the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals as required in the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 125, Proviso P1.

Sponsors: Mr. Dembowski

Leah Krekel-Zoppi, Council Staff

Other Business

Adjournment

King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Minutes

Transportation, Economy and Environment Committee

Councilmembers: Rod Dembowski, Chair; Jane Hague, Vice Chair;
Kathy Lambert, Joe McDermott, Larry Phillips, Dave Upthegrove, Pete von Reichbauer

Staff: Mary Bourguignon, Lead Staff (206-477-0873)
Janice Mansfield, Committee Assistant (206-477-0882)

9:30 AM | **Tuesday, November 17, 2015** | **Room 1001**

DRAFT MINUTES

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. Call to Order

Chair Dembowski called the Transportation, Economy and Environment Committee to order at 9:38 a.m.

2. Roll Call

Present: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

3. Approval of Minutes

Councilmember McDermott moved approval of the meeting minutes of November 3, 2015. Seeing no objections, the minutes were approved as presented.

5. Public Comment

The following persons spoke:
1) Marilyn Watkins
2) Maggie Humphreys
3) Terri Lavender
4) Will Knedlik
5) Kate Tibone
6) Jaron Goddard

Discussion and Possible Action

Consent

6. Proposed Motion No. 2015-0459

A MOTION confirming the executive's appointment of Amy Holmes, who resides in council district eight, to the King County agriculture commission.

Sponsors: Mr. McDermott

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

7. Proposed Motion No. 2015-0445

A MOTION relating to the centennial of the dedication of the King County Courthouse.

Sponsors: Mr. Dembowski

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

8. Proposed Motion No. 2015-0366

A MOTION confirming the executive's appointment of Beth Peterson, who resides in council district two, to the King County waterworks grant ranking committee, as the water quality technical specialist.

Sponsors: Mr. Gossett

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

9. Proposed Motion No. 2015-0367

A MOTION confirming the executive's appointment of A. William Way, who resides in council district three, to the King County waterworks grant ranking committee, as a resident representative.

Sponsors: Ms. Lambert

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

10. Proposed Motion No. 2015-0368

A MOTION confirming the executive's appointment of Kintea Bryant, who resides in council district four, to the King County waterworks grant ranking committee, as a resident representative.

Sponsors: Mr. Phillips

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

11. Proposed Motion No. 2015-0369

A MOTION confirming the executive's appointment of Dave Christensen, who resides in council district seven, to the King County waterworks grant ranking committee, as the metropolitan water pollution abatement advisory committee - city of Renton representative.

Sponsors: Mr. von Reichbauer

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

12. Proposed Motion No. 2015-0370

A MOTION confirming the executive's appointment of Pam Carter, who resides in council district eight, to the King County waterworks grant ranking committee, as the metropolitan water pollution abatement advisory committee - Valley View Sewer District representative.

Sponsors: Mr. McDermott

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

13. Proposed Motion No. 2015-0371

A MOTION confirming the executive's appointment of Marie Coe, who resides in council district four, to the King County waterworks grant ranking committee, as the metropolitan water pollution abatement advisory committee - city of Seattle representative.

Sponsors: Mr. Phillips

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

14. Proposed Motion No. 2015-0466

A MOTION confirming the executive's appointment of Kathleen Schuler, who resides in council district one, to the King County waterworks grant ranking committee, as a resident representative.

Sponsors: Mr. Dembowski

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

15. Proposed Motion No. 2015-0467

A MOTION confirming the executive's appointment of Katherine Buck, who resides in council district four, to the King County waterworks grant ranking committee, as a King County council representative.

Sponsors: Mr. Phillips

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember McDermott that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

Discussion and Possible Action

16. Proposed Ordinance No. 2015-0495

AN ORDINANCE establishing a paid parental leave pilot program for leave-eligible employees.

Sponsors: Mr. Dembowski

Nick Wagner, Council Staff, briefed the committee and answered questions from the members.

Denise Pruitt, Senior Policy Advisor and Jeff Casem, Disability Services Supervisor, Human Resource Division, Department of Executive Services, briefed the committee and answered questions from the members.

Dustin Frederick, Business Manager, Public Safety Employees Union, spoke

This item passed out of committee subject to signature.

A motion was made by Councilmember McDermott that this Ordinance be Recommended Do Pass. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

17. Proposed Ordinance No. 2015-0496

AN ORDINANCE relating to employee sick leave and family and medical leave; making technical corrections; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance 12014, Section 21, as amended, and K.C.C. 3.12.220 and adding a new section to K.C.C chapter 3.12.

Sponsors: Mr. Dembowski

Nick Wagner, Council Staff, briefed the committee and answered questions from the members.

Jeff Casem, Disability Services Supervisor, Human Resource Division, Department of Executive Services, briefed the members and answered questions from the members.

This item passed out of committee subject to signature.

A motion was made by Councilmember McDermott that this Ordinance be Recommended Do Pass. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

18. Proposed Ordinance No. 2015-0395

AN ORDINANCE updating the inventory of high conservation value properties to add new properties, expand on existing properties, correct administrative errors, and reflect changes in site names, parcel boundaries and numbers, as specified in K.C.C. 26.14.010 and Section 897 of the King County Charter.

Sponsors: Mr. Phillips

Mary Bourguignon, Council Staff, briefed the Committee and answered questions from the members.

Councilmember Phillips moved Do Pass Amendment 1. Amendment 1 passed.

This item passed out of committee subject to signature and was expedited to the November 23, 2015 Council meeting.

A motion was made by Councilmember Phillips that this Ordinance be Recommended Do Pass Substitute. The motion carried by the following vote:

Yes: 4 - Mr. Dembowski, Mr. McDermott, Mr. Phillips and Mr. von Reichbauer

Excused: 3 - Ms. Hague, Ms. Lambert and Mr. Upthegrove

Briefing

19. Briefing No. 2015-B0216

Access to Transit & Metro Long-range Plan

Paul Carlson, Carlson, Council Staff, briefed the committee and answered questions from the members.

Christina O'Claire, Manager of Strategy and Performance, Transit Division, Department of Transportation, briefed the committee by powerpoint presentation and answered questions from the members.

This matter was Presented

Other Business

Adjournment

The meeting was adjourned at 11:08 a.m.

Approved this _____ day of _____.

_____

Clerk's Signature

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	5	**Name:**	Mary Bourguignon
Proposed No.:	2015-0484	**Date:**	December 1, 2015

SUBJECT

Proposed Motion 2015-0484 would confirm the appointment of Doug Schindler, who resides in Council District 3, to the King County Rural Forest Commission for a three-year term to expire on September 30, 2018.

BACKGROUND

The King County Rural Forest Commission was established in October 1997 to review the development and implementation of strategies, innovative programs, policies and regulations that benefit forestry and to advise the County on ways to preserve rural forests and promote rural forestry.

The Commission has 13 voting members selected to represent diverse and specific rural forest interests and geographic regions of rural King County. Commission members serve staggered three-year terms and represent the following interests:

- At least 5 members representing private rural forest landowners, with at least 1 from each of the following ownership categories:
    - 500 acres or greater;
    - 40 to 500 acres and for whom income from forestry is an important component of total income;
    - 20 acres or greater and enrolled in the Forest Land Designation program; and
    - Less than 20 acres;
- Advocates of non-timber values, such as environmental protection, recreation or open space;
- Washington state Department of Natural Resources;
- Affected Indian Tribes;
- Consumers or users of local forest products, such as mills, lumber suppliers, craftsmen, florist suppliers, or users of other alternative forest products;
- Academic or professional foresters, or forestry associations; and
- Rural cities.

In addition to the voting members, the Commission includes the following non-voting ex-officio members:

- The directors of the King County Department of Natural Resources, Parks and Recreation, Development and Environmental Services, Human Resources, and the Office of Budget and Strategic Planning,
- A representative of the Natural Resources Committee; and
- The King Conservation District Director.

APPOINTEE INFORMATION

Doug Schindler is currently the Deputy Director of the Mountains to Sound Greenway Trust. He has worked for Mountains to Sound for 20 years, and has spent 10 years with the King County Rural Forest Commission. He has also been a member of the Teanaway Community Forest Advisory Committee and the Washington Trails Association Board.

He notes that he has a good understanding of the issues related to the Commission's work and can bring the voice of conservation and recreation to the table.

ATTACHMENTS

1. Proposed Motion 2015-0484 (attachments available upon request)
2. Rural Forest Commission Profile
3. Transmittal Letter

Pursuant to K.C.C.3.04.110, which allows for confidentiality, the required Financial Disclosure Statements have been distributed to Councilmembers only.

KING COUNTY

ATTACHMENT 1

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Motion

Proposed No. 2015-0484.1 **Sponsors** Lambert

A MOTION confirming the executive's appointment of Doug Schindler, who resides in council district three, to the King County rural forest commission.

BE IT MOVED by the Council of King County:

The county executive's appointment of Doug Schindler, who resides in council district three, to the King County rural forest commission, for a three-year term to expire

on September 30, 2018, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Application, B. Financial Disclosure Statement, C. Board Profile, D. Appointment Letter

KING COUNTY RURAL FOREST COMMISSION

ATTACHMENT C

DATE: September 2015
TOTAL NUMBER OF MEMBERS: 13
LENGTH OF TERM: 3 years

* ***King County seeks to create an inclusive and accessible process for individuals who wish to serve on a King County board or commission. We strive to ensure that King County boards and commissions are representative of the communities we serve.***

Board Members Appointed and Confirmed:

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
1	Amy LeBarge	3	Professional forester	9/18/15	9/30/16	1 Partial
2	Bernie McKinney	9	Non-timber forest interest (environment), forest landowner <20 acres	09/12/11	9/30/16	1 Partial / 1 Full
3	Sandy Miller	9	Forest landowner 40-500 acres with significant income from forestry	04/27/09	9/30/15	2 Full
4	Rex Thompson	3	Professional forester	09/12/11	9/30/15	1 Partial / 1 Full
5	Doug McClelland	9 (Work)	WA DNR, professional forester	7/29/98	Ongoing	
6	Monica Paulson Preiebe	7	Academic forester	9/18/15	9/30/16	1 Partial
7	Doug Schindler	3	Non-timber forest interest (recreation and environment)	9/18/15	9/30/18	1 Full
8	Richard "Dick" Ryon	3	Rural Cities	09/12/11	9/30/15	2 Full
9	Daryl Harper	9	Forest landowner > 20 Acres	12/14/11	9/30/16	1 Partial / 1 Full
10	Andy Chittick	3	User of local forest products (sawmill); forest land owner <20 acres	9/18/15	9/30/18	1 Full
11	Cindy Spiry	9	Affected Indian Tribe	04/27/09	9/30/15	2 Full
12	Nate Veranth	3	Forest Land Owner >40 acres in Forest Land Designation program	12/14/11	9/30/15	1 Partial / 1 Full
13	Grady Steere	9	Forest landowner >500 acres	9/18/15	9/30/17	1

APPOINTED, NOT YET CONFIRMED:

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
1	Amy LeBarge	3	Professional forester	9/18/15	9/30/16	1 Partial
6	Monica Paulson Preiebe	7	Academic forester	9/18/15	9/30/16	1 Partial
7	Doug Schindler	3	Non-timber forest interest (recreation and environment)	9/18/15	9/30/18	1 Full
10	Andy Chittick	3	User of local forest products (sawmill); forest land owner <20 acres	9/18/15	9/30/18	1 Full

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
13	Grady Steere	9	Forest landowner >500 acres	9/18/15	9/30/17	1

King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

September 18, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

Enclosed for consideration and approval by the King County Council is a motion confirming the appointment of Doug Schindler, who resides in council district three, to the King County Rural Forest Commission.

The appointment of Mr. Schindler is for a three-year term expiring September 30, 2018. His application, Code of Ethics Financial Disclosure Statement, current board profile and appointment letter are enclosed for your information. This appointment request supports the King County Strategic Plan goal of public engagement by expanding opportunities to seek input, listen and respond to residents.

If you have any questions about this appointment, please have your staff call Rick Ybarra, liaison for boards & commissions, at 206-263-9651.

Sincerely,

Dow Constantine
King County Executive

Enclosures

King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Rick Ybarra, Liaison for Boards & Commissions
Linda Vane, Staff Liaison
Doug Schindler

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	6	**Name:**	Mary Bourguignon
Proposed No.:	2015-0487	**Date:**	December 1, 2015

SUBJECT

Proposed Motion 2015-0487 would confirm the appointment of Monica Paulson Priebe, Ph.D., who resides in Council District 7, to the King County Rural Forest Commission for a partial term to expire on September 30, 2016.

BACKGROUND

The King County Rural Forest Commission was established in October 1997 to review the development and implementation of strategies, innovative programs, policies and regulations that benefit forestry and to advise the County on ways to preserve rural forests and promote rural forestry.

The Commission has 13 voting members selected to represent diverse and specific rural forest interests and geographic regions of rural King County. Commission members serve staggered three-year terms and represent the following interests:

- At least 5 members representing private rural forest landowners, with at least 1 from each of the following ownership categories:
    - 500 acres or greater;
    - 40 to 500 acres and for whom income from forestry is an important component of total income;
    - 20 acres or greater and enrolled in the Forest Land Designation program; and
    - Less than 20 acres;
- Advocates of non-timber values, such as environmental protection, recreation or open space;
- Washington state Department of Natural Resources;
- Affected Indian Tribes;
- Consumers or users of local forest products, such as mills, lumber suppliers, craftsmen, florist suppliers, or users of other alternative forest products;
- Academic or professional foresters, or forestry associations; and
- Rural cities.

In addition to the voting members, the Commission includes the following non-voting ex-officio members:

- The directors of the King County Department of Natural Resources, Parks and Recreation, Development and Environmental Services, Human Resources, and the Office of Budget and Strategic Planning,
- A representative of the Natural Resources Committee; and
- The King Conservation District Director.

APPOINTEE INFORMATION

Monica Paulson Priebe, Ph.D. is currently a member of the Natural Resources faculty at Green River Community College. She has a Ph.D. in Environmental Science and a Master's degree in Environmental Policy from Indiana University.

Dr. Paulson Priebe notes that she teaches theories, concepts and applied knowledge to people who are interested in forestry harvest-oriented jobs, as well as conservation, restoration and recreation. In that role, she is in close contact with players in the regional forestry sector regarding the industry's needs.

She notes that, "In teaching such a diverse group of people, I have had to foster an open communication between students with diverse interests. I teach students how to learn about different opinions than their own, as well as work together with people that may have different opinions than they do. Because of my job, I have an ability to work with a diverse group of people, pull on the research and experience and help a diverse set of people define and work toward common goals."

ATTACHMENTS

1. Proposed Motion 2015-0487 (attachments available upon request)
2. Rural Forest Commission Profile
3. Transmittal Letter

Pursuant to K.C.C.3.04.110, which allows for confidentiality, the required Financial Disclosure Statements have been distributed to Councilmembers only.

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Motion

Proposed No. 2015-0487.1 **Sponsors** von Reichbauer

A MOTION confirming the executive's appointment of Monica Paulson Priebe, Ph.D., who resides in council district seven, to the King County rural forest commission.

BE IT MOVED by the Council of King County:

The county executive's appointment of Monica Paulson Priebe, Ph.D., who resides in council district seven, to the King County rural forest commission, for a partial

term to expire on September 30, 2016, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Application, B. Financial Disclosure Statement, C. Board Profile, D. Appointment Letter

KING COUNTY RURAL FOREST COMMISSION

ATTACHMENT C

DATE: September 2015
TOTAL NUMBER OF MEMBERS: 13
LENGTH OF TERM: 3 years

* ***King County seeks to create an inclusive and accessible process for individuals who wish to serve on a King County board or commission. We strive to ensure that King County boards and commissions are representative of the communities we serve.***

Board Members Appointed and Confirmed:

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
1	Amy LeBarge	3	Professional forester	9/18/15	9/30/16	1 Partial
2	Bernie McKinney	9	Non-timber forest interest (environment), forest landowner <20 acres	09/12/11	9/30/16	1 Partial / 1 Full
3	Sandy Miller	9	Forest landowner 40-500 acres with significant income from forestry	04/27/09	9/30/15	2 Full
4	Rex Thompson	3	Professional forester	09/12/11	9/30/15	1 Partial / 1 Full
5	Doug McClelland	9 (Work)	WA DNR, professional forester	7/29/98	Ongoing	
6	Monica Paulson Preiebe	7	Academic forester	9/18/15	9/30/16	1 Partial
7	Doug Schindler	3	Non-timber forest interest (recreation and environment)	9/18/15	9/30/18	1 Full
8	Richard "Dick" Ryon	3	Rural Cities	09/12/11	9/30/15	2 Full
9	Daryl Harper	9	Forest landowner > 20 Acres	12/14/11	9/30/16	1 Partial / 1 Full
10	Andy Chittick	3	User of local forest products (sawmill); forest land owner <20 acres	9/18/15	9/30/18	1 Full
11	Cindy Spiry	9	Affected Indian Tribe	04/27/09	9/30/15	2 Full
12	Nate Veranth	3	Forest Land Owner >40 acres in Forest Land Designation program	12/14/11	9/30/15	1 Partial / 1 Full
13	Grady Steere	9	Forest landowner >500 acres	9/18/15	9/30/17	1

APPOINTED, NOT YET CONFIRMED:

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
1	Amy LeBarge	3	Professional forester	9/18/15	9/30/16	1 Partial
6	Monica Paulson Preiebe	7	Academic forester	9/18/15	9/30/16	1 Partial
7	Doug Schindler	3	Non-timber forest interest (recreation and environment)	9/18/15	9/30/18	1 Full
10	Andy Chittick	3	User of local forest products (sawmill); forest land owner <20 acres	9/18/15	9/30/18	1 Full

	Name	KC District	Skill/Affiliation	Date 1st Appt.	Term Expires	Term #
13	Grady Steere	9	Forest landowner >500 acres	9/18/15	9/30/17	1

King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

September 18, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

Enclosed for consideration and approval by the King County Council is a motion confirming the appointment of Monica Paulson Priebe, Ph.D., who resides in council district seven, to the King County Rural Forest Commission.

The appointment of Dr. Priebe is for a partial term expiring September 30, 2016. Her application, Code of Ethics Financial Disclosure Statement, current board profile and appointment letter are enclosed for your information. This appointment request supports the King County Strategic Plan goal of public engagement by expanding opportunities to seek input, listen and respond to residents.

If you have any questions about this appointment, please have your staff call Rick Ybarra, liaison for boards & commissions, at 206-263-9651.

Sincerely,

Dow Constantine
King County Executive

Enclosures

King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Rick Ybarra, Liaison for Boards & Commissions
Linda Vane, Staff Liaison
Monica Paulson Priebe, Ph.D.

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	7	**Name:**	Mary Bourguignon
Proposed No.:	2015-0490	**Date:**	December 1, 2015

SUBJECT

Proposed Motion 2015-0490 would confirm the appointment of Leann Krainick, who resides in Council District 9, to the King County Agriculture Commission, for for the remainder of a three-year term to expire on February 28, 2018.

BACKGROUND

The Agriculture Commission was created in 1994[1] to serve as a forum for farmers to provide input on land use decisions, policies and regulations affecting commercial agriculture. The Commission's mission is to "actively influence regional policy to preserve and enhance agricultural land; support and promote a viable agricultural community; and educate the public about the benefits of local agricultural products."

The Commission consists of 15 volunteer members, of which eight must be producers engaged in the business of producing an agricultural commodity for market in commercial quantities. Members serve three-year terms.

King County Code 2.40.040 outlines the duties of the Agriculture Commission, which is asked to advise the Council and Executive on agricultural policies and programs, including, but not limited to:

- Existing and proposed legislation and regulations affecting commercial agriculture;
- Land use issues that affect agriculture;
- Ways to maintain, enhance and promote agriculture and agricultural products in the region; and
- Livestock regulation implementation and monitoring.

Highlights of the Commission's activities during 2015 include reviewing and providing recommendations on the integration of agricultural improvements into the Farm Fish Flood process; reviewing the proposed sale of the Tall Chief property; and continuing its oversight of the Farm Link and Puget Sound Fresh programs.

[1] Ordinance 11417

APPOINTEE INFORMATION

Leann Krainick is a resident of District 9. Since 1999, she has been a co-member and co-manager of Krainick Dairy LLC, a commercial dairy, and Krainick Ag Products LLC, a food waste recycling and compost company. She has a Bachelor's of Science degree from Oregon State University in Animal Science, with a minor Agribusiness Management.

She is a member of the Northwest Dairy Association (Darigold), Washington Farm Bureau, Washington Dairy Council, Washington Brewers Guild, Arabian Horse Association, and Pacific Northwest Giant Pumpkin Growers. Krainick Dairy has won a number of awards including the 2014 King County Rural Small Business of the Year (.Krainick Dairy LLC) and the 2013-2014 Northwest Dairy Association Milk Quality Award.

Ms. Krainick notes that she is interested in serving on the Agriculture Commission to better enhance and promote King County agriculture by contributing her knowledge and experience in commercial dairy, agricultural business, ecology, experiences as a horse owner and, after spending 20+ years of her youth as a child of a vendor at Portland Saturday Market, understanding the challenges of a farmers market participant.

ATTACHMENTS

1. Proposed Motion 2015-0490 (attachments available upon request)
2. Agriculture Commission Profile
3. Transmittal Letter

Pursuant to K.C.C.3.04.110, which allows for confidentiality, the required Financial Disclosure Statements have been distributed to Councilmembers only.

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Motion

Proposed No. 2015-0490.1 **Sponsors** Dunn

A MOTION confirming the executive's appointment of Leann Krainick, who resides in council district nine, to the King County agriculture commission.

BE IT MOVED by the Council of King County:

The county executive's appointment of Leann Krainick, who resides in council district nine, to the King County agriculture Commission, for the remainder of a three-

year term to expire on February 28, 2018, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Resume, B. Financial Disclosure Statement, C. Board Profile, D. Appointment Letter

KING COUNTY AGRICULTURE COMMISSION

ATTACHMENT C

DATE: September 2015
TOTAL NUMBER OF MEMBERS: 15
LENGTH OF TERM: 3-Years

* ***King County seeks to create an inclusive and accessible process for individuals who wish to serve on a King County board or commission. We strive to ensure that King County boards and commissions are representative of the communities we serve.***

BOARD MEMBERS APPOINTED

Pos.	Name	KC Dist	Background and/or Representing	Date 1st Appt	Term Expires	Term #
1	Larry Pickering	3	Lease farm for produce	10/09/06	2/28/15	2/Full
2	George Irwin	9	Cattle	3/14/02	2/28/15	1 Partial /2 Full
3	Amy Holmes	8	Vashon, New Farm, Business/Finance, Policy/Regulatory, Fruit CSA	9/18/15	2/28/17	1 Partial
4	Shelby Jors	2	Business/Finance, Grocery, Policy/Regulatory, Produce Buyer	9/18/15	2/28/16	1 Partial
5	Nancy Hutto	3	Honey	4/09/04	2/28/14	1 Partial / 2 Full
6	Leigh Newman-Bell	4	Farmers Market, Bilingual, Works with Hmong Farmers, Pike Place Market	9/18/15	2/28/17	1 Partial
7	Bruce Elliott	5	Lower Green APD, Policy/Regulatory, Farm Bureau Beef Cattle	9/18/15	2/28/16	1 Partial
8	Anne Becker	3	Snoqualmie APD, Dairy, 21 Acres, Processing, Policy/Regulatory, Cheese	9/18/15	2/28/17	1 Partial
9	Leann Krainick	9	Dairy, Large Farm, Business/Finance, Processing, Policy/Regulatory, Farmers Market, Fluid Milk and Compost.	9/18/15	2/28/18	1 Full
10	Robert Tidball	7	Berries	4/09/04	2/28/14	3 Full
11	Eldon Murray	7	Beef Cattle, Policy/Regulatory, Drainage	9/30/11	2/28/17	2 Full
12	Siri Erickson-Brown	2	Vegetables, Policy/Regulatory, Business/Finance, Farmers Markets	9/30/11	2/28/16	1 Partial / 1 Full
13	Meredith Molli	2	Snoqualmie APD, New Farm, Business/Finance, Restaurant, Farmers Market, Vegetables	9/18/15	2/28/18	1 Full
14	Robert Vos	7		10/09/06	2/28/13	1 Partial / 1 Full
15	Roger Calhoon	3	Sammamish APD, New Farm, Business/Finance, Processing, Policy/Regulatory, Agritourism	9/18/15	2/28/17	1 Partial

Form revised: 05/24/2013

APPOINTED, NOT YET CONFIRMED

Pos.	Name	KC Dist	Background and/or Representing	Date 1st Appt	Term Expires	Term #
3	Amy Holmes	8	Vashon, New Farm, Business/Finance, Policy/Regulatory, Fruit CSA	9/18/15	2/28/17	1 Partial
4	Shelby Jors	2	Business/Finance, Grocery, Policy/Regulatory, Produce Buyer	9/18/15	2/28/16	1 Partial
6	Leigh Newman-Bell	4	Farmers Market, Bilingual, Works with Hmong Farmers, Pike Place Market	9/18/15	2/28/17	1 Partial
7	Bruce Elliott	5	Lower Green APD, Policy/Regulatory, Farm Bureau Beef Cattle	9/18/15	2/28/16	1 Partial
8	Anne Becker	3	Snoqualmie APD, Dairy, 21 Acres, Processing, Policy/Regulatory, Cheese	9/18/15	2/28/17	1 Partial
9	Leann Krainick	9	Dairy, Large Farm, Business/Finance, Processing, Policy/Regulatory, Farmers Market, Fluid Milk and Compost.	9/18/15	2/28/18	1 Full
11	Eldon Murray	7	Beef Cattle, Policy/Regulatory, Drainage	9/30/11	2/28/17	2 Full
12	Siri Erickson-Brown	2	Vegetables, Policy/Regulatory, Business/Finance, Farmers Markets	9/30/11	2/28/16	1 Partial / 1 Full
13	Meredith Molli	2	Snoqualmie APD, New Farm, Business/Finance, Restaurant, Farmers Market, Vegetables	9/18/15	2/28/18	1 Full
15	Roger Calhoon	3	Sammamish APD, New Farm, Business/Finance, Processing, Policy/Regulatory, Agritourism	9/18/15	2/28/17	1 Partial

Form revised: 05/24/2013

King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

September 18, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

Enclosed for consideration and approval by the King County Council is a motion confirming the appointment of Leann Krainick, who resides in council district nine, to the King County Agriculture Commission.

The appointment of Ms. Krainick is for the remainder of a three-year term expiring February 28, 2018. Her application, Code of Ethics Financial Disclosure Statement, current board profile and appointment letter are enclosed for your information. This appointment request supports the King County Strategic Plan goal of public engagement by expanding opportunities to seek input, listen and respond to residents.

If you have any questions about this appointment, please have your staff call Rick Ybarra, liaison for boards & commissions, at 206-263-9651.

Sincerely,

Dow Constantine
King County Executive

Enclosures

King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Rick Ybarra, Liaison for Boards & Commissions
Patrice Barrentine, Staff Liaison
Leann Krainick

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	8	**Name:**	Leah Krekel-Zoppi
Proposed No.:	2015-0482	**Date:**	December 1, 2015

SUBJECT

An ordinance approving the City of Snoqualmie General Sewer/Wastewater Facility Plan.

SUMMARY

Proposed Ordinance 2015-0482 would approve the City of Snoqualmie's General Sewer/Wastewater Facility Plan, meeting the requirement for a water and sewer district to operate in unincorporated King County.

BACKGROUND

The City of Snoqualmie owns and operates a wastewater system that serves the City and two small areas in unincorporated King County.

King County Utility Comprehensive Plan Criteria

King County Code Chapter 13.24 requires the Utilities Technical Review Committee (UTRC) to review and make recommendations to the Executive and County Council on the adequacy of all water and sewer comprehensive plans and related matters, and to determine whether the plan:

- is consistent with the King County Comprehensive Plan,
- is consistent with local comprehensive plans,
- reflects current supply and demand,
- forecasts future supply and demand,
- provides a capital plan for obtaining, using, storing and conveying water and sewage, and
- provides sufficient information to demonstrate the utility district's ability to provide service consistent with all applicable laws and regulations.

In addition to satisfying the requirement of KCC Chapter 13.24, the County's approval also provides state regulatory agencies with the determination required under RCW

43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations.

King County Comprehensive Plan wastewater policies F-214, and F-255 through F-264 call for consistency with other adopted plans, pursuit of reclaimed water, and protection of water resources.

UTRC ANALYSIS OF SNOQUALMIE'S GENERAL SEWER/WASTEWATER FACILITY PLAN

The UTRC finalized its review of the Plan on August 19, 2015. The UTRC found the Plan meets the requirements of KCC chapter 13.24 and has recommended its approval. Highlights of the Plan, as reviewed by the UTRC, are outlined below.

Service Area: Snoqualmie's service area is approximately 4,162 acres located in the western foothills of the Cascade Mountains, approximately 25 miles east of Seattle in central King County bordered by the Snoqualmie River, unincorporated King County, and the City of North Bend. The wastewater system currently serves a population of approximately 11,039 people.

Facilities: Snoqualmie's wastewater system includes 14 pump stations, approximately 43 miles of gravity sewer pipes, and a water reclamation facility that is capable of producing reuse quality effluent and Class A biosolids.

System Improvements: Snoqualmie's Capital Improvement Plan identifies facilities and a funding strategy to ensure that it will meet anticipated demands.

SEPA: Snoqualmie completed a State Environmental Policy Act (SEPA) checklist for the Plan and issued a determination of non-significance for the Plan on February 11, 2013. There were no appeals.

ATTACHMENTS

1. Proposed Ordinance 2015-0482 (and its attachments)
2. Transmittal Letter
3. Fiscal Note

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Ordinance

Proposed No. 2015-0482.1 **Sponsors** Lambert

AN ORDINANCE approving the City of Snoqualmie General Sewer/Wastewater Facility Plan.

STATEMENT OF FACTS:

1. King County has adopted K.C.C. chapter 13.24, which requires approval of comprehensive plans for water and sewer utilities that provide service in unincorporated King County as a prerequisite for operating in unincorporated King County, receiving approval for annexation proposals, being granted right of way franchises, and being given approval for right of way construction permits. K.C.C. chapter 13.24 prescribes the requirements for approval of such plans, including consistency with state and local planning requirements.

2. The city of Snoqualmie's last general sewer/wastewater facility plan was prepared in 2003. Washington state Department of Ecology and King County regulations require wastewater system plans to be updated every six years.

3. The city of Snoqualmie's wastewater system has a service area within King County and has adopted a comprehensive wastewater plan update ("the plan").

4. King County has adopted a Comprehensive Plan that includes policies F-101 through F-264, the applicable portions of which address wastewater policies for facilities and services; these wastewater policies call for consistency with other adopted plans, pursuit of reclaimed water, water conservation and protection of water resources.

5. K.C.C. chapter 13.24 requires the utilities technical review committee to review and make a recommendation to the King County executive and council on the plan, the requirements under K.C.C. chapter 13.24 and consistency with the King County Comprehensive Plan. The utilities technical review committee has reviewed the planning data and system operations and has found:

a. The plan uses population and employment forecasts developed by the Puget Sound Regional Council;

b. The system's service area is in unincorporated King County;

c. The capital facility plan is adequate to meet anticipated facility and service needs;

d. The plan is consistent with applicable Washington state water quality laws; and

e. The plan is consistent with other pertinent county adopted plans and policies.

6. Washington state Department of Ecology approval is pending upon King County's approval of the plan.

7. Under the state Environmental Policy Act the system completed an environmental check list and the city issued a Determination of Nonsignificance for the plan approval on February 11, 2013. There were no appeals.

8. The system's operations and facilities meet multiple existing statutory, administrative and planning standards. As the system's operations, facilities and planning meet the requirements of the King County Code and are consistent with the King County Comprehensive Plan, the utilities technical review committee has recommended approval of the plan.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The City of Snoqualmie General Sewer/Wastewater Facility Plan, Attachment A to this ordinance, is hereby approved as a comprehensive wastewater plan.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. City of Snoqualmie General Sewer-Wastewater Facility Plan

Attachment A

2015-482

CITY OF SNOQUALMIE

General Sewer/Wastewater Facility Plan

UPDATE

RECEIVED
AUG 13 2015
UTILITIES TECHNICAL REVIEW COMMITTEE

G&O #11543
November 2012

Gray & Osborne, Inc.
CONSULTING ENGINEERS

RECEIVED
JUL 22 2014
CITY OF SNOQUALMIE
UTILITIES TECHNICAL REVIEW COMMITTEE

[Blank Page]

October 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

This letter transmits an ordinance approving the City of Snoqualmie General Sewer/Wastewater Facility Plan (Plan). This letter and attached matrix describe the results of the County's review of the Plan and its consistency with King County requirements.

The King County Code (KCC) requires King County approval of the Plan before it becomes effective. Approval of the Plan will also provide state regulatory agencies with the determination that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations. On August 19, 2015, the Utilities Technical Review Committee (UTRC) finalized review of the Plan and recommended approval.

This Plan supports the economic growth and built environment goals of the King County Strategic Plan by helping to ensure adequate wastewater management for County residents.

The enclosed matrix provides additional information regarding the City's compliance with KCC requirements and consistency with the King County Comprehensive Plan.

I appreciate the City's cooperation in submitting the Plan and working with the UTRC review process. I urge the King County Council to adopt the enclosed ordinance approving the Plan.

If you have any questions about the Plan or the proposed ordinance, please feel free to contact Steve Hirschey, Chair of the Utilities Technical Review Committee, at 206-477-5387.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Nancy Davidson, P.E., Public Works Operations Manager, City of Snoqualmie
Shawn McKone, P.E., Water Quality Permit Manager, Department of Ecology
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Christie True, Director, Department of Natural Resources and Parks
Steve Hirschey, Chair, Utilities Technical Review Committee

2015/2016 FISCAL NOTE

Ordinance/Motion: 2015-XXXX
Title: City of Snoqualmie General Sewer/Wastewater Facility Plan
Affected Agency and/or Agencies: Department of Natural Resources and Parks
Note Prepared By: Steve Hirschey, Chair, Utilities Technical Review Committee
Date Prepared: August 26, 2015
Note Reviewed By:
Date Reviewed:

Description of request:

Revenue to:

Agency	Fund Code	Revenue Source	2015/2016	2017/2018	2019/2020
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2015/2016	2017/2018	2019/2020
TOTAL			**0**	**0**	**0**

Expenditures by Categories

	2015/2016	2017/2018	2019/2020
TOTAL	**0**	**0**	**0**

Does this legislation require a budget supplemental?
Notes and Assumptions: No budget supplemental required.

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	9	**Name:**	Leah Krekel-Zoppi
Proposed No.:	2015-0481	**Date:**	December 1, 2015

SUBJECT

An ordinance approving the Lakehaven Utility District Water System Plan Update.

SUMMARY

Proposed Ordinance 2015-0481 would approve and update to Lakehaven Utility District's Water System Plan, meeting the requirement for a water utility to provide water service in unincorporated King County.

BACKGROUND

Lakehaven Utility District owns and operates a water system that serves parts of King County, Federal Way, Des Moines, Algona, Auburn, Pacific, Edgewood, and Milton.

King County Utility Comprehensive Plan Criteria

King County Code Chapter 13.24 requires the Utilities Technical Review Committee (UTRC) to review and make recommendations to the Executive and County Council on the adequacy of all water and sewer comprehensive plans and related matters, and to determine whether the plan:

- is consistent with the King County Comprehensive Plan,
- is consistent with local comprehensive plans,
- reflects current supply and demand,
- forecasts future supply and demand,
- provides a capital plan for obtaining, using, storing and conveying water and sewage, and
- provides sufficient information to demonstrate the utility district's ability to provide service consistent with all applicable laws and regulations.

In addition to satisfying the requirement of KCC Chapter 13.24, the County's approval also provides state regulatory agencies with the determination required under RCW 43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations.

Additionally, King County has adopted a Comprehensive Plan that includes policies F-101 through F-254, the applicable portions of which address water policies for facilities and services, calling for consistency with other adopted plans, pursuit of reclaimed water, water conservation, and protection of water resources.

UTRC ANALYSIS OF LAKEHAVEN'S WATER SYSTEM PLAN UPDATE

The UTRC finalized its review of the Plan on August 19, 2015. The UTRC found the Plan meets the requirements of KCC chapter 13.24 and has recommended its approval. Highlights of the Plan, as reviewed by the UTRC, are outlined below.

Service Area: Lakehaven's existing water service area boundary encompasses approximately 34 square miles. The water system currently serves a population of approximately 112,800 people.

Facilities: 450 miles of mainline, 25 production wells, 12 storage tanks, 3 booster pump stations, and 3 flow control facilities connecting the water system to the Second Supply Project pipeline. The Second Supply Project is a joint effort of several South King County utilities and the City of Tacoma to develop additional water supply from the Green River.

Growth: The District has a reasonable plan for long-term water supply to meet projected growth.

System Improvements: The capital facility plan is adequate to meet anticipated facility and service needs.

SEPA: Lakehaven completed a State Environmental Policy Act (SEPA) checklist for the Plan and issued a determination of non-significance for the Plan on September 25, 2014. There were no appeals.

ATTACHMENTS

1. Proposed Ordinance 2015-0481 (and its attachments)
2. Transmittal Letter
3. Fiscal Note

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Ordinance

Proposed No. 2015-0481.1 **Sponsors** Dembowski

AN ORDINANCE approving the Lakehaven Utility District Water System Plan Update.

STATEMENT OF FACTS:

1. King County has adopted K.C.C. chapter 13.24, which requires approval of comprehensive plans for water and sewer utilities that provide service in unincorporated King County as a prerequisite for operating in unincorporated King County, receiving approval for annexation proposals, being granted right of way franchises, and being given approval for right of way construction permits. K.C.C. chapter 13.24 prescribes the requirements for approval of such plans, including consistency with state and local planning requirements.

2. The Lakehaven utility district's last general water facility plan was prepared in 2008. Washington state Department of Health and King County regulations require water system plans to be updated every six years.

3. The Lakehaven utility district has a service area within King County and has adopted a water system plan update ("the plan").

4. King County has adopted a Comprehensive Plan that includes policies F-101 through F-254, the applicable portions of which address water

policies for facilities and services; these water policies call for consistency with other adopted plans, pursuit of reclaimed water, water conservation and protection of water resources.

5. K.C.C. chapter 13.24 requires the utilities technical review committee to review and make a recommendation to the King County executive and council on the plan, the requirements under K.C.C. chapter 13.24 and consistency with the King County Comprehensive Plan. The utilities technical review committee has reviewed the planning data and system operations and has found:

a. The plan uses population and employment forecasts developed by the Puget Sound Regional Council;

b. The district's service area includes portions of unincorporated King County;

c. The capital facility plan is adequate to meet anticipated facility and service needs;

d. The plan is consistent with applicable Washington state water quality laws; and

e. The plan is consistent with other pertinent county adopted plans and policies.

6. Washington state Department of Health approval is pending upon King County's approval of the plan.

7. Under the state Environmental Policy Act the district completed an environmental check list and the district issued a Determination of

Nonsignificance for the plan approval on September 25, 2014. There were no appeals.

8. The district's operations and facilities meet multiple existing statutory, administrative and planning standards. As the district's operations, facilities and planning meet the requirements of the King County Code and are consistent with the King County Comprehensive Plan, the utilities technical review committee has recommended approval of the plan.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The Lakehaven Utility District Water System Plan Update, Attachment A to this ordinance, is hereby approved as a comprehensive water plan.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Lakehaven Utility District Water System Plan Update

Attachment A

2015-481

RECEIVED
JUN 29 2015
KING COUNTY
UTILITIES TECHNICAL
REVIEW COMMITTEE

Lakehaven UTILITY DISTRICT

LAKEHAVEN UTILITY DISTRICT

WATER SYSTEM PLAN UPDATE

Volume 1

FINAL

APRIL 2015

carollo

Attachment A

2015-481

RECEIVED
JUN 29 2015
KING COUNTY
UTILITIES TECHNICAL
REVIEW COMMITTEE

lakehaven UTILITY DISTRICT

LAKEHAVEN UTILITY DISTRICT

WATER SYSTEM PLAN UPDATE APPENDICES

Volume 2

FINAL

APRIL 2015

carollo

October 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

This letter transmits an ordinance approving the Lakehaven Utility District's Water System Plan Update (Plan). This letter and attached matrix describe the results of the County's review of the Plan and its consistency with King County requirements.

The King County Code (KCC) requires King County approval of the Plan before it becomes effective. Approval of the Plan will also provide state regulatory agencies with the determination required under RCW 43.20.260 that the Plan is consistent with the King County Comprehensive Plan and implementing development regulations. On August 19, 2015, the Utilities Technical Review Committee (UTRC) finalized review of the Plan and recommended approval.

This Plan supports the economic growth and built environment goals of the King County Strategic Plan by helping to ensure adequate water management for County residents.

The enclosed matrix provides additional information regarding the District's compliance with KCC requirements and consistency with the King County Comprehensive Plan.

I appreciate the District's cooperation in submitting the Plan and working with the UTRC review process. I urge the King County Council to adopt the enclosed ordinance approving the Plan.

If you have any questions about the Plan or the proposed ordinance, please feel free to contact Steve Hirschey, Chair of the Utilities Technical Review Committee, at 206-477-5387.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Stan French, Water Operations Manager, Lakehaven Utility District
Richard Rodriguez, Regional Planner, Washington State Department of Health
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Christie True, Director, Department of Natural Resources and Parks
Steve Hirschey, Chair, Utilities Technical Review Committee

2015/2016 FISCAL NOTE

Ordinance/Motion: 2015-XXXX
Title: Lakehaven Utility District's Water System Plan Update
Affected Agency and/or Agencies: Department of Natural Resources and Parks
Note Prepared By: Steve Hirschey, Chair, Utilities Technical Review Committee
Date Prepared: August 15, 2015
Note Reviewed By:
Date Reviewed:

Description of request:

Revenue to:

Agency	Fund Code	Revenue Source	2015/2016	2017/2018	2019/2020
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2015/2016	2017/2018	2019/2020
TOTAL			**0**	**0**	**0**

Expenditures by Categories

	2015/2016	2017/2018	2019/2020
TOTAL	**0**	**0**	**0**

Does this legislation require a budget supplemental? No.
Notes and Assumptions:

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy, and Environment Committee

STAFF REPORT

Agenda Item:	10	**Name:**	Nick Wagner
Proposed No.:	2015-0452	**Date:**	Dec. 1, 2015

SUBJECT

Approval of a collective bargaining agreement with the Professional and Technical Employees, Local 17, covering employees in the Departments of Natural Resources and Parks (DNRP), Permitting and Environmental Review (DPER), and Transportation (DOT).

SUMMARY

Proposed Ordinance 2015-0452 (Att. 1) would approve a collective bargaining (CBA) (Att. 1-A) with the Professional and Technical Employees, Local 17, covering about 24 managers in DNRP, DPER, and DOT who oversee the work of engineers, road maintenance personnel, permitting professionals, and fleet maintenance personnel. Their classifications are listed in CBA Addendum A (Att. 1-A, following p. 22 of the CBA).

The new CBA is a three-year continuation, or "rollover," of the previous CBA, with the changes described below, and covers the period from January 1, 2014, through December 31, 2016.

BACKGROUND

This bargaining unit's previous CBA expired at the end of December 2014, but its terms continued in effect pursuant to RCW 41.56.123(1),[1] except to the extent that they were modified by an MOA between the County and the King County Coalition of Unions that the Council approved on November 10, 2014, by Ordinance 17916. The Coalition MOA provided for cost-of-living adjustments (COLAs) of 2.0 percent for 2015 and 2.25 percent for 2016 and a $500-per-employee lump sum payment for 2014.

ANALYSIS

The only changes in the new CBA are:

[1] RCW 41.56.123(1) provides: "After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law."

1. The new effective dates (January 1, 2014, through December 31, 2016) (CBA § 17.1, Att, 1-A, p. 22);

2. The changes made by the Coalition MOA, as described above (CBA §§ 9.1, 9.2, Att. 1-A, p. 15);

3. Modification of the contract language on maximum accrual of vacation to avoid forfeiture of accrued vacation due to cyclical workloads or work assignments (CBA § 5.4, Att. 1-A, p. 6) – for example, when the seasonal nature of DNRP, DPER, or DOT projects or an emergency situation renders it difficult for bargaining unit members to take vacation and be absent from a project, resulting in accrual of vacation leave beyond the 480 hour cap.

4. The re-classification of three positions due to a reorganization in the Solid Waste Division (SWD) of DNRP:

    a. A Managing Engineer in SWD (Pay Range 77) was re-classified as a Special Projects Manager III (Pay Range 72)[2] (agreed upon by the parties in September 2015) (CBA Appendix 3, Att. 1-A);

    b. A Solid Waste Program Planning Manager (Pay Range 71) was re-classified as a Strategic Planning Manager (Pay Range 73) (agreed upon by the parties in July 2015) (CBA Appendix 2, Att. 1-A); and

    c. A Fiscal Services Manager (Solid Waste) (Pay Range 74) was re-classified as an Administrative Services Manager (Pay Range 75) (agreed upon by the parties in July 2015) (CBA Appendix 2, Att. 1-A).

5. Minor changes for the purpose of contract standardization.

FISCAL IMPACT

The fiscal impact of the new CBA shown in the Fiscal Note (Att. 4) and is summarized in the table below. Almost the entire impact is due to the COLAs in the Coalition MOA that the Council approved last year, not to the new CBA itself. About $10,500 per year is due to the classification changes described above.

	2015	2016
Increase over previous year	$70,203	$80,559
Cumulative increase		$150,762

[2] The employee in that position will be "y-rated" (i.e., he will remain at his current compensation level, without step increases, until the pay rate of his current step in the new classification reaches his current compensation level through any cost-of-living increases or market adjustments).

INVITED

Jim Johnson, Labor Negotiator, Office of Labor Relations
Denise Cobden, Union Representative, Professional and Technical Employees, Local 17

ATTACHMENTS

1. Proposed Ordinance 2015-0452
   Att. A (Collective Bargaining Agreement)
2. Checklist and Summary of Changes (prepared by executive staff)
3. Transmittal Letter
4. Fiscal Note

[Blank Page]

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 3, 2015

Ordinance

Proposed No. 2015-0452.1 **Sponsors** Phillips

AN ORDINANCE approving and adopting the collective bargaining agreement negotiated by and between King County and Professional and Technical Employees, Local 17 (Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, Transportation) representing employees in the departments of natural resources and parks, permitting and environmental review, and transportation; and establishing the effective date of said agreement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The collective bargaining agreement negotiated by and between King County and Professional and Technical Employees, Local 17 (Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, Transportation) representing employees in the departments of natural resources and parks, permitting and environmental review, and transportation, which is Attachment A to this ordinance, is hereby approved and adopted by this reference made a part hereof.

SECTION 2. Terms and conditions of said agreement shall be effective from January 1, 2014, through and including December 31, 2016.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Agreement Between Professional and Technical Employees, Local 17 - Section Managers and King County

AGREEMENT BETWEEN
PROFESSIONAL AND TECHNICAL EMPLOYEES, LOCAL 17
SECTION MANAGERS
AND
KING COUNTY

ARTICLE 1: PURPOSE AND DEFINITION 1
ARTICLE 2: UNION RECOGNITION AND MEMBERSHIP 1
ARTICLE 3: RIGHTS OF MANAGEMENT AND WAIVER CLAUSE 2
ARTICLE 4: HOLIDAYS 4
ARTICLE 5: VACATIONS 5
ARTICLE 6: SICK LEAVE 7
ARTICLE 7: PAID LEAVES 11
ARTICLE 8: MEDICAL, DENTAL & LIFE INSURANCE 14
ARTICLE 9: WAGE RATES 15
ARTICLE 10: HOURS OF WORK 16
ARTICLE 11: CONFLICT RESOLUTION 16
ARTICLE 12: REDUCTION IN FORCE 18
ARTICLE 13: WORK OUTSIDE OF CLASSIFICATION 19
ARTICLE 14: UNION REPRESENTATION AND EMPLOYEE RIGHTS 19
ARTICLE 15: MISCELLANEOUS 20
ARTICLE 16: GENERAL PROVISIONS 21
ARTICLE 17: DURATION 22
ADDENDUM A: WAGES
APPENDIX 1: MEMORANDUM OF AGREEMENT: ADDRESSING "TOTAL COMPENSATION" COALITION BARGAINING: 2015-2016 BUDGET; AND COST-OF-LIVING WAGE ADJUSTMENTS FOR KING COUNTY COALITION OF LABOR UNIONS BARGAINING UNIT MEMBERS 2015-2016
APPENDIX 2: MEMORANDUM OF AGREEMENT: ACCRETION OF SPECIAL PROJECTS MANAGER III, STRATEGIC PLANNING MANAGER, AND ADMINISTRATIVE SERVICES MANAGER
MEMORANDUM OF AGREEMENT: LAYOFF OF MANAGING ENGINEER, AND VOLUNTARY RECLASSIFICATION OF VICTOR OKEREKE TO SPECIAL PROJECTS MANAGER III, AND Y-RATING TO RANGE 77

AGREEMENT BETWEEN
PROFESSIONAL AND TECHNICAL EMPLOYEES, LOCAL 17
SECTION MANAGERS
AND
KING COUNTY

These Articles constitute an agreement between King County ("County") and the Professional and Technical Employees, Local 17 ("Union"). This Agreement shall be subject to approval by Ordinance by the Metropolitan King County Council ("Council").

ARTICLE 1: PURPOSE AND DEFINITION

1.1 Purpose - The intent and purpose of this Agreement is to promote the continued improvement of the relationship between the County and its employees and to set forth the wages, hours and working conditions of such employees.

1.2 Definitions - All words under this Agreement shall have their ordinary and usual meaning except those words that have been defined under KCC 3.12, as amended, or which are specifically defined in this Agreement.

1.3 Labor-Management Committee - The parties shall convene a bargaining unit wide Labor-Management Committee meeting whenever they jointly agree that such a meeting is desirable.

ARTICLE 2: UNION RECOGNITION AND MEMBERSHIP

2.1 Recognition - The County recognizes the Union as the exclusive bargaining representative of all employees whose job classifications are listed in the attached Addendum "A".

2.2 Membership - It shall be a condition of employment that all employees covered by this Agreement who are members of the Union in good standing on the effective date of this Agreement shall remain members in good standing or pay an agency fee to the Union in lieu of membership, and those who are not members of the Union on the effective date of this Agreement, shall become and remain members in good standing or pay an agency fee to the Union in lieu of membership. It shall also be a condition of employment that all employees covered by this Agreement and hired or assigned into the bargaining unit on or after its effective date shall, by the thirtieth (30th) day

following the beginning of such employment, become and remain members in good standing or pay an agency fee to the Union in lieu of membership.

2.2.1 An employee who can substantiate, in accordance with existing law, bona fide religious tenets or beliefs that prohibit the payment of dues or initiation fees to union organizations shall pay an amount of money equivalent to regular union dues and initiation fee to a non-religious charitable organization mutually agreed upon by the employee affected and the Union to which such employee would otherwise pay the dues and initiation fee. If the employee and the Union do not reach agreement on such matter, the Public Employment Relations Commission (PERC) shall designate the charitable organization. The employee shall furnish written proof that such payment has been made.

2.2.2 Failure by an employee to abide by the above provisions shall constitute cause for discharge of such employee; provided, that when an employee fails to fulfill the above obligation, the Union shall provide the employee and the County with thirty (30) days written notification of the Union's intent to initiate discharge action, and during this period the employee may make restitution in the amount which is overdue.

2.3 Dues Deduction - Upon receipt of written authorization individually signed by a bargaining unit employee, the County shall have deducted from the pay of such employee the amount of dues as certified by the secretary of the Union and shall transmit the same to its treasurer.

2.4 Indemnification - The Union will indemnify and hold the County harmless against any claims made and against any suit instituted against the County on account of any check-off of dues for the Union. The Union agrees to refund to the County any amounts paid to it in error on account of the check-off provision upon presentation of proper evidence thereof.

2.5 Employee List - The County will transmit to the Union, upon request, a current listing of all employees in the bargaining unit. Such list shall indicate the name of the employee, position, job classification, department and/or unit.

ARTICLE 3: RIGHTS OF MANAGEMENT AND WAIVER CLAUSE

3.1 Rights of Management - The management of the County and the direction of the work force is vested exclusively in the County, except as may be limited by the express written terms of this Agreement. All matters, including but not limited to, the right to hire, appoint, promote,

discipline and discharge regular employees for cause, improve efficiency, train, assign and direct the work force, develop and modify classification specifications, allocate positions to those classifications, determine work schedules, determine location of facilities, contracting out of work, and determine methods, processes and means for providing services, may be administered for its duration by the County in accordance with such policy or procedures as from time to time may be determined. The County agrees not to contract out work historically performed by members of the bargaining unit if the contracting of such work eliminates or reduces the normal workload of the bargaining unit. If in order to secure funding for a specific project the County is required to contract all or part of the work to be performed due to limitations imposed by the funding agreement, said contracting shall not be considered a violation of this Article as long as it does not eliminate or reduce the normal workload of the bargaining unit. The County agrees to provide the Union, upon request, with documentation to support any contracting of work under the terms of this section.

3.2 Waiver Clause - The parties acknowledge that each has had the unlimited right within the law and the opportunity to make demands and proposals with respect to any matter deemed a proper subject for collective bargaining. The results of this exercise of that right and opportunity are set forth in this Agreement. Therefore, unless otherwise mutually agreed, the County and the Union, for the duration of this Agreement, each agree to waive the right to oblige the other party to bargain with respect to any subject or matter not specifically referred to or covered in this Agreement.

ARTICLE 4: HOLIDAYS

4.1 Holidays - Regular, probationary, provisional and term-limited temporary employees shall be granted the following holidays with no loss of pay:

HOLIDAYS	
New Year's Day	January 1st
Martin Luther King, Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	
Christmas Day	December 25th
Two (2) Personal Holidays	

and any special or limited holidays as declared by the President of the United States or the Governor of the State of Washington, and as approved by the Council.

4.2 Day of Observance - For holidays falling on a Saturday, the Friday before shall be observed as the holiday. For holidays falling on a Sunday, the Monday following shall be observed as the holiday.

4.3 Personal Holidays - Personal holidays shall be administered through the vacation plan. One (1) day shall be added during the pay period including the first day of October and one (1) day shall be added during the pay period including the first day of November of each year. These days shall be used in the same manner as any vacation day earned.

ARTICLE 5: VACATIONS

5.1 Accrual - Regular, probationary, provisional and term-limited temporary employees shall be eligible for vacation leave benefits as described in this Article except in those instances expressly provided:

Full Years of Service	Equivalent/Pro-Rated Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

5.1.1 Employees shall accrue vacation leave from their date of hire in a leave eligible position.

5.1.2 Employees who are eligible for vacation leave and who work less than a full-time schedule shall receive pro-rated leave to reflect his/her normally scheduled workweek.

5.2 Payoff - Employees shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six (6) months of County service, and if they leave County employment prior to successfully completing their first six (6) months of County service, shall forfeit and not be paid for accrued vacation leave. Employees shall be paid for accrued vacation leave to their date of separation up to the maximum accrual amount if they have successfully completed their first six (6) months of County service. Payment shall be the accrued vacation leave multiplied by the employee's regular rate of pay in effect upon the date of leaving County employment less mandatory withholdings.

5.3 Scheduling - The manager/designee shall be responsible for establishing a vacation schedule in such a manner as to achieve the most efficient functioning of the division.

5.4 Maximum Accrual - Full-time employees may accrue up to 480 hours vacation leave. Part-time regular employees who are employed at least half-time and receive vacation and sick leave may accrue vacation leave hours pro-rated to reflect their normally scheduled work week.

Employees may accrue additional vacation beyond the maximum specified herein when, as a result of cyclical workloads or work assignments, accrued vacation will be lost; otherwise, employees must use vacation leave in excess of the maximum accrual amount on or before the last day of the pay period that includes December 31 of the year in which the excess was accrued.

5.5 Use of Vacation - Employees shall not use or be paid for vacation leave until it has accrued and such use or payment is consistent with the provisions of this Article.

5.5.1 No employee shall work for compensation for the County in any capacity during the time that the employee is on vacation leave.

5.6 Separation - In cases of separation from County employment by death of an employee with accrued vacation leave and who has successfully completed his/her first six (6) months of County service, payment of unused vacation leave up to the maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, RCW Title 11.

5.7 Reemployment - If a regular employee resigns from County employment or is laid off and subsequently returns to County employment within two (2) years from such resignation or lay off, as applicable, the employee's prior County service shall be counted in determining the vacation leave

accrual rate under Section 5.1.

ARTICLE 6: SICK LEAVE

6.1 Regular, probationary, provisional and term-limited temporary employees shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime. The employee is not entitled to sick leave if not previously earned.

6.2 During the first six (6) months of service in a leave eligible position, employees may, at the manager's/designee's discretion, use any accrued days of vacation leave as an extension of sick leave. If an employee does not work a full six (6) months in a leave eligible position, any vacation leave used for sick leave must be reimbursed to the County upon termination.

6.3 There shall be no limit to the hours of sick leave benefits accrued by an employee.

6.4 Separation from or termination of County employment except by reason of retirement or layoff, shall cancel all sick leave accrued to the employee as of the date of separation or termination. Should a regular or probationary (who has previously achieved career service status) employee resign or be laid off and return to County employment within two (2) years, accrued sick leave shall be restored.

6.5 Regular or probationary (who has previously achieved career service status) employees who have successfully completed at least five (5) years of County service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by RCW Title 11, as applicable, an amount equal to thirty-five percent (35%) of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving County employment less mandatory withholdings.

6.6 Leave Without Pay for Health Reasons - An employee must use all of his/her sick leave before taking unpaid leave for his/her own health reasons. If the injury is compensable under the County's workers compensation program, then the employee has the option to augment or not augment time loss payments with the use of accrued sick leave.

6.7 Leave Without Pay for Family Reasons - For a leave for family reasons, the employee will choose at the start of the leave whether the particular leave would be paid or unpaid; but, when an employee chooses to take paid leave for family reasons s/he may set aside a reserve of up to eighty

(80) hours of accrued sick leave.

6.8 Use of Vacation Leave as Sick Leave - An employee who has exhausted all of his/her sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by his/her manager/designee.

6.9 Use of Sick Leave - Accrued sick leave will be used for the following reasons:

6.9.1 The employee's bona fide illness or incapacitating injury; provided, that:

6.9.1.1 An employee who suffers an occupational illness or is injured on the job may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the regular pay of the employee; though an employee who chooses not to augment his/her worker's compensation time loss pay through the use of sick leave will be deemed on unpaid leave status;

6.9.1.2 An employee who chooses to augment workers compensation payments with the use of accrued sick leave will notify the workers compensation office in writing at the beginning of the leave;

6.9.1.3 An employee may not collect sick leave and worker's compensation time loss payments for physical incapacity due to any injury or occupational illness which is directly traceable to employment other than with the County.

6.9.2 Exposure to contagious diseases and resulting quarantine.

6.9.3 An employee's temporary disability caused by or contributed to by pregnancy and childbirth.

6.9.4 The employee's medical, ocular or dental appointments, provided that the employee's manager/designee has approved the scheduling of sick leave for such appointments.

6.9.5 To care for the employee's eligible child if the child has an illness or health condition which requires treatment or supervision from the employee;

6.9.6 To care for other family members, if:

6.9.6.1 The employee has been employed by the County for twelve (12) months or more and has worked a minimum of one thousand forty (1040) hours in the preceding twelve (12) months.

6.9.6.2 The family member is the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the employee, employee's spouse or domestic partner or an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner; and,

6.9.6.3 The reason for the leave is one of the following:

6.9.6.3.1 The birth of a son or daughter and care of the newborn child, or placement with the employee of a son or daughter for adoption or foster care, if the leave is taken within twelve (12) months of the birth, adoption or placement;

6.9.6.3.2 The care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee; or

6.9.6.3.3 Care of a family member who suffers from a serious health condition.

6.10 Unpaid Leave - An employee who has been employed by the County for twelve (12) months or more and has worked a minimum of one thousand forty (1040) hours in the preceding twelve (12) months, may take a total of up to eighteen (18) work weeks unpaid leave for his or her own serious health condition, and for family reasons as provided in Sections 6.9.5 and 6.9.6 combined, within a twelve (12) month period. The leave may be continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or partial days as needed. Intermittent leave is subject to the following conditions:

6.10.1 Birth or Adoption - When a leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if authorized by the employee's manager/designee.

6.10.2 Reduced Schedules - An employee make take leave intermittently or on a reduced schedule when medically necessary due to a serious health condition of the employee or family member of the employee; and

6.10.3. Temporary Transfer - If an employee requests intermittent leave or leave on a reduced leave schedule under Section 6.10.2 that is foreseeable based on planned medical treatment,

the manager/designee may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than the regular position of the employee.

6.10.4 Concurrent Time - Use of donated leave will run concurrently with the eighteen (18) workweek family medical leave entitlement.

6.10.5 Insurance Premiums - The County will continue its contribution toward health care during any unpaid leave taken under Section 6.10.

6.10.6 Return to Work from Unpaid Leave - An employee who returns from unpaid family or medical leave within the time provided in this Article is entitled, subject to layoff provisions, to:

6.10.6.1 The same position he/she held when the leave commenced; or

6.10.6.2 A position with equivalent status, benefits, pay and other terms and conditions of employment; and

6.10.6.3 The same seniority accrued before the date on which the leave commenced.

6.10.7 Failure to Return to Work - Failure to return to work by the expiration date of the leave of absence may be cause for removal and result in termination of the employee from County service.

6.11 Provider Certification - The manager/designee and employee are responsible for the proper administration of the sick leave benefit. Verification from a licensed health care provider may be reasonably required to substantiate the health condition of the employee or family member for leave requests.

6.12 Definition of Child - For purposes of this Article, a child means a biological, adopted or foster child, a step child, a legal ward or a child of an employee standing in loco parentis to the child, who is: under eighteen (18) years of age; or is eighteen (18) years of age or older and incapable of self care because of mental or physical disability.

6.13 Voluntary Employee Beneficiary Association Plan - In lieu of the remuneration for unused sick leave at retirement, the director of the human resources division, or the director's designee, may, with equivalent funds, provide eligible employees with a voluntary employee beneficiary association plan that provides for reimbursement of retiree and other qualifying medical

expenses.

6.13.1 The director shall adopt procedures for the implementation of all voluntary employee beneficiary association plans. At a minimum, the procedures shall provide that:

(1) each group of employees hold an election to decide whether to implement a voluntary employee beneficiary association plan for a defined group of employees. The determination of the majority of voting employees in a group shall bind the remainder. Elections for represented employees shall be conducted by the appropriate bargaining representative;

(2) the director has discretion to determine the scope of employee groups voting on whether to adopt a voluntary employee beneficiary association plan. The director shall consult with bargaining representatives and elected officials in determining the scope of voting groups;

(3) any voluntary employee beneficiary association plan implemented in accordance with this subsection complies with federal tax law. Disbursements in accordance with this subsection shall be exempt from withholdings, to the extent permitted by law; and

(4) employees shall forfeit remuneration under subsections 1 and 2 of this section if the employee belongs to a group that has voted to implement a voluntary employee beneficiary association plan and the employee fails to execute forms that are necessary to the proper administration of the plan within twelve months of retirement by reason of length of service, as defined in subsection 6.13.1(1) of this subsection.

ARTICLE 7: PAID LEAVES

7.1 Donation of Leaves

7.1.1 Vacation leave hours

A. Approval Required - An employee eligible for paid leave may donate a portion of his/her accrued vacation leave to another employee eligible for leave benefits. Such donation will occur upon written request to and approval of the donating and receiving employee's department director(s), except that requests for vacation donation made for the purposes of supplementing the sick leave benefits of the receiving employee will not be denied unless approval would result in a departmental hardship for the receiving department.

B. Limitations - The number of hours donated will not exceed the donor's accrued

vacation credit as of the date of the request. No donation of vacation hours will be permitted where it would cause the employee receiving the transfer to exceed his/her maximum vacation accrual.

C. Return of Unused Donations - Donated vacation leave hours must be used within ninety (90) calendar days following the date of donation. Donated hours not used within ninety (90) days or due to the death of the receiving employee will revert to the donor. Donated vacation leave hours will be excluded from vacation leave payoff provisions contained in this Article. For purposes of this Article, the first hours used by an employee will be accrued vacation leave hours.

7.1.2 Sick leave hours.

A. Written Notice Required - An employee eligible for paid leave may donate a portion of his/her accrued sick leave to another employee eligible for leave benefits upon written notice to the donating and receiving employee's department director(s).

B. Minimum Leave Balance Required (Donor) - No donation will be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred (100) hours or more. No employee may donate more than twenty-five (25) hours of his/her accrued sick leave in a calendar year.

C. Return of Unused Donations - Donated sick leave hours must be used within ninety (90) calendar days. Donated hours not used within ninety (90) days or due to the death of the receiving employee will revert to the donor. Donated sick leave hours will be excluded from the sick leave payoff provisions contained in this Agreement, and sick leave restoration provisions contained in this Agreement. For purposes of this Article, the first hours used by an employee will be accrued sick leave hours.

7.1.3 No Solicitation - All donations of vacation and sick leave made under this Article are strictly voluntary. An employee is prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donating vacation or sick leave hours.

7.1.4 Conversion Rate - All vacation and sick leave hours donated will be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Unused donated vacation and sick leave will be reconverted based on the donor's straight

time hourly rate at the time of reconversion.

7.2 Leave - Organ Donors - The manager/designee will allow an employee eligible for paid leave who is voluntarily participating as a donor in life-giving or life-saving procedures such as, but not limited to, bone marrow transplants, kidney transplants, or blood transfusions up to five (5) days paid leave provided;

7.2.1 Notification - The employee gives the manager/designee reasonable advance notice of the need to take time off from work for the donation of bone marrow, a kidney, or other organs or tissue where there is a reasonable expectation that the employee's failure to donate may result in serious illness, injury, pain or the eventual death of the identified recipient.

7.2.2 Provider Certification - The employee provides written proof from an accredited medical institution, organization or individual as to the need for the employee to donate bone marrow, a kidney, or other organs or tissue or to participate in any other medical procedure where the participation of the donor is unique or critical to a successful outcome.

7.2.3 Time off Subject to Agreement - Time off from work for the purpose set out above in excess of five (5) working days will be subject to the terms of this Agreement.

7.3 Bereavement Leave

7.3.1 An employee eligible for paid leave will be entitled to three (3) working days of bereavement leave a year, per occurrence, due to death of a member of his/her immediate family.

7.3.2 Use of Sick Leave in Lieu of Bereavement Leave - An employee eligible for leave who has exhausted his/her bereavement leave, will be entitled to use sick leave in the amount of three (3) working days for each instance when death occurs to a member of the employee's immediate family.

7.3.3 In the application of any of the foregoing provisions, when a holiday or regular day off falls within the prescribed period of absence, it will not be charged against the employee's sick leave account nor bereavement leave credit.

7.3.4 Family Defined - Immediate family means, as used in this Article: spouse, domestic partner, grandparent, parent, child, sibling, child-in-law, parent-in-law, grandchild of the employee, employee's spouse or employee's domestic partner.

7.4 School Volunteers - An employee eligible for paid leave will be allowed the use of up to three (3) days of sick leave each year to allow the employee to perform volunteer services at the school attended by the employee's child; provided, an employee requesting to use sick leave for this purpose will submit such request in writing specifying the name of the school and the nature of the volunteer services to be performed.

7.5 Jury Duty - An employee eligible for paid leave who is ordered on a jury will be entitled to his/her regular County pay; provided, that fees for such jury duty are deposited, exclusive of mileage, with the Finance & Business Operations Division of the Department of Executive Services. The employee will report back to their manager/designee when dismissed from jury service.

7.6 Leave Examinations - An employee eligible for paid leave will be entitled to necessary time off with pay for the purpose of participating in County qualifying or promotional examinations. This will include time required to complete any required interviews.

7.7 Military Leave - A leave of absence for active military duty or active military training duty will be granted to eligible employees in accordance with applicable provisions of state and/or federal law; provided, that a request for such leave shall be submitted to the manager/designee in writing by the employee and accompanied by a validated copy of military orders ordering such active duty or active training duty.

ARTICLE 8: MEDICAL, DENTAL & LIFE INSURANCE

8.1 The County presently participates in group medical, dental and life insurance programs. The County agrees to maintain the level of benefits as currently provided by these plans and pay premiums as currently practiced, during the life of this Agreement unless modified by the Joint Labor Management Insurance Committee.

8.2 The County agrees to continue the Joint Labor Management Insurance Committee comprised of representatives from the County and its labor unions. The function of the Committee shall be to review, study and make recommendations relative to existing medical, dental and life insurance programs.

8.3 The Union and County agree to incorporate changes to employee insurance benefits which the County may implement as a result of the agreement of the Joint Labor Management

Insurance Committee referenced in Section 8.2 above.

ARTICLE 9: WAGE RATES

9.1 Rates of Pay - Wage rates for 2014 shall be as listed in Addendum A. Wage rates for regular part-time employees shall be prorated based upon the ratio of hours actually worked to the standard 40-hour workweek.

9.2 Total Compensation Agreement - Upon full ratification of the Memorandum of Agreement titled: Addressing "Total Compensation" Coalition Bargaining; 2015-2016 Budget; And Cost-Of-Living Wage Adjustments For King County Coalition Of Labor Unions Bargaining Unit Members 2015-2016 ("Agreement") by King County, the full terms and conditions of the Agreement are agreed to and incorporated into this Collective Bargaining Agreement, attached hereto as Appendix 1.

9.3 Step Movement/Merit - Employees covered by this Agreement shall be subject to the County's ten step plan (truncated) and merit system as provided under KCC 3.15.020, as amended.

9.4 Professional Registration – To encourage and support professional development and to provide for the employment of qualified personnel in appropriate classifications, the County will provide compensation for professional licenses and certifications according to the following formula:

If the employee is required to hold the license/certification for her/his job, compensation shall be paid at an additional one hundred dollars ($100.00) per month. If the license/certification is not required but is related to the employee's work, they will receive an additional fifty dollars ($50.00) per month. It is understood that the employee is responsible for costs and fees of obtaining and renewing such licenses.

Applicable designations or professional licenses: Washington State professional license in the branches of Civil, Electrical, Hydraulic, Industrial, Mechanical, Metallurgical, Sanitary, Structural, Architectural, Land Surveying, Geology or Illumination; a registered architect's license or a professional designation of CPA, MAI, RM, SSA, CPM or SR/WA; International Conference of Building Officials Certifications in Building Inspection, Landscape Architecture, Certified Floodplain Manager, Mechanical, Plumbing, Combination Inspector, Fire and Plans Examiner.

ARTICLE 10: HOURS OF WORK

10.1 Schedules - The establishment of work schedules is vested solely within the purview of the County and may be changed from time to time. It is the policy of the County to actively promote alternative and flexible work schedules.

10.2 FLSA - Employees covered by this bargaining unit are employed in a bona fide executive, administrative or professional capacity and are in turn exempt from overtime payments under the Federal Fair Labor Standards Act. Bargaining unit employees shall be covered under the King County Executive Leave Pay and Leave Practices for Executive Administration and Professional Employees policy (Executive Policy PER 8-1-2) and modifications thereto, and are expected to work the hours necessary to satisfactorily perform their jobs.

10.2.1 Regular employees will receive at least three (3) days of Executive Leave during the calendar year provided the employee is in an eligible position on January 1.

ARTICLE 11: CONFLICT RESOLUTION

11.1 The Union and the County recognize the importance of settling issues in a fair and responsible manner at the lowest possible level of supervision and to use conflict resolution methods whenever possible.

11.2 Grievance Definition - An issue raised by an employee regarding the interpretation and/or application of the express written terms of this Agreement. A grievance, to be timely, must be presented in writing to the employee's supervisor within ten (10) workdays of the occurrence or the employee's knowledge of the event. The grievance must contain a description of the event, when the event took place and/or when the employee had knowledge of the event, the Articles allegedly violated, and the remedy sought.

11.3 Grievance Steps

11.3.1 Division Manager - The Manager shall have fifteen (15) workdays from the receipt of the grievance to address the issue with the employee. The supervisor shall respond to the grievance in writing within fifteen (15) workdays following the meeting with the employee. If the grievance is not resolved, it may be referred in writing within ten (10) workdays following the date of the Manager's written response to the Director of the Office of Labor Relations (OLR)/designee. If the

grievance is not pursued to the Director of OLR/designee within the ten (10) workdays, it shall be presumed resolved.

11.3.2 Director of OLR - The director/designee will have thirty (30) workdays from receipt of the grievance to address the issue with the employee. The director/designee shall respond to the grievance in writing within fifteen (15) workdays following the meeting with the employee. If the grievance is not resolved, it may be referred in writing within ten (10) workdays following the date of the director/designee's written response to mediation/arbitration. If the grievance is not pursued to mediation/arbitration within ten (10) workdays, it will be presumed resolved.

11.3.3 Mediation/Arbitration - Mediation shall be the last step for grievances that are not timely. The Director of OLR/designee and the Union shall select a third disinterested party to serve as the mediator/arbitrator. In the event they are unable to agree, then the mediator/arbitrator shall be selected from a list of at least seven (7) names furnished by the Federal Mediation and Conciliation Service (FMCS) or American Arbitration Association (AAA), whichever source is mutually acceptable. The mediator/arbitrator shall be selected from the list by each party alternately striking a name from the list until one name remains. The Union shall have the first strike from the list and the parties will rotate the first strike for each grievance. The mediation process will proceed with the parties making a good faith attempt to reconcile their differences. A mediated grievance, if timely, will move to the arbitration phase only after the mediator and one of the two parties to the dispute declare impasse. A formal arbitration hearing on timely grievances can be held at the request of either party without going through the mediation process. The mediator cannot serve as the arbitrator.

11.4 The arbitrator shall have no power to change, alter, detract from, or add to the provisions of this Agreement, but shall have the power only to apply and interpret the provisions of this written Agreement in reaching a decision on the issue.

11.5 No matter may be arbitrated which the County, by law, has no authority over or has no authority to change.

11.6 There shall be no strikes, cessation of work or lockout during mediation or arbitration.

11.7 Each party to a mediation/arbitration proceeding shall bear the full costs of its representatives, including legal representatives, and witnesses regardless of the outcome of the

mediation or arbitration. The mediator's/arbitrator's fees and expenses and any court reporter's fee and expenses agreed to by the Union and the County shall be borne equally by both parties.

11.8 Exclusive Procedure - Selection of this conflict resolution procedure for the resolution of a grievance shall preclude the use of any other procedure in resolving the matter at issue.

11.9 Time Limits - Time limits may be extended by written consent of the parties.

11.10 Unfair Labor Practice (ULP) - The parties agree that thirty (30) days prior to filing a ULP complaint with the PERC, the complaining party will notify the other party, in writing, meet, and make a good faith attempt to resolve the issue unless the deadline for filing with PERC would otherwise pass.

11.11 Temporaries - Probationary, provisional, temporary and term-limited temporary employees are employed at will and can not use the procedures of this Article to grieve or otherwise appeal a job separation action of any kind.

ARTICLE 12: REDUCTION IN FORCE

12.1 Order of layoff - In the event of a reduction in force due to lack of work, lack of funds or considerations of efficiency, layoffs shall be by position. The positions to be laid-off shall be at the sole discretion of management. In lieu of laying off a regular employee, the Director of the HRD may reassign such employee to a comparable, vacant position, when the Director of HRD determines such reassignment to be in the best interest of the County.

12.1.1 The County will attempt to place a regular employee subject to layoff in accordance with the County's Workforce Management Program, as amended.

12.2 Recall - A regular employee who is laid off will have recall rights to his/her previous position for two years from the date of layoff. An employee retains his/her recall rights even if he/she accepts another position with the County. An employee who is laid off shall forfeit his/her recall rights if he/she refuses a recall.

12.2.1 Notice of Recall - An employee will have ten (10) days from the date the notice of recall is sent by certified mail in which to notify the County of whether he/she will accept the position. The County will consider the employee's failure to notify the County within ten (10) days as a refusal; however, if the County determines that there are warranting circumstances, it may accept

a late notice from an employee. Notices will be in writing. It is the employee's responsibility to keep the County informed of his/her current address.

12.2.2 Reinstatement - An employee recalled within two (2) years from the time of layoff will have any forfeited sick leave accruals and seniority restored and adjusted for the period of layoff, and vacation leave accrual rate restored.

ARTICLE 13: WORK OUTSIDE OF CLASSIFICATION

13.1 It is understood by the parties that an employee may be assigned in writing to perform the preponderance of the duties of a higher classification by the division manager/designee.

13.2 An employee assigned in writing by his/her division manager/designee to a higher classification will be paid at the first step of the range assigned to the higher classification or at a step that most closely approximates five percent (5%) above the employee's salary prior to the assignment, whichever is higher.

13.3 The County may assign an employee to perform the work of a higher classification for up to a full workweek without additional compensation. If the employee is assigned to perform the work of the higher classification for a full workweek or more the employee will be paid for all time performing the work of the higher classification in accordance with Section 13.2.

13.4 If the employee is required to work out-of-class for more than sixty (60) days, the Union may request a meeting for the sole purpose of clarifying why the employee is still working out-of-class.

ARTICLE 14: UNION REPRESENTATION AND EMPLOYEE RIGHTS

14.1 Union Representation

14.1.1 Authorized representatives of the Union may, after notifying the County official in charge, visit the work location of employees covered by this Agreement at any reasonable time for the purpose of member representation.

14.1.2 The Executive Director and/or Union Representative shall have the right to appoint stewards. The Union shall provide the County with the names of stewards so appointed. The steward will be allowed reasonable time during working hours to see that the provisions of the Agreements are observed.

14.1.3 Written policies, rules, or directives affecting the terms and conditions of this Agreement shall be provided to the Union upon request.

14.2 Employee Rights

14.2.1 The County may reprimand, suspend, demote or discharge a regular employee for just cause.

14.2.2 If at any level the County determines to bring disciplinary action against an employee for any reason, the employee shall be apprised of his/her rights of appeal and representation as provided for in the Conflict Resolution procedures under Article 11 of this Agreement.

14.2.3 Members of the bargaining unit are entitled to meal compensation pursuant to King County Code 3.24.080.

ARTICLE 15: MISCELLANEOUS

15.1 Drug Free Workplace - The Union agrees to comply with all applicable federal, state and county regulations and ordinances with regard to the drug free workplace.

15.2 Training - The County recognizes the mutual benefit to be attained by affording training opportunities to employees and shall provide information and access to training opportunities for its employees, within budgeted appropriations. The training opportunities shall be guided by, but not limited to the overall objectives of encouraging and motivating employees to improve their personal capabilities in performance of specific tasks.

15.3 Equal Employment Opportunity - The County or the Union shall not unlawfully discriminate in employment on the basis of race, color, religion, national origin, age, creed, marital status, sex, sexual orientation or on the presence of a sensory, mental or physical disability.

15.4 Bulletin Boards - The County agrees to permit the Union to post on County bulletin boards announcement of meetings, election of officers, and any other Union material, providing there is sufficient space, beyond what is required by the County for "normal" operations.

15.5. Employee Safety During Work Stoppages - No member of this bargaining unit shall be required to cross a legal picket line sanctioned by the King County Labor Council (this section does not apply to informational pickets). This section shall not apply in situations that pose an imminent threat to structures or human health and/or safety. An employee encountering a picket line

during the course of her/his duties shall contact her/his supervisor for work instructions.

ARTICLE 16: GENERAL PROVISIONS

16.1 Savings Clause - Should any part hereof or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted state or federal legislation or by any decree of a court of competent jurisdiction, such invalidation of such part or portions of this Agreement shall not invalidate the remaining portions thereof; provided, however, upon such invalidation, the parties agree to meet and negotiate such parts or provisions affected. The remaining parts or provisions shall remain in full force and effect.

16.1.1 The County and the Union and the employees covered by this Agreement are governed by applicable county ordinances, and said ordinances are paramount except where they conflict with a provision of this Agreement.

16.2 Work Stoppages and Employer Protection - The County and the Union agree that the public interest requires efficient and uninterrupted performance of all county services and to this end pledge their best efforts to avoid or eliminate any conduct contrary to this objective. Specifically, the Union shall not cause or condone any work stoppage, including any strike, slowdown, or refusal to perform any customarily assigned duties, sick leave absence which is not bona fide, or other interference with county functions by employees under this Agreement, and should same occur, the Union agrees to take appropriate steps to end such interference. Any concerted action by any employees in the Union shall be deemed a work stoppage if any of the above activities have occurred.

16.2.1 Any employee participation in such work stoppage or in other ways committing an act prohibited in this Article shall be considered absent without authorized leave and shall be considered to have resigned.

ARTICLE 17: DURATION

17.1 This Agreement shall become effective January 1, 2014, upon full and final ratification and approval by all formal requisite means by the Council and shall be effective through December 31, 2016.

17.2 Contract negotiations for the succeeding contract may be initiated by either party providing to the other written notice of its intention to do so prior to August 1, 2016.

APPROVED this 26 day of OCTOBER, 2015.

By: Dow Constantine

King County Executive

9/15/15

Date

Joseph L. McGee
Executive Director
Professional and Technical Employees, Local 17

cba Code: 066

Union Code: C11

Addendum A
Professional and Technical Employees, Local 17
Section Managers - DNRP, DPER, DOT

Job Class Code	Peoplesoft Job Code	Classification Title	Department	Range*
1142100	114303	Administrative Services Manager	DNRP (SWD)	75
1072100	107101	Engineering Services Manager - Solid Waste	DNRP	77
1134100	113701	Engineering Services Section Manager	DOT	77
1134800	113850	Field Operations Manager - Roads	DOT	74
1077100	108603	Finance and Administrative Services Manager	DNRP	74
1072400	107401	Fiscal Services Manager - Solid Waste	DNRP	74
8750100	878101	Manager - Fleet and Warehouse Operations	DOT	74
7112500	711502	Managing Engineer	DOT, DRNP, DPER	74
1300100	130002	Operations Manager	DOT	75
5330100	552101	Permitting Product Line Manager	DPER	72
1072200	107201	Recycling & Environmental Services Manager	DNRP	75
1074600	108101	River and Water Resources Manager	DNRP	75
1134200	113801	Roads Maintenance Manager	DOT	77
1134700	113901	Roads Maintenance Manager - Assistant, and Traffic Engineer	DOT	74
1072300	107301	Solid Waste Program Planning Manager	DNRP	71
5220200	252803	Special Projects Manager III (Performance Manager)	DNRP (SWD)	72
2452100	249102	Strategic Planning Manager	DNRP (SWD)	73
1134400	114001	Traffic Engineering Manager	DOT	77
1136100	114101	Transportation Systems Planning Manager	DOT	75

*** For Ranges refer to the King County Squared Salary Schedule**

APPENDIX 1

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
KING COUNTY AND
THE UNDERSIGNED UNIONS

ADDRESSING "TOTAL COMPENSATION" COALITION BARGAINING; 2015-2016 BUDGET; AND COST-OF-LIVING WAGE ADJUSTMENTS FOR KING COUNTY COALITION OF LABOR UNIONS BARGAINING UNIT MEMBERS 2015-2016

Introduction:

King County and the Coalition of King County Labor Unions have a longstanding history of working collaboratively to address the many serious challenges faced by King County over the past two decades.

The partnership between King County and the Coalition of King County Labor Unions has resulted in several Agreements over the years intended to preserve the high quality and diversity of services offered to the public, to preserve positions held by the county's high quality employees, to standardize pay ranges and practices in King County and to reorganize county functions to bring greater efficiencies to King County government.

Agreements between King County and the Coalition of King County Labor Unions have included agreements allowing unpaid furloughs, agreements supporting a Lean process and implementation of Lean proposals, agreements standardizing certain classification and compensation processes, agreements that make efficient use of county resources by bargaining many labor issues in countywide coalitions, agreements establishing effective use of Labor Management Committees across King County to facilitate frequent and transparent information sharing and discussion and agreements such as the zero ("0") cost-of-living adjustment (COLA) Agreement intended to address the county's budget crisis at the height of the great recession.

The parties have also worked together in Olympia and elsewhere in attempting to secure additional funding options for King County services. The parties continue to engage in solution-based discussions aimed at addressing funding shortages for various public services.

The parties have an interest in continuing their longstanding history of working collaboratively to meet the serious challenges facing King County and its employees, and have bargained in good faith to address the interests of the parties as they relate to economic issues. The County continues to face serious fiscal challenges due to a longstanding structural imbalance between non-discretionary expenditure growth rates and revenue growth rates restricted by state law; and in 2015-2016 expects to eliminate hundreds of positions due to the loss of state and federal funds and to budget cuts to several departments. This Agreement meets the interests of the parties and advances the goals of the King County Strategic Plan by demonstrating "sound financial management" as well as by recognizing King County employees, the county's "most valued resource," in working with King County to meet the challenges that will be presented during the term of this Agreement.

APPENDIX 1

Agreement:

NOW THEREFORE, the undersigned Union and King County agree as follows.

January 1, 2015 Cost-of-Living Adjustment contract rollovers and re-openers

1. Effective January 1, 2015, employees covered by this Agreement and employed in 2015 will receive a 2% Cost-of-Living Wage Adjustment;

2. All other compensation elements ("wages, premiums, incentives, and other monetary payments; and all forms of leave and benefits") of current collective bargaining agreements (CBAs) are "rolled over" and neither increased nor decreased through 2016; provided, however, that where the County and a union were already in the process of collective bargaining with respect to certain elements of "Total Compensation" prior to June 27, 2014, there may be increases or decreases in certain elements of "Total Compensation" in those collective bargaining agreements. Additionally, the Coalition "Administrative Support" Memorandum of Agreement (attached as Addendum A) is also effective 2015-2016 and expires January 31, 2016;

3. All compensation elements of CBAs shall be opened on January 1, 2015, or later, as requested by the County, for the purpose of bargaining in union coalition a "Total Compensation" agreement that will be effective January 1, 2017 or later, as agreed to by the parties. "Total Compensation" elements are wages, premiums, incentives, and other monetary payments; and all forms of leave and benefits. The parties agree to bargain, to the extent required by law, the effects of any newly created job classifications and other organizational changes. Discussion during re-opener will include these "Total Compensation" elements as well as county initiatives that include but are not limited to "Employer of the Future" and "Standards." It is noted that the Joint Labor Management Insurance Committee (JLMIC) Agreement covering benefits (part of "Total Compensation") is already opened in 2016 and nothing in this Agreement is intended to change the terms of that Agreement.

January 1, 2016 Cost-of-Living Adjustment contract rollovers and re-openers

1. Effective January 1, 2016, employees covered by this Agreement and employed in 2016 will receive a 2.25% Cost-of-Living Wage Adjustment;

2. Consistent with #2 for 2015 above, all compensation elements of CBA "rolled over" and neither increased nor decreased through 2016; provided, however, that where the County and a union were already in the process of collective bargaining with respect to certain elements of "Total Compensation" prior to June 27, 2014, there may be increases or decreases in certain elements of "Total Compensation" in those collective bargaining agreements. Additionally, the Coalition "Administrative Support" Memorandum of Agreement (attached as Addendum A) is also effective 2015-2016 and expires January 31, 2016;

3. Re-openers consistent with #3 for 2015 above.

Lump Sum Coalition Participation Premium Payment

On or before December 31, 2014, a flat lump sum Coalition Participation Premium payment of $500.00 per employee will be paid to bargaining unit members who are employed by King County on June 27, 2014, and whose bargaining units ratify this agreement on or before

APPENDIX 1

August 15, 2014. This payment is in consideration of the agreement by participating unions to bargain economic issues with King County as a coalition rather than as individual bargaining units, resulting in process efficiencies and savings in administrative costs for King County. Additionally, this payment is in consideration for the agreement by participating unions to open all compensation elements of CBAs on January 1, 2015 or later, at the request of King County, for the purpose of bargaining a "Total Compensation" agreement in coalition. "Total Compensation" elements are defined earlier in this Memorandum of Agreement.

Changes to King County Family and Medical Leave

The parties agree to a change in practice that will run King County Family Medical Leave (KCFML) and Family Medical Leave Act (FMLA) *concurrently*, rather than consecutively. This change is contingent upon the necessary King County Code change/policy being adopted by the King County Council and then implemented for non-represented King County employees. This agreement does not prohibit the use of KCFML intermittent leave after 12 weeks. The agreed upon change will not be implemented for represented employees before July 1, 2015. The parties agree to work together to identify the King County Code language changes necessary to implement this change. As with all decision making in King County, the Equity and Social Justice Ordinance (#16948) will be applied.

It is further agreed that:

1. The COLA increases and lump sum payments outlined in this Agreement establish no precedent with respect to future payments to King County employees;

2. The parties acknowledge that all parties have fulfilled their obligations to engage in collective bargaining over the subjects contained in this Agreement;

3. The parties acknowledge that this Agreement is subject to approval by the King County Council and ratification by the membership of the aforementioned Unions;

4. Any dispute regarding the interpretation and/or application of this Agreement shall be handled pursuant to the terms of the applicable Union's grievance procedure, provided that if more than one bargaining unit has the same or similar dispute, the grievances shall be consolidated; and

5. The parties agree that this Memorandum of Agreement is contingent upon ratification by the King County Council, and shall be effective once fully ratified by King County (having already been ratified by the undersigned Unions) through December 31, 2016.

For King County:

P. Cole-Tindall — 8-22-14

Patti Cole-Tindall, Director — Date
Office of Labor Relations
King County Executive Office

APPENDIX 1

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
KING COUNTY AND
THE UNDERSIGNED UNIONS

ADDRESSING "TOTAL COMPENSATION" COALITION BARGAINING; 2015-2016 BUDGET; AND COST-OF-LIVING WAGE ADJUSTMENTS FOR KING COUNTY COALITION OF LABOR UNIONS BARGAINING UNIT MEMBERS 2015-2016

Labor Organization: Professional and Technical Employees, Local 17

Ratified by the Members covered by the Contracts listed below:

cba code	Labor Organization	Contract
050	PTE, Local 17	Court Reporters - Superior Court
040	PTE, Local 17	Departments: Executive Services, Natural Resources & Parks, Permitting & Environmental Review, Transportation
060	PTE, Local 17	Departments: Public Health, Community & Human Services
048	PTE, Local 17	Information Technology
055	PTE, Local 17	Office of Emergency Management, Department of Executive Services; Emergency Management Program Manager
043	PTE, Local 17	Professional & Technical, Interest Arbitration - Department of Transportation, Metro Transit Division
046	PTE, Local 17	Professional & Technical - Department of Transportation
066	PTE, Local 17	Section Managers - Departments: Natural Resources & Parks, Permitting & Environmental Review, Transportation
065	PTE, Local 17	Supervisors - Departments: Executive Services (Facilities Management Division), Natural Resources & Parks, Transportation
047	PTE, Local 17	Transit Administrative Support
042	PTE, Local 17	Transit Chiefs - Department of Transportation, Metro Transit Division
044	PTE, Local 17	Transit Supervisors - Department of Transportation, Metro Transit Division

For Professional and Technical Employees, Local 17:

Joseph L. McGee
Executive Director

8/20/14
Date

APPENDIX 1
ADDENDUM A

MEMORANDUM OF AGREEMENT

BY AND BETWEEN

KING COUNTY

AND

COALITION OF LABOR UNIONS

REPRESENTING

KING COUNTY ADMINISTRATIVE SUPPORT CLASSIFICATIONS

Subject: Coalition bargaining for employees in specified administrative support classifications

WHEREAS, King County and the undersigned labor unions representing certain administrative support classifications ("the Coalition") have agreed to bargain wages for those classifications in a coalition so that any agreements reached would be binding on all parties to the negotiations and would satisfy all bargaining obligations between the parties with respect to wages for the duration agreed to by the parties in such an agreement; and

WHEREAS, King County and the Coalition have reached an agreement on wages, pursuant to the terms set forth herein, and therefore have fully satisfied their bargaining obligations on the issue of wages for the duration of this Agreement;

Now THEREFORE, the parties have agreed as follows:

1. The terms set forth in this Agreement shall apply to all positions which are in the following classifications and which are currently represented by any of the undersigned bargaining units:

Fiscal Specialist 1 – 4
Administrative Specialist 1 – 4
Customer Service Specialist 1 – 4
Technical Information Processing Specialist 1 – 4
Administrative Office Assistant
Public Health Administrative Support Supervisor
Administrative Staff Assistant

The positions referenced herein shall be referred to as "Coalition Administrative Support Positions" and shall not include positions covered by bargaining units eligible for interest arbitration.

APPENDIX 1
ADDENDUM A

2. Beginning on January 1, 2012, regular employees in Coalition Administrative Support Positions shall receive a wage increase of 1.5% above Step 10 upon completing 15 years service with King County, and a 3.0% increase (not cumulative with the 1.5% increase after 15 years) above Step 10 upon completing 20 years service with King County; provided, however, that the employee is eligible for the above Step 10 premium only if he/she receives at least a 3.25 rating on the prior year's performance evaluation. For purposes of this provision, years of service shall be based on the employee's Adjusted Service Date as that term is defined in the King County Personnel Guidelines. The requirement that the employee earn at least a 3.25 rating on the performance evaluation shall be waived for any year in which the employee did not receive a performance evaluation prior to the start of the calendar year. There shall be no limit or quota on the number of employees eligible to receive this wage premium above Step 10.

3. This Agreement fully satisfies the parties' bargaining obligations with respect to wages for any and all Coalition Administrative Support Positions through December 31, 2013. The parties have agreed to bargain a successor agreement on wages in coalition utilizing the same process as was agreed to in these negotiations (see September 30, 2008 "Ground Rules for King County Administrative Support Coalition Bargaining" (attached hereto as Exhibit A)) with the additional agreement that any market surveys conducted for those negotiations will be based on the following list of jurisdictions:

1. Snohomish County
2. Pierce County
3. City of Seattle
4. City of Bellevue
5. City of Tacoma
6. City of Everett
7. City of Redmond
8. City of Renton
9. City of Kent
10. Port of Seattle

4. It is the parties' intent to not simultaneously provide employees with both: a) the wage premiums referenced in Paragraph 2 of this Agreement, and b) an above-top-step merit premium program. Therefore, employees in bargaining units which have eligibility for above-top-step merit pay are not eligible for premium under Paragraph 2 of this Agreement; however, such bargaining units may elect to forgo above-top-step merit for their members who are part of this coalition in order for those members to be eligible for the premium under Paragraph 2 of this Agreement. This provision would give employees who are covered by these administrative support coalition negotiations the option of: a) continuing to receive above-top-step merit pay they have access to under their respective bargaining unit's existing collective bargaining agreement, or b) receiving the wage premium under Paragraph 2 of this Agreement. Such employees must elect their preferred option as a group as part of these negotiations, and must indicate their selection within 60 days of execution of this Agreement, and that selection will remain in effect for the duration of this Agreement.

APPENDIX 1
ADDENDUM A

5. This Agreement applies to positions in the classifications referenced above (Paragraph 1) covered by the following collective bargaining agreements:

Union	Contract	cba Code
International Brotherhood of Teamsters Local 117	Professional & Technical and Administrative Employees	154
International Brotherhood of Teamsters Local 117	Wastewater Treatment Division, Professional & Technical and Administrative Support - Department of Natural Resources and Parks	156
Joint Crafts Council, Construction Crafts	Appendix K: Departments: Executive Services (Facilities Management; Records, Elections & Licensing Services), Natural Resources & Parks, Transportation	350
Office & Professional Employees International Union, Local 8	Department of Assessments	035
Office & Professional Employees International Union, Local 8	Departments: Public Health (Division of Alcohol, Tobacco and Other Drugs Prevention), Community and Human Services (Mental Health, Chemical Abuse and Dependency Services Division)	038
Professional and Technical Employees, Local 17	Professional and Technical - Department of Transportation	046
Professional and Technical Employees, Local 17	Departments: Development and Environmental Services, Executive Services, Natural Resources and Parks, Transportation	040
Professional and Technical Employees, Local 17	Departments: Public Health, Community and Human Services	060
Public Safety Employees Union	Non-Commissioned - Department of Adult and Juvenile Detention	191
Public Safety Employees Union	Non-Commissioned - King County Sheriff's Office	193
Technical Employees Association	Wastewater Treatment Division, Department of Natural Resources and Parks, Staff	428
Washington State Council of County and City Employees, Council 2, Local 2084-SC	Superior Court - Staff (Wages Only)	273
Washington State Council of County and City Employees, Council 2, Local 2084SC-S	Superior Court - Supervisors (Wages Only)	274
Washington State Council of County and City Employees, Council 2, Local 21AD	Department of Adult and Juvenile Detention	080
Washington State Council of County and City Employees, Council 2, Local 1652	Medical Examiner - Department of Public Health	260
Washington State Council of County and City Employees, Council 2, Local 1652M	WorkSource - Department of Community and Human Services	263
Washington State Council of County and City Employees, Council 2, Local 1652R	Industrial and Hazardous Waste	275

APPENDIX 1
ADDENDUM A

6. This Agreement shall remain in effect through December 31, 2013.

For International Brotherhood of Teamsters Local 117:

Tracey A. Thompson, Secretary-Treasurer — Date: 4/25/11

For Office & Professional Employees International Union, Local 8:

Amanda Saylor, Union Representative — Date: 4/25/11

For Professional and Technical Employees, Local 17:

Behnaz Nelson, Union Representative — Date: 4/26/11

Janet Parks, Union Representative — Date: 4/25/11

For Public Safety Employees Union:

Dustin Frederick, Business Manager — Date: 4/25/11

For Technical Employees Association:

Ade Franklin, President — Date: 4.27.11

For Washington State Council of County and City Employees, Council 2:

Diana Prenguber, Staff Representative — Date: 4-25-11

For King County:

James J. Johnson, Labor Negotiator III — Date: 4/28/11

APPENDIX 1
ADDENDUM A
EXHIBIT A

GROUND RULES FOR KING COUNTY ADMINISTRATIVE SUPPORT COALITION BARGAINING

1. **Authority of the Coalition.** The parties agree that the Union coalition is speaking with one voice, and that the parties are engaged in coalition bargaining rather than coordinated bargaining. To that end, each of the unions party to coalition bargaining agree that they will be bound by the results of the coalition bargaining, and that their authority will be limited by the Union coalition's lead negotiator. Each of the unions further agree that the County's participation in coalition bargaining fulfills the County's statutory obligation to bargain regarding the issues within the scope of this coalition bargaining while the parties are engage in this coalition bargaining and for the duration of any agreement reached. The coalition has agreed that for ratification purposes, the Unions will conduct a pooled vote with one employee, one vote, with all votes consolidated and the result determined by a simple majority.

2. **Authority of the County.** The parties agree that the County is speaking with one voice, and the parties are engaged in coalition bargaining rather than coordinated bargaining. The County's interest in coalition bargaining stems from its effort to maintain a consistent compensation structure for administrative staff across Departments. The County as a whole, and each of its departments, will be bound by any agreement reached in this process.

3. **Status of Contracts.** The status of contracts will not affect a union's participation in this process, nor will it affect the other provisions of this agreement. The parties are agreeing to reopen all contracts for the purpose of negotiating compensation relating to the specified administrative support classifications.

4. **Scope of Topic.** The scope of the discussions will be to negotiate wage rates for the classifications at issue. The parties may agree to address additional issues in the course of this bargaining.

5. **Scope of Classifications.** Administrative Support classifications, including the following:

   Fiscal Specialist 1-4
   Administrative Specialist 1-4
   Customers Service Specialist 1-4
   Technical Information Processing Specialist 1-4
   Administrative Office Assistant
   Medical Application Specialist (Health)
   Administrative Specialist Supervisor (Health)
   Administrative Staff Assistant
   ~~(Application Worker/ Social Services Specialist)~~

   and any other classification that the parties may agree to include during the course of negotiations.

APPENDIX 1
ADDENDUM A

6. **Scope of Bargaining Units Included.** The bargaining units as defined in Addendum A to this agreement are included in this coalition bargaining.

7. **Negotiation Process.**

   A. Lead Negotiators. The lead negotiator for the County will be the Manager of Labor Relations or such other negotiator as may be appointed by the County. The lead negotiator for the Coalition will be the General Counsel for Teamsters Local 117 or such other negotiator as may be appointed by the Coalition. Only the lead negotiator will have the authority to bind the party that they represent.

   B. Table Composition. Each party will name a fixed set of participants in the negotiation. Others may be permitted to participate as subject matter experts but not as members of each negotiating team. The unions agree to name no more than two (2) employee representatives per union; provided that Local 17 may appoint four (4) employee representatives. The County agrees to provide release time to participate in negotiation provided that such release time does not interfere with the operations of the County. In such event, the parties will discuss alternatives to address the issue.

   C. Dates. The lead negotiator for each party shall set a complete set of negotiating dates beginning in January, 2009, and concluding by April 15, 2009.

   D. Location. Bargaining sessions will be held at downtown County facilities.

8. **Communication.** The expectation is that the parties will bargain at the table rather than in the workplace. Prior to issuing written communications with County employees or Union members regarding the substance of these negotiations, a party intending to issue such a communication will provide the other party with prior notice of that communication and will attempt to resolve any issues regarding the content of the communication prior to publication. The parties retain the right to communicate with their constituencies in non-written form. However, consistent with the spirit of this commitment, the parties will respect the concept of prior notice outlined in this paragraph.

APPENDIX 1
ADDENDUM A

9. **Mediation and Fact Finding.** If the parties fail to reach agreement, the parties will simultaneously (1) request the assistance of an impartial third party selected by the parties; if the parties cannot reach agreement, then the mediator will be selected through the Public Employment Relations Commission to mediate the negotiations; and (2) appoint a neutral fact-finder pursuant to the selection process below. The mediation will be scheduled ahead of the fact finding hearing. The fact-finder shall be charged to make non-binding recommendations to the parties as to the terms of an agreement regarding wage rates for the classifications at issue. The fact-finder shall consider the market position of the classifications and the economic circumstances of the employer in making his or her recommendations. The fact-finding will be concluded no later than sixty (60) days after the conclusion of mediation with the recommendation to each party. The cost of the fact-finder shall be borne equally by the parties.

   a. **Selection.** The parties will attempt to mutually agree on a fact-finder. Absent such agreement, the parties will request a panel from the Public Employment Relations Commission and will select a fact finder through mutual striking.
   b. **Hearing.** The hearing procedure shall be determined by the fact finder but shall be conducted fairly and expeditiously.
   c. **Recommendation.** Prior to issuing a formal recommendation, the fact finder will meet informally with the parties to inform them of his or her findings. Thereafter, the parties will have one week to attempt to reach an agreement. If the parties are unable to reach agreement the fact finder shall issue his or her decision.

000U0113_Appendix_000U0414_TotalComp_2015-2016_scsg.pdf
000U0414_TotalComp_2015-2016_Addendum A_000U0111_scsg.pdf

APPENDIX 1
ADDENDUM A

10. **Return to Individual Bargaining.** After the issuance of the recommendation, the parties may return to mediation or otherwise attempt to resolve the agreement. If the parties fail to agree after the fact finding process, the coalition process will be concluded and the parties will return to bargaining their individual contracts. The parties understand that such bargaining will begin fresh, and the positions taken in this coalition bargaining will not be applicable to that bargaining.

Dated this 30th day of September, 2008.

KING COUNTY

Elizabeth Ford, Labor Relations Manager

TEAMSTERS LOCAL UNION NO. 117

Spencer Nathan Thal, General Counsel

IFPTE, LOCAL 17

Behnaz Nelson, Union Representative

TECHNICAL EMPLOYEES ASSOCIATION

Roger Browne, President

IFPTE, LOCAL 17

Janet Parks, Union Representative

WSCCCE, Council 2

Diana Prenguber, Staff Representative

OPEIU, LOCAL 8

Shannon Halme, Union Representative

PUBLIC SAFETY EMPLOYEES UNION 519

Dustin Frederick, Business Manager

APPENDIX 2

Memorandum of Agreement

By and Between

King County

and

Professional and Technical Employees, Local 17

Representing Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, and Transportation

RE: Accretion of Special Projects Manager III, Strategic Planning Manager, and Administrative Services Manager into Professional and Technical Employees, Local 17, Section Managers bargaining unit (17F/King County contract code #066) collective bargaining agreement

The parties, Professional and Technical Employees, Local 17, represented by Karen Estevenin, and King County, represented by David Topaz, have discussed the County's Special Projects Manager III (single position in bargaining unit to accommodate reclassification), Strategic Planning Manager, and Administrative Services Manager classifications and have agreed to accrete these classifications into the Professional and Technical Employees, Local 17, Section Managers bargaining unit (in the Solid Waste Division only) and to modify the applicable collective bargaining agreement (Addendum A for 17X/King County contract code #066) accordingly.

Job Class Code	PeopleSoft Job Code	Classification Title	Range
2502300	252803	Special Projects Manager III	72
2452100	249102	Strategic Planning Manager	73
1142100	114303	Administrative Services Manager	75

APPENDIX 2

These classifications (see attached Classification Specifications) are FLSA (overtime) exempt and are subject to the existing terms of the referenced collective bargaining agreement.

This Memorandum of Agreement is effective upon signature of the parties.

For Professional & Technical Employees,
Local 17:

7/20/15

Denise Cobden
Union Representative

Date

For King County:

7/20/15

David E. Topaz
Labor Negotiator II
Office of Labor Relations

Date

Class Summary

The responsibilities of this classification include managing the largest, most complex enterprise-wide projects from initiation through final acceptance by the customer, requiring multi-agency integration to achieve the overall project deliverables. Projects have significant impact to county services or citizens. The Special Project Manager III is responsible for leading enterprise wide strategic and operational initiatives critical to the on-going growth and success of the County. A Special Projects Manager supervises other project managers and/or project team members directly or through a matrix staff structure. Special Projects Managers are hired for the term or part of the term of the project involved.

Distinguishing Characteristics

This is the third level in a three-level Special Projects Manager Classification series. A Special Projects Manager III manages the largest and most complex projects for County officials. Incumbents in this classification deal with the high scrutiny of the County Council, governing board and public media.

In order to be considered a *Special Project*, the following project characteristics must obtain: structural elements such as executive sponsorship, clear begin/end dates, defined scope, dedicated staff and budget resources, processes for each major phase including initiation, planning, execution, controlling and closing, defined deliverables, tools to measure, assess and document risk, quality and change requests, and, upon closure, deliverables are typically handed off for daily operations, maintenance and administration. Project scope and size are measured by the dedicated resources (staffing and budget), number and type of agency involvement, levels of sensitivity and visibility, and the makeup of the stakeholders group. The most complex projects will be subject to the high scrutiny of the County Council, governing board, County citizens, the public media and have multiple diverse stakeholders with overlapping and differing desired outcomes.

This classification is distinguished from the IT Project Manager Classification series in that the IT Project Manager manages information technology projects exclusively.

Examples of Duties (May vary by position)

1. Determine charter and scope of the project, assuring project is aligned with County/Department strategies, initiatives and business needs or values; set priorities subject to review by project sponsors; ensure project maintains compliance with all relevant State, Federal, local and King County laws and regulations; monitor and document progress of project; maintain auditable project files.
2. Manage and control day-to-day project activities, issues, risks, quality and budget; develop breakdown structures, schedules and budget and resource assignments.
3. Develop and maintain project risk mitigation plans; coordinate project risk identification, quantification and response development and control.
4. Establish measures of success, acceptance criteria, and methods to track, control and report status; determine financial and performance indicators and use evaluation of findings to redirect the project.

5. Prepare and/or coordinate with appropriate staff Requests for Proposals, Requests for Information, and Requests for Bids; develop, negotiate and review contracts associated with assigned project; may manage vendor relationships.
6. Supervise and lead project team members directly or through a matrix staff structure.
7. Prepare and give presentations to senior management on project schedule progress, current status and responses to identified issues and risks.
8. Perform other duties as assigned.

Knowledge/Skills (May vary by position)

Advanced specialized knowledge of project subject matter; advanced knowledge of strategic planning principles and practices; advanced analytical and conceptual skills

Advanced knowledge and skill in managing multi-million dollar, multi-phase, highly visible and politically sensitive projects; skill in organizing, planning and executing multiple large-scale projects from vision through implementation; and preparing detailed and appropriate project documentation

Advanced knowledge and skill in successfully managing projects using current project management principles, methodologies and processes

Knowledge and skill in managing projects for a large organization with diverse business operations, strategic information requirements and priorities

Knowledge of strategic planning principles and practices; knowledge of large organization business operations

Advanced skill in effectively communicating orally and in writing, including making formal presentations to groups and committees, influencing decision makers in a political environment, and working with the media

Skill in gathering, analyzing and synthesizing data; skill in effective paper and report writing; skill in effectively presenting statistical and narrative information to non-technical stakeholders or audiences

Skill in problem-solving, conflict resolution, negotiating and decision making

Skill in handling multiple competing priorities

Skill in supervising and leading multi-discipline work teams; skill in working with a variety of individuals from diverse backgrounds

Licensing, Certification and Other Requirements

Some licenses, certifications and other requirements determined to be necessary to meet the business needs of the employing unit may be required.

FLSA Designation	**Exempt** (Administrative)
Levels within same series	Special Projects Manager I, II and III
Class History	Created 10/2002
	Revised 9/2006 "special project" definition, limited term language
	Updated 12/2006 Changed format and font
	Updated 1/2008 Changed font and format

STRATEGIC PLANNING MANAGER

Class Summary

The responsibilities of this classification include facilitating the development and administration of the strategic planning, communication, and budget forecasting for an agency. Incumbents coordinate the agency's long-term strategic business planning efforts to support the agency's services, programs, systems, and/or processes.

Distinguishing Characteristics

This is a single level classification series. This classification is distinguished from the Program/Project Manager and the Special Project Manager classification series in that incumbents in the Strategic Planning Manager classification focus on agency-wide strategic planning, line of business operational planning, communications, and marketing.

Examples of Duties

1. Coordinate the development of the agency's strategic plan with direction from agency-specific leadership, and incorporating input from other internal and external stakeholders.
2. Identify and recommend policy direction to agency-specific leadership necessary for the successful development, implementation, and administration of the division's strategic business plans.
3. Manage or lead projects related to agency strategic initiatives and ensure activities undertaken by the agency are managed responsibly and comply with all relevant laws, regulations, and County policies. Develop objectives timeframes, deliverables and assessment criteria. Report on project status, budget, schedules and other issues.
4. Coordinate the development of the agency-wide budget and forecasting and identify and recommend financial improvement opportunities for agency projects and/or for new business ventures in order to meet organizational commitments.
5. Develop strategies to improve operational efficiency and/or performance, including overseeing the development of operational plans which identify future operational resource requirements to ensure performance targets are met. Ensure a consistent agency-wide approach to operational planning.
6. Design media releases to shape public perception of organization and to increase awareness of its work and goals.
7. Paticipate as a core leadership team member and ensure consistency of activities with agency mission and goals; develop annual objectives, work priorities and work plans.
8. May supervise strategic business planning, communications, and/or budget staff. Participate in the development of the unit's annual budget and monitor expenditures.

Knowledge/Skills

knowledge of strategic business planning techniques, principles and practices

Knowledge and skill in financial planning and quantitative performance analysis for a public agency with multiple and diverse services

Knowledge of project management techniques and principles

Knowledge of automated data analysis methods, models and systems

Skill in synthesizing information and making recommendations within and outside of established policies and procedures

Skills in supervising multidisciplinary staff

APPENDIX 2

Skill in making timely and quality decisions

Strong oral and written communications skills, including ability to communicate technical information to non-technical audiences

Skill in working effectively with diverse individuals and populations

Ability to work on a number of projects/tasks simultaneously

Ability to develop a collaborative and highly effective team environment

Skill in using current office software programs including word processing, spreadsheet, database and email

Education and Experience Requirements

Bachelor's degree and experience in strategy development and/or operational planning; preferably within a service delivery environment or any combination of experience/education/training that provides the required knowledge, skills and abilities to perform the work.

Licensing, Certification and Other Requirements

Some licenses, certifications and other requirements determined to be necessary to meet the business needs of the employing unit may be required.

FLSA Designation	**Non-Exempt or Exempt (Administrative, Executive, Professional)**
Service Status	Career Service
EEO Code	2
Levels within same series	Strategic Planning Manager
Class History	May 2015

ADMINISTRATIVE SERVICES MANAGER

Class Summary

The responsibilities of this classification include overseeing administrative and financial functions for a large department. Financial functions typically include one or all of the following areas: accounting, financial analysis and budget and grants/contract management. Administrative functions typically include any combination of the following support services: technology-related functions, human resources, facilities and asset management, customer service or other areas of general administrative support. The incumbent in this position has final responsibility for budget development and strategic plans and policies and supervises staff. Incumbents represent the department to elected officials and the public.

Distinguishing Characteristics

This is a single level classification and is distinguished from other financial and administrative management positions in that this classification is the key person responsible for managing administrative and financial functions for a large department, while a Finance and Administrative Services Manager manages these functions at the division level.

Examples of Duties (May vary by position)

1. Oversee the finance, accounting and/or budget functions for the department including management of grant funds.
2. Oversee a combination of primary administrative support functions for the department such as human resources, technology functions, facilities and asset management, customer account services, codes and contracts and general administrative support services.
3. Participate with other management staff in planning and implementing overall departmental objectives. Assist in the development of the department's business plan including performance indicators and outcome measures.
4. Assess department projects and programs and their financial requirements, participate in developing strategic planning and implementation efforts for projects and programs.
5. Manage the budgets for the various administrative services assigned. Receive department budget proposals, determine priorities and compose budget documents. Represent the department at all budget hearings and meetings.
6. Serve as a member of the department's management team.
7. Supervise the work of assigned staff. Hire, assign and schedule work, evaluate performance and initiate disciplinary action when appropriate.
8. Analyze and interpret legislation, identify impacts and ensure resources and plans are prepared to remain in compliance with changing requirements.
9. Develop cooperative working relationships with elected officials, County administrators, and representatives of other governmental agencies, co-workers and the public. Make presentations and participate in negotiations regarding the administrative services and functions performed by the department.
10. Develop policies and procedures within areas of responsibility.
11. Perform other duties as assigned.

APPENDIX 2

Knowledge/Skills (May vary by position)

Knowledge of local government financial administration

Knowledge of local government budget planning, analysis and management

Knowledge of local government human resources management principles and practices

Knowledge of policy development and analysis

Knowledge of strategic planning techniques and principles

Knowledge of management techniques and principles

Management and supervisory skills

Facilitation and problem solving skills

Analytical and research skills

Written and oral communication skills

Planning and organizational skills

Policy development and interpretation skills

Skill in planning, designing and managing multiple large scale projects simultaneously

Ability and skill in developing and maintaining cooperative working relationships with elected officials, County administrators, and representatives of other governmental agencies, co-workers and the public

Ability and skill in building consensus among individuals with conflicting viewpoints

Ability to apply quantitative and qualitative analysis and evaluate data for decision-making

Ability to work effectively in a political environment

Licensing, Certification and Other Requirements

Some licenses, certifications and other requirements determined to be necessary to meet the business needs of the employing unit may be required.

FLSA Designation	**Exempt (Administrative)**
Levels within same series	None
Class History	Created 10/2002
	Updated 2/2003
	Updated 12/2007 Changed font and format

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
KING COUNTY
AND
PROFESSIONAL AND TECHNICAL EMPLOYEES, LOCAL 17
SECTION MANAGERS
DEPARTMENTS: NATURAL RESOURCES AND PARKS, PERMITTING AND ENVIRONMENTAL REVIEW, TRANSPORTATION

Subject: Layoff of Managing Engineer, and Voluntary Reclassification of Victor Okereke to Special Projects Manager III, and Y-Rating to Range 77

Background:

King County (the County) and Professional and Technical Employees, Local 17 – Section Managers (the Union) are parties to a collective bargaining agreement (CBA) expiring December 31, 2013, which covers employees in the Department of Natural Resources and Parks, Solid Waste Division (the Division). As a result of a Division wide re-organization, the position of Managing Engineer (Range 77) was eliminated effective March 1, 2015. This position was occupied by Victor Okereke and the Division did not wish to have any employee suffer an actual layoff as a result of the re-organization, and wanted to continue to benefit from the years of experience and expertise of Mr. Okereke. Via separate Settlement Agreement with Mr. Okereke, the County has agreed with the Union and Mr. Okereke to voluntarily reclassify Mr. Okereke into a Special Projects Manager III (Range 72) position, with a Y-rating to Range 77, pending Council approval of this memorandum of agreement (MOA). In a separate MOA, the County and the Union have agreed to accrete the Special Projects Manager III position into the Local 17 Section Managers CBA.

Agreement:

1. The County has eliminated the position of Managing Engineer held by Victor Okereke in the Solid Waste Division and the parties agree to the voluntary reclassification of Mr. Okereke to Special Projects Manager III, and Y-rating him to Range 77.
2. The parties further agree that this voluntary reclassification and Y-rating does not establish a precedent and that this agreement shall take effect upon Council Approval of the CBA rollover, inclusive of this MOA.

For Professional and Technical Employees, Local 17:

Denise Cobden — 9/15/15
Union Representative — Date

For King County:

David E. Topaz, Labor Negotiator II — 9/16/15
Office of Labor Relations — Date
King County Executive Office

[Blank Page]

King County

Checklist and Summary of Changes for the attached Collective Bargaining Agreement

Name of Agreement
Professional and Technical Employees, Local 17 (Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, Transportation)
Labor Negotiator
David Topaz

Prosecuting Attorney's Review	***Yes***
Legislative Review Form; Motion or Ordinance	***Yes***
Executive Letter	***Yes***
Fiscal Note	***Yes***
Six Point Summary	***Yes***
King County Council Adopted Labor Policies Consistency	***Yes***
Ordinance	***Yes***
Original Signed Agreement(s)	***Yes***
Does transmittal include MOU/MOA?	***N/A***

Six Point Summary of changes to the attached agreement:
1. Cleaned up Wage Addendum to Include all Accreted Positions, with appropriate titles.
2. Removed references to prior Department of Development and Environmental Services, and replaced with Department of Permitting and Environmental Review.
3. No other substantive changes.
4.
5. p
6.

[Blank Page]

ATTACHMENT 3

October 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

The enclosed ordinance, if approved, will ratify the non-economic terms of the Professional and Technical Employees, Local 17 (Section Managers) collective bargaining agreement (CBA) for the period of January 1, 2014, through December 31, 2016, which will enable King County to continue to provide quality management services in the Departments of Natural Resources and Parks, Permitting and Environmental Review, and Transportation. The CBA extension provided by this ordinance was agreed to by the parties pursuant to the "Total Compensation" memorandum of agreement (MOA) between King County and the King County Coalition of Unions; ratified by King County Council on November 10, 2014, by Ordinance 17916. This agreement covers approximately 24 employees.

The employees in this bargaining unit are managers overseeing the work of engineers, road maintenance personnel, permitting professionals and fleet maintenance personnel. They are highly valued for ensuring that these vital operations are managed and run effectively at all times, and especially during emergencies.

As a "rollover," or extension, of the current CBA, changes to the existing CBA are limited to the following:

a) Changes to effective dates.
b) Changes that incorporate previously agreed to classification accretions.
c) Changes that incorporate previously agreed to language (including but not limited to updates relating to payroll practices and systems, recognition language, addendums and names of parties).
d) Changes that reflect the terms of the "Total Compensation" Coalition MOA, ratified by King County Council on November 10, 2014, by Ordinance 17916.

This ordinance results in significant improvements in efficiency, accountability and productivity for the County by advancing the following objectives:

1. Providing sustainability and predictability in administering this labor agreement through 2016.
2. Creating efficiencies in the collective bargaining process by extending the term of non-economic provisions to coincide with the term of economic provisions as agreed to in the "Total Compensation" coalition MOA.
3. Allowing opportunity, through aligned expiration dates, for coalition bargaining relating to King County initiatives that include but are not limited to "Employer of the Future" and "Standards."

The "Total Compensation" wage settlement for 2015 and 2016 was ratified by King County Council on November 10, 2014, by Ordinance 17916 and is not part of this ordinance.

The settlement reached is a product of good faith collective bargaining between King County and the Union. The agreement compares favorably with other settlements and is within our capacity to finance. This agreement has been reviewed by the Office of the Prosecuting Attorney, Civil Division.

Thank you for your consideration of this ordinance. This important legislation will help King County residents by furthering the objectives of the County's Strategic Plan through increased efficiencies to process and administration, and supporting the high quality services provided by the Departments of Natural Resources and Park, Permitting and Environmental Review, and Transportation.

If you have questions, please contact Gerry Topping, Interim Director, Office of Labor Relations, at 206-263-8653.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Gerry Topping, Interim Director, Office of Labor Relations

FISCAL NOTE

Ordinance/Motion No.	Collective Bargaining Agreement	
Title:	Professional and Technical Employees, Local 17 (Section Managers - Departments: Natural Resources and Parks, Permitting and Environmental Review, Transportation)	
Effective Date:	1/1/2014	
Affected Agency and/or Agencies:	DNRP, DPER, DOT	
Note Prepared by:	Jim Swails, Labor Analyst, Office of Labor Relations	**Phone:** 263-1969
Department Sign Off:	Eben Sutton, Administrative Services Manager, DNRP/SWD	**Phone:** 477-4540
Note Reviewed by: Supplemental Required? **NO** [X] **YES** [ ]	John Walsh, Budget Analyst, PSB	**Phone:** 263-9695

AGREEMENT SUMMARY

Contract Duration: 1/1/2014 to 12/31/2016

Contract Covered by COLA Coalition MOA?	**Contract Changes?**
[X] **Yes**	[ ] **Rollover w/Non-Economic Changes**
[ ] **No**	[X] **Rollover w/Add'l Economic Changes**

ADDITIONAL EXPENDITURES FROM:

Fund Code	Fund Title	Department	2015 (Costs, if any, above Coalition COLA)	2016 (Costs, if any, above Coalition COLA)
4040	Solid Waste Operating	DNRP/SWD	$ 10,238	$ 230
TOTAL: Increase FM previous year			***$ 10,238***	***$ 230***
TOTAL: Cumulative				***$ 10,468***

ADDITIONAL EXPENDITURES BY CATEGORY:

Expense Type	Department	2015 (Costs, if any, above Coalition COLA)	2016 (Costs, if any, above Coalition COLA)
Salaries	DNRP/SWD	$ 8,761	$ 197
OT			
PERS & FICA		$ 1,477	$ 33
TOTAL: Increase FM previous year		***$ 10,238***	***$ 230***
TOTAL: Cumulative			***$ 10,468***

AGREEMENT COSTS PREVIOUSLY INCLUDED IN TOTAL COMPENSATION ORDINANCE #17916				
EXPENDITURES FROM:				
Fund Code	**Fund Title**	**Department**	**2015**	**2016**
1030	County Road Fund	DOT/RSD	$ 29,153	$ 33,453
1210	Shared Services	DNRP/WLRD	$ 2,972	$ 3,411
1211	Surface Water Management	DNRP/WLRD	$ 6,162	$ 7,071
1340	DPER	DPER/Permitting	$ 9,233	$ 10,595
1346	DPER General Public Services	DPER/Permitting	$ 1,569	$ 1,800
1561	KC Fld Ctrl Operating Contract	DNRP/WLRD	$ 2,673	$ 3,068
4040	Solid Waste Operating	DNRP/SWD	$ 18,339	$ 21,044
5570	Public Works Equipment Rental	DNRP/Fleet	$ 102	$ 117
TOTAL: Increase FM previous year			***$ 70,203***	***$ 80,559***
TOTAL: Cumulative				***$ 150,762***

EXPENDITURES BY CATEGORY:				
Expense Type	**2014 Annualized Base**	**2014 Lump Sum**	**2015**	**2016**
Salaries	$ 3,003,732	$ 12,500	$ 60,074	$ 68,936
OT				
PERS & FICA	$ 506,429	$ 2,108	$ 10,129	$ 11,623
Total	***$ 3,510,161***	***$ 14,608***		
TOTAL: Increase FM previous year			***$ 70,203***	***$ 80,559***
TOTAL: Cumulative				***$ 150,762***

ASSUMPTIONS:

Assumptions used in estimating expenditures include:

1. Wage Adjustments:

COLA:	2015: +2.00% Flat; 2016: +2.25% Flat
	Bargaining unit received 2014 COLA under 2011 Zero COLA MOA and ordinance.
	2015 & 2016 COLA passed by Council under Total Comp MOA Ordinance 17916
Lump Sum Payment:	$500/employee paid in 2014 under Ordinance 17916.

3. Other Wage-Related Factors:

Step Increase Movement:	No change.
PERS/FICA:	@16.86%
Overtime:	All employees in bargaining unit are FLSA exempt.

4. Add'l Expenditures Cost Factors:

Job reclassifications associated with Appendix 2 - Accretion Agreement, and Solid Waste Division (SWD) reorganization of certain administrative functions.

Forecast annualizes costs for 2015, and affects only SWD.

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	11	**Name:**	Erin Auzins
Proposed No.:	2015-0505	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0505 would revise the procedures relating to the King County Hearing Examiner.

SUMMARY

The Hearing Examiner has been working on a rewrite of K.C.C. chapter 20.24, the section of code that relates to the procedures and criteria for the Hearing Examiner to review a variety of application and appeals. The Hearing Examiner rewrite has been completed in conjunction with Council staff, the Clerk of the Council, and the Prosecuting Attorney's Office.

Major policy changes included in Proposed Ordinance 2015-0505 include a standardized appeal process, with a standard 24-day appeal deadline and appeal filing requirements, and a change for appeals of business licenses and animal control cases. These appeals are currently heard by the Board of Appeals; with this ordinance, they would be heard by the Hearing Examiner.

BACKGROUND

The office of the Hearing Examiner was created in 1969[1]. The provisions relating to the Hearing Examiner were codified in K.C.C. chapter 20.24. Since the office was first created, some of the provisions have been updated, most notably in 1994 and 1996, as a result of HB 1724, also known as Regulatory Reform, to create a more standard permit review process across Washington State.

Many provisions in K.C.C. chapter 20.24 have not been updated since the late 1990's. When David Spohr was appointed to be the Hearing Examiner in 2012, he started an update to a separate document, the Examiner's rules of procedure, which contain more detailed procedures and rules relating to the conduct of hearings, which have not been updated since 1995. As Mr. Spohr reviewed the rules of procedure, he found that the

[1] Ordinance 263.

code provisions were also out of date and needed to be updated. That started what has been over two years of updating the code provisions.

Around the same time as this update process started, the Council received a few appeals of Hearing Examiner determinations, and the Clerk of the Council found that the code provisions relating to the Council's review of these determinations, and the process to follow during this review, was unclear. Changes to clarify the Council's role are also included.

ANALYSIS

The rewrite of K.C.C. 20.24 includes generally three kinds of updates:

Rewrite of K.C.C. 20.24
Sections 2 through 68 of the Proposed Ordinance revise the existing K.C.C. 20.24, by reorganizing, streamlining and updating language to reflect current practices. Section 77 establishes the fees for appeals to the Hearing Examiner, at $250. This section also states that there is not an appeal fee for appeals under Title 6 (business licenses), Title 11 (animal control), or Title 23 (code enforcement).

The changes made in these sections include:

1. Adding new definitions to the chapter to clarify the terms used in K.C.C. 20.24. Throughout the following sections, these new definitions are used in place of older terms.
2. Codifying existing practices of having the Council appointing the Hearing Examiner and pro tempore examiners, approving the examiner's rules of procedures, and updating how an examiner may be removed from office.
3. Defining the three types of determinations that the Hearing Examiner makes: final decisions that are appealable to a court of jurisdictions, decisions that are appealable to Council and recommendations to Council. These sections also attempt to list all known codes that include a Hearing Examiner determination.
4. Establishing a standard appeal process for appeals from a department to the Hearing Examiner. This process includes standardized appeal filing requirements, and a standard deadline for appeals (24 days from the issuance date of the department's decision). There are some types of appeals that maintain their individual appeal process (Section 16 of the Ordinance), due to the unique circumstances for those types of applications, or because state or federal law requires a specific process.
5. Establishing a standard, 90 day timeline for the examiner to hear and decide on all applications or appeals.
6. Clarifying that the examiner has the authority, and discretion, to set a prehearing conference.
7. Stating that the examiner's determination is based on "applicable laws, regulations and adopted policies", rather than listing out the applicable laws, regulations and adopted policies for each type of appeal or application the examiner reviews.

8. Clarifying the criteria for a rezone (Section 33). The proposal would require that the examiner find that a rezone is consistent with the Comprehensive Plan, and that one of three situations exist: the property has potential zoning for the rezone being requested, that an adopted subarea plan or area zoning specifies the rezone, or there is changed conditions.
9. Separating out the provisions for a rezone and a shoreline map redesignation.
10. Adding specific requirements for the new types of appeals proposed to be heard by the examiner (discussed under Policy Changes below).
11. Establishing appeal filing requirements for an appeal to Council, including filing requirements, a 24-day appeal deadline, and timelines for processing the appeal.
12. Updating mediation language to reflect current state law.

Policy Changes

1. The standard appeal process, with a 24-day appeal period, would apply to the following types of appeals. Currently, for land use determinations, a notice of appeal is typically due 17 days after a decision (14 days + three-day "mail rule"), with a follow-up statement of appeal due 7 days later (i.e., 24 total days). The proposal scraps the multiple filings and the mail rule; a single filing (appeal statement) would be due 24 days after a decision.
2. As part of this standardized appeal process, changes to when the appeal timeline starts are also proposed for some types of appeals, so that all appeal timelines start on the day of issuance of the department's decision (and not three days later).
3. The Board of Appeals has proposed to have the Hearing Examiner take over some types of appeals that the Board currently hears. This would include business licenses and fireworks under K.C.C. Title 6, animal control under K.C.C. chapter 11.04 and lake management district assessments.

Updating of Language

1. Many sections of the ordinance only update the citations, as K.C.C. 20.24 will be recodified into a new chapter. Other sections have modifications to the citation, and an updating to the language to reflect current drafting standards.

<u>Outreach Conducted</u>

During the development of this ordinance, comments and revisions were incorporated from other County agencies, including the Departments of Permitting and Environmental Review, Natural Resources and Parks, and Executive Services. The draft ordinance was sent to the Master Builders Association and the Associated General Contractors of Washington, and no comments were received from these organizations. Finally, the ordinance was sent out to unincorporated area councils. While these groups did not have the capacity to review the code in its entirety, the Hearing Examiner spoke with some residents, who expressed general support for streamlining appeal processes.

ATTACHMENTS

1. Proposed Ordinance 2015-0505

INVITED

- David Spohr, Hearing Examiner

KING COUNTY

Signature Report

King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Ordinance

Proposed No. 2015-0505.1 **Sponsors** Dembowski

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

4461, Section 12, as amended, and K.C.C. 20.24.220, Ordinance 263, Art. 5, Section 18, as amended, and K.C.C. 20.24.230, Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235, Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240, Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250, Ordinance 11502, Section 17, and K.C.C. 20.24.300, Ordinance 11502, Section 18, and K.C.C. 20.24.310, Ordinance 11502, Section 19, and K.C.C. 20.24.320, Ordinance 11502, Section 20, and K.C.C. 20.24.330, Ordinance 263, Art. 5, Section 13, as amended, and K.C.C. 20.24.170, Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130, Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150, Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205, Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030, Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110, Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050, Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700, Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130, Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150, Ordinance 13548, Section 20, and K.C.C. 6.09.190, Ordinance 6836, Section 4, and K.C.C. 6.26.040,

Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080, Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060, Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140, Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240, Ordinance 16553, Section 4, and K.C.C. 7.09.030, Ordinance 16553, Section 5, and K.C.C. 7.09.040, Ordinance 16553, Section 6, and K.C.C. 7.09.050, Ordinance 16553, Section 13, and K.C.C. 7.09.120, Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080, Ordinance 1396, Article II, Section 12, as amended, and K.C.C. 11.04.140, Ordinance 1396, Article III, Section 9, as amended, and K.C.C. 11.04.260, Ordinance 1396, Article III, Section 10, as amended, and K.C.C. 11.04.270, Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Ordinance 10095, Section 8, as amended, and K.C.C. 13.24.090, Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015, Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020, Ordinance 10733, Section

8, as amended, and K.C.C. 14.60.080, Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030, Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150, Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170, Ordinance 13694, Section 41, as amended, and K.C.C. 19A.08.060, Ordinance 13694, Section 67, and K.C.C. 19A.16.070, Ordinance 13694, Section 69, and K.C.C. 19A.16.090, Ordinance 263, Art. 1, Section 11, as amended, and K.C.C. 20.08.120, Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057, Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058, Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020, Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120, Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090, Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100, Ordinance 3064, Section 11, and K.C.C. 20.54.110, Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110, Ordinance 10870, Section 5, as

amended, and K.C.C. 21A.01.070, Ordinance 10870, Section 19, as amended, and K.C.C. 21A.02.090, Ordinance 10870, Section 38, and K.C.C. 21A.04.170, Ordinance 10870, Section 25, and K.C.C. 21A.06.425, Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081, Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030, Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040, Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050, Ordinance 10870, Section 523, and K.C.C. 21A.28.130, Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 10870, Section 618, as amended, and K.C.C. 21A.42.100, Ordinance 10870, Section 627, and K.C.C. 21A.44.060, Ordinance 17287, Section 3, and K.C.C. 21A.55.105, Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010, Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070, Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080, Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090, Ordinance

13263, Section 11, as amended, and K.C.C. 23.02.100, Ordinance 12024, Section 7, and K.C.C. 23.10.070, Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020, Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030, Ordinance 16278, Section 16, and K.C.C. 23.20.060, Ordinance 16278, Section 18, and K.C.C. 23.20.080, Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020, Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030, Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100, Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050, Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100, Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110, Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120, Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010, Ordinance 13263, Section 44, and K.C.C. 23.36.020, Ordinance 16026, Section 11, and K.C.C. 27.50.020, Ordinance 16026, Section 15, and K.C.C. 27.50.060 and Ordinance 11034, Section 9, and K.C.C. 28.84.100, adding +a new section to K.C.C. chapter 20.08, adding a new chapter to K.C.C. Title 20, adding a new chapter to K.C.C. Title 4A, recodifying K.C.C. 20.24.020, K.C.C. 20.24.080, K.C.C. 20.24.072,

K.C.C. 20.24.070, K.C.C. 20.24.090, K.C.C. 20.24.095, K.C.C. 20.24.140, K.C.C. 20.24.145, K.C.C. 20.24.150, K.C.C. 20.24.180, K.C.C. 20.24.190, K.C.C. 20.24.510, K.C.C. 20.24.400, K.C.C. 20.24.195, K.C.C. 20.24.520, K.C.C. 20.24.197, K.C.C. 20.24.210, K.C.C. 20.24.220, K.C.C. 20.24.230, K.C.C. 20.24.235, K.C.C. 20.24.240, K.C.C. 20.24.250, K.C.C. 20.24.300, K.C.C. 20.24.310, K.C.C. 20.24.320, K.C.C. 20.24.330 and K.C.C. 20.24.170, decodifying K.C.C. 14.40.017 and repealing Ordinance 263, Art. 5, Section 1, and K.C.C. 20.24.010, Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030, Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040, Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050, Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060, Ordinance 11502, Section 16, and K.C.C. 20.24.065, Ordinance 16026, Section 2, as amended, and K.C.C. 20.24.085, Ordinance 11502, Section 14, as amended, and K.C.C. 20.24.097, Ordinance 11502, Section 15, as amended, and K.C.C. 20.24.098, Ordinance 263, Art. 5, Section 7 (part), as amended, and K.C.C. 20.24.100, Ordinance 263, Art. 5, Section 8, and K.C.C. 20.24.110, Ordinance 263, Art. 5, Section 9, as amended, and K.C.C. 20.24.120, Ordinance 4461, Section 4, as

amended, and K.C.C. 20.24.130, Ordinance 263, Art. 5, 12, as amended, and K.C.C. 20.24.160, Ordinance 11502, Section 13, as amended, and K.C.C. 20.24.175, Ordinance 12196, Section 41, as amended, and K.C.C. 20.24.222 and Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

SECTION 2. There is hereby established a new chapter in K.C.C. Title 20. The new chapter shall contain section 4 of this ordinance, K.C.C. 20.24.020, as recodified by

this ordinance, section 8 of this ordinance, K.C.C. 20.24.080, as recodified by this ordinance, K.C.C. 20.24.072, as recodified by this ordinance, K.C.C. 20.24.070, as recodified by this ordinance, section 16 of this ordinance, K.C.C. 20.24.090, as recodified by this ordinance, K.C.C. 20.24.095, as recodified by this ordinance, section 21 of this ordinance, K.C.C. 20.24.140, as recodified by this ordinance, K.C.C. 20.24.145, as recodified by this ordinance, K.C.C. 20.24.150, as recodified by this ordinance, K.C.C. 20.24.180, as recodified by this ordinance, K.C.C. 20.24.190, as recodified by this ordinance, K.C.C. 20.24.510, as recodified by this ordinance, K.C.C. 20.24.400, as recodified by this ordinance, K.C.C. 20.24.195, as recodified by this ordinance, K.C.C. 20.24.520, as recodified by this ordinance, K.C.C. 20.24.197, as recodified by this ordinance, section 43 of this ordinance, K.C.C. 20.24.210, as recodified by this ordinance, section 46 of this ordinance, K.C.C. 20.24.220, as recodified by this ordinance, K.C.C. 20.24.230, as recodified by this ordinance, K.C.C. 20.24.235, as recodified by this ordinance, K.C.C. 20.24.240, as recodified by this ordinance, K.C.C. 20.24.250, as recodified by this ordinance, K.C.C. 20.24.300, as recodified by this ordinance, K.C.C. 20.24.310, as recodified by this ordinance, K.C.C. 20.24.320, as recodified by this ordinance, K.C.C. 20.24.330, as recodified by this ordinance, and K.C.C. 20.24.170, as recodified by this ordinance.

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

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

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

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

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

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

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

E. "Filing" means submitting documents to the examiner or to the appropriate reviewing body by physical delivery, including first class, registered or certified mail, hand-delivery or courier, or electronic means if allowed by rule.

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

G. "Interested person" means a person who has requested in writing, including by email, from the department, division or examiner, notice of a determination, who submitted comments as referred to in K.C.C. 20.20.090.A. or the rules of the office of the hearing examiner or who participates in a hearing by providing evidence, comment or argument. "Interested person" would not include:

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

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

H. "Party" means:

1. An applicant, proponent, petitioner or appellant;

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

3. The responsible county department;

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

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

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

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

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

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

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

A. The office of hearing examiner is created((~~,~~)) and shall act on behalf of the council in considering and applying adopted county policies and regulations as provided ((~~herein~~)) in this chapter, to provide for consistent application of the county's adopted policies and regulations. The hearing examiner shall separate the application of regulatory controls from the legislative planning process, protect and promote the public

and private interests of the community and expand the principles of fairness and due process in public hearings.

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

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

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

C. Examiners shall be appointed solely based on their qualifications for the duties of their offices and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. They shall not hold another appointive or elective public office or position in county government except as authorized by the council by motion.

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

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

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

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

SECTION 7. The following are each hereby repealed:

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

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

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

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

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

NEW SECTION. SECTION 8. There is hereby added to the new chapter established under section 2 of this ordinance a new section to read as follows:

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

1. Issue final decisions, as set forth in K.C.C. 20.24.080, as recodified by this ordinance;

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

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

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

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

B. The examiner's determination may be to grant or deny the application or appeal, and may include any conditions, modifications and restrictions as the examiner finds necessary to carry out applicable laws, regulations and adopted policies.

C. For the purposes of proceedings identified in K.C.C. 20.24.072, as recodified by this ordinance, and 20.24.070, as recodified by this ordinance, the public hearing by the examiner shall constitute the hearing required by the King County Charter by the council.

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

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

F. Any written submittals shall be admitted only when authorized by the examiner.

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

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

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

3. Stipulated testimony or facts;

4. Prehearing dispositive motions, if applicable;

5. Prehearing conferences;

6. Voluntary mediation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the King County Comprehensive Plan shall govern.~~)) A. Appeals of orders of the ombudsman under the lobbyist disclosure code, K.C.C. chapter 1.07;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Appeals of decisions to designate or reject a nomination for designation for a landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter 20.62; ((~~and~~))

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

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

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

~~King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern.~~))

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

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

A. K.C.C. 20.24.090, as recodified by this ordinance, applies to all appeals to the office of the hearing examiner. If there is a direct conflict between the appeal provisions in K.C.C. 20.24.090, as recodified by this ordinance, and the appeal provisions found in subsection B. of this section, the appeal provisions found in subsection B. of this section shall control.

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

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

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

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

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

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

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

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

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

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

10. Other appeals that are prescribed by ordinance.

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

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

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

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

~~C. Except in the case of an appeal of citation under K.C.C. chapter 23.20, [and e]xcept as otherwise provided in K.C.C. chapter 27.50, if a notice of appeal has been filed~~

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

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

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

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

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

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

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

~~4. Identify the relief sought.~~

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

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

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

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

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

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

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

3. Identify the legal interest of the appellant;

4. Identify the alleged errors in the decision;

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

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

7. Identify the relief sought.

D. The appellant shall pay a fee as provided in section 77.A. of this ordinance. The fee shall be paid at the time the appeal statement is delivered and is not refundable.

E. In order that a person contemplating an appeal has the necessary information on which to base the appeal, during the time between the issuance of the decision and the deadline for delivering an appeal, the department or division shall:

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

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

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

G. The scope of an appeal shall be limited to matters or issues raised in the appeal statement and any amendments to the appeal statement the examiner may authorize.

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

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

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

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

B. The examiner may dismiss an appeal that is not sufficiently specific to apprise the parties of the factual basis upon which relief is sought or if the grounds stated do not

constitute a legally adequate basis for the appeal. Alternatively, the examiner may clarify the issues on appeal or may require any party with the burden of proof to clarify the issues on appeal.

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

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

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

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

C. For applications for which the responsible department or division issues a recommendation and an examiner holds a public hearing and issues a decision or recommendation, the examiner shall complete the application review, including holding a

public hearing and transmitting the report required by K.C.C. 20.24.210, as recodified by this ordinance, within ninety days from the date the council refers the application to the office of the hearing examiner. Any time required by the applicant or the responsible department or division to obtain and provide additional information requested by the examiner and necessary for the determination on the application and consistent with applicable laws, regulations and adopted policies is excluded from the ninety-day calculation.

D. At least fourteen days before a scheduled hearing, the examiner shall transmit notice of the time and place of the hearing.

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

F. The examiner may extend the deadlines in this section for up to thirty days. Extensions of over thirty days are permissible with the consent of all parties. When an extension is made, the examiner shall state in writing the reason for the extension.

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

SECTION 22. The following are each hereby repealed:

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

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

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

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

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

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

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

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

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

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

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

((~~A pre-hearing conference may be called by the examiner pursuant to this chapter upon the request of a party, or on the examiner's own motion. A pre-hearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party. The pre-hearing conference shall be held at such time as ordered by the examiner, but not less than fourteen days prior to the scheduled hearing on not less than seven days notice to those who are then parties of record to the proceeding. The purpose of a pre-hearing conference shall be to identify to the extent possible, the facts in dispute, issues,~~

~~laws, parties and witnesses in the case. In addition the pre-hearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of pre-hearing conferences.~~

~~Any party who does not attend the pre-hearing conference, or anyone who becomes a party of record after notice of the pre-hearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing.~~)) A. On the examiner's own initiative, or at the request of a party, the examiner may set a prehearing conference.

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

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

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

When an application or appeal has been set for ((~~public~~)) hearing, the responsible ((~~county~~)) department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application or appeal and shall prepare a report summarizing the ((~~factors involved and the~~)) departments' findings and recommendation or decision. At least fourteen ((~~calendar~~)) days ((~~prior to~~)) before the scheduled hearing, the responsible department shall file the report((~~, and in the case of appeals any written appeal arguments submitted to the county, shall be filed~~)) with the

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

SECTION 29. The following are each hereby repealed:

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

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

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

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

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

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

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

When the examiner issues a recommendation regarding an application for a zone reclassification of property ((~~or for a shoreline environment redesignation~~)), the recommendation shall include ((~~additional~~)) findings ((~~that support the conclusion that at least one of the following circumstances applies~~)) on whether the application meets both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. The impacts of development allowed by the proposed change ((~~shall be~~)) are adequately addressed in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts

may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

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

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

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

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

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

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

B. The office of the hearing examiner shall compile the written recommendations on all site-specific land use map amendments made in a year into a single report. The report shall be filed by January 15 in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation, economy and environment committee or its successor.

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

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

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety((~~,~~)) and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,

playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by ((~~the~~)) platting ((~~of such~~)) the subdivision and dedication.

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

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

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

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

~~recommend a payment schedule for the fee to coordinate the payment with phasing of an impact mitigation fee if the provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.~~)) If the examiner determines that the public schools in the district where the development is proposed would not meet the standards in K.C.C. 21A.28.160 if the development were approved, the examiner either shall remand the matter to the department of permitting and environmental review or shall require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency or shall deny the proposal. The examiner shall prepare findings to document the facts that support the action taken. Payment of a school impact fee as required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall recommend a fee payment schedule to coordinate that payment with any phasing, if the provision or payment satisfies the district and any deferral requirements. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools.

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

A. Enforcement of any notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11 shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except impoundment of an animal that is vicious or cruelly treated.

B. In proceedings before the examiner for an appeal from a notice and order under K.C.C. chapter 6.64 or K.C.C. Title 11, the records and licensing services division

shall bear the burden of proving by a preponderance of the evidence both violation and the appropriateness of the remedy it has imposed.

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

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

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

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

B.1. Examiner ((~~R~~))recommendations ((~~of the examiner~~)) in cases identified in K.C.C. 20.24.070, as recodified by this ordinance, may be appealed to the council by a((~~n~~

~~aggrieved~~)) party by filing ((~~a notice of~~)) an appeal ((~~with the clerk of the council within fourteen calendar days of the date the examiner's written recommendation is mailed~~)) statement in accordance with section 46 of this ordinance.

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

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

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

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

((~~E.~~)) D. Final ((~~D~~))decisions of the examiner in cases identified in K.C.C. 20.24.080, as recodified by this ordinance, shall be final and reviewable ((~~pursuant to~~)) under K.C.C. 20.24.240.B, as recodified by this ordinance.

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

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

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

C. The appeal statement shall:

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

D. The person filing an appeal shall pay a fee as prescribed in section 77 of this ordinance. The fee shall be paid at the time the appeal is filed and is not refundable.

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

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

G. Within three days of receiving the appeal statement, the examiner shall notify all interested persons and parties of the appeal filing and of the opportunity to respond and shall post a copy of the examiner recommendation or decision and of the appeal statement on the internet.

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

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

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

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

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

A. ((~~If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written recommendation a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no~~

~~written appeal statement or arguments are filed within the twenty-one calendar days, the clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response to the notice of appeal and appeal statement may be submitted to the clerk within fourteen calendar days of the date of such a notification by the clerk~~)) The council shall process appeals as expeditiously as possible, giving consideration to the procedural due process rights of the parties. The council should schedule consideration of the appeal within sixty days of the filing of the response to the appeal statement. Failure of the council to consider the appeal within the time limit does not terminate the council's jurisdiction.

B. The council's ((~~C~~))consideration ((~~by the council of the appeal, except for appeals of examiner recommendations on petitions for road vacations,~~)) of an appeal from either a decision or recommendation of the examiner shall be based upon the record as presented to the examiner at the public hearing and upon written appeal statements, responses and replies based upon the record. ((~~, but t~~))The council also may allow parties a period ((~~of time~~)) for oral argument based on the record. Consistent with RCW 36.70B.020(1)((~~, before or at the appeal hearing~~)) and upon the request of ((~~the council~~)) a councilmember, the ((~~hearing~~)) examiner ((~~or other county staff~~)) may provide a written or oral summary, or both, of the ((~~appeal~~)) record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in ((~~an~~)) the appeal ((~~asked by councilmembers at the appeal hearing~~)). Nothing in

this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

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

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

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

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

((~~E. Subsections B, C and D of this section do not apply to an appeal of an examiner's recommendation on a petition for a road vacation. In such an appeal, the council is not bound by the record presented to the hearing examiner. Before acting on a proposed road vacation for which an appeal of the hearing examiner's recommendation~~

~~has been filed, the council shall hold a legislative public hearing to receive further information and testimony.~~))

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

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

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

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

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

~~serve the subdivision, and/~~)) or requiring impact fees authorized by chapter 82.02 RCW, or any combination thereof.

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

requested time extension. The examiner's recommendation may be appealed using the procedures in K.C.C. 20.24.210.B., as recodified by this ordinance.

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

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

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

~~1. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and~~

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

B. ((~~If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the council shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may~~

~~be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.~~)) The council may adopt as its own all or portions of the examiner's findings and conclusions.

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

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

A. ((~~Decisions of the c~~))Council action on examiner recommendations in cases identified in K.C.C. 20.24.070, as recodified by this ordinance, or ((~~in cases~~)) on examiner decisions appealed to the council as provided in K.C.C. 20.24.210((~~D~~)).C., as recodified by this ordinance, shall be final and conclusive action unless ((~~within twenty-one calendar days from the date of the council's adoption of an ordinance~~)) an appeal is timely filed ((~~in ((superior court, state of Washington, for the purpose of review of the action taken; provided, no~~)) with the appropriate court or tribunal. However, development or related action may not occur ((~~during~~)) until the ((~~twenty-one day~~)) applicable appeal period has run.

B. Final ((~~D~~))decisions of the examiner in cases identified in K.C.C. 20.24.080, as recodified by this ordinance, shall be ((~~a~~)) final and conclusive action unless ((~~within twenty-one calendar days from the date of issuance of the examiner's decision an aggrieved person files~~)) an appeal is timely filed ((~~in superior court, state of Washington, for the purpose of review of the action taken; provided, no~~)) with the appropriate court or tribunal. However, development or related action may not occur ((~~during~~)) until the

((~~twenty-one day~~)) applicable appeal period((~~; provided further, that~~)) has run, and the ((~~twenty-one day~~)) appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final ((~~EIS~~)) environmental impact statement shall not commence until final action on the underlying proposal.

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

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

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

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

B.1. A((~~ny~~)) final action by the ((~~county~~)) council ((~~or hearing examiner~~)) may be reconsidered by the council ((~~or examiner, respectively~~)) if:

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

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

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

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

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

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

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

D. The ((~~A~~))authority of the council ((~~and examiner~~)) to reconsider does not affect the finality of a decision when made.

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

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

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

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

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

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

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

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

The ((~~chief~~)) office of the hearing examiner shall prepare a ((~~semi-annual~~)) semiannual report to the ((~~King County~~)) council detailing the length of time required for hearings in the previous six months, categorized both on average and by type of proceeding. The report shall provide commentary on ((~~examiner~~)) office operations and identify any need for clarification of county policy or development regulations. The ((~~semi-annual~~)) office shall file the report ((~~shall be presented to the council~~)) by March 1((~~st~~)) and September 1((~~st~~)) of each year, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.

SECTION 64. K.C.C. 20.24.330, as amended by this ordinance, is hereby recodified as a new section in the new chapter established under section 2 of this ordinance.

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

As to any application or appeal ((~~pursuant to~~)) under K.C.C. ((~~20.24 which~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance) that is or could become the subject of a public hearing, the responsible county department, the council or the ((~~hearing~~)) examiner((~~,~~)) may at ((~~their~~)) his or her own discretion or at the request of the applicant or any person with standing to the application or appeal((~~,~~)) initiate a mediation process to resolve disputes as to the application or appeal at any stage of the proceedings on the application or appeal((~~, initiate a mediation process to resolve disputes as to such application or appeal~~)). The mediation process ((~~shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent~~

~~impartial mediator who shall not be a county employee or any person who will have any role in making any recommendation or decision on the application or appeal. The mediation~~)) shall be conducted in accordance with rules ((~~of mediation~~)) prepared by the hearing examiner.

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

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

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

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

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

rules and shall post a copy ((~~of the proposed rules or amendments~~)) on the Internet. Comments ((~~to the proposed rules or amendments~~)) may be filed with the clerk of the council, for distribution to all councilmembers, for sixty days after the proposed rules or amendments are distributed for comment. The rules or amendments shall take effect when they have been approved by the council by motion.

3. The office of the hearing examiner shall publish the rules and any amendments to the rules and make them available to the public in printed and electronic forms and shall post the rules and any amendments to the Internet.

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

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

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

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

A. Prepare, publish and update, as appropriate, documents written in plain language explaining the provisions of this chapter and, further, develop and implement

other methods to educate the public, including, but not limited to, grassroots campaign lobbying groups, employers and lobbyists concerning the requirements of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

A. Any respondent aggrieved by an order of the ombudsman may ((~~request in writing within twenty days of the service of the order upon the respondent an appeal~~

~~hearing before the hearing examiner. The request shall cite the order appealed from and specify with particularity the findings being contested. The request shall be filed with the hearing examiner with a copy to the ombudsman and the complainant~~)) appeal that order by complying with K.C.C. 20.24.090, as recodified by this ordinance, and by providing a copy of the appeal to the complainant.

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

~~C.~~)) If an order of the ombudsman has been timely appealed, ((~~a hearing~~)) an examiner shall ((~~be conducted by the~~)) conduct a hearing ((~~examiner for the purpose of affirming, denying or modifying~~)) and shall affirm, deny or modify the order. The parties to the hearing shall be the respondent and the ombudsman. There shall be a verbatim record kept of the hearing and the hearing examiner shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other documents relevant or material to the hearing, except information which is covered by the attorney-client privilege. The burden of proving that a violation occurred shall at all times be upon the ombudsman. The decision of the hearing examiner shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties and the complainant at least ten days ((~~prior to~~)) before the date of the hearing.

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

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

2. To introduce documentary and physical evidence;

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

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

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

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

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

((~~F.~~)) E. A decision of the hearing examiner shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the hearing examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken.

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

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

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

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

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

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

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

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

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

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

B. In conformity with RCW 84.48.010 through 84.48.046 relating to the equalization of assessments((~~,~~)) and in addition to those powers relating to valuation provided for in Section 720 of the King County Charter, the board shall hear and decide all appeals as are provided by statute, including the following appeals:

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

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

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

4. Any ((~~F~~))forest land determination under chapter 84.33 RCW ((~~84.33.116, 84.33.118, 84.33.120, 84.33.130 and 84.33.140, including an appeal of an assessor's refusal to classify land as forest land under RCW 84.33.120~~));

5. Current use determinations under chapter 84.34 RCW ((~~84.34.035 and 84.34.108~~));

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

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

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

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

10. Valuation appeals of taxpayers under RCW 84.48.010;

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

12. Destroyed property appeals under RCW 84.70.010.

((~~C. The board shall hear and decide all appeals resulting from:~~

~~1. The granting, denial, suspension or revocation of business licenses under K.C.C. 6.01.150;~~

~~2. Grievances related to actions of the director of the animal control authority under K.C.C. chapter 11.04;~~

~~3. The fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;~~

~~4. Assessments by lake management districts, with the final decision made by the council under Ordinance 11956; and~~

~~5. Other orders or regulations as required by ordinance~~.))

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

A person against whom the manager under this chapter imposes sanctions may appeal ((~~within fifteen days from the date the manager's decision is mailed to the person~~

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

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

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

B. If the director determines that a code interpretation is necessary for review of a specific development proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement

action. If the King County hearing examiner makes the county's final decision with regard to the underlying permit, other approval type or code enforcement action regarding which the interpretation was requested, the hearing examiner's decision constitutes the county's final decision on the code interpretation request. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the King County council's decision constitutes the county's final decision on the code interpretation request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. statements advising that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. If the penalties assessed by the department are not paid to King County within thirty days from the service of the notice, the mailing of the director's decision, or the mailing of the hearing examiner's decision, whichever occurs last, then the

department may send a final warning letter to the registered owner of the vehicle to the address on file with the state Department of Licensing. If the civil penalties are not paid within ten days after the final warning letter is sent, then the department may pursue other applicable legal remedies. In pursuing payment of civil penalties that remain delinquent after the final warning letter is sent, and to cover administrative expenses associated with the pursuit of the penalties, the department may charge the registered owner of the vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

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

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

NEW SECTION. SECTION 77. A. Except as otherwise provided in subsection B. of this section, the fee for filing an appeal to the office of the hearing examiner under K.C.C. 20.24.090, as recodified by this ordinance, is two hundred fifty dollars.

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

2. There is no fee for filing an appeal to the office of the hearing examiner of an enforcement or penalty action under K.C.C. Title 6, K.C.C. Title 11 or K.C.C. Title 23.

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

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

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

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

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

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

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

5. Statements advising that:

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

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

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

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

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

A. The ((~~King County board of appeals as established by Article 7 of the King County Charter~~)) office of the hearing examiner is designated to hear appeals by parties aggrieved by actions of the director pursuant to any business license ordinance. The ((~~board~~)) examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the ((~~board~~)) examiner shall be delivered to

the director, who shall make them freely accessible to the public. All decisions and findings of the ((~~board~~)) examiner shall be rendered to the appellant in writing, with a copy to the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. A person whose application for a license has been denied by the director may appeal the denial to the ((~~board of appeals~~)) office of the hearing examiner in accordance with K.C.C. 6.01.150 as modified by the following, which shall apply to ((~~such~~)) the appeals:

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

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

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

4. A person need not appeal the director's denial of a license to the ((~~board of appeals~~)) examiner before seeking court review. In the event a person files an action

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

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

1. If the director determines that a condition exists on the premises of an adult entertainment business which condition constitutes a threat of immediate serious injury or damage to a person or property, a business license may be immediately suspended. The director shall issue a notice setting forth the basis for the action and the facts that

constitute a threat of serious injury or damage to a person or property and informing the license holder of the right to appeal the suspension. A suspension based on threat of immediate serious injury or damage may not be stayed during the pendency of an appeal;

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

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

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

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

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

((~~King County~~)) fire marshal, or ((~~his duly~~)) the fire marshal's authorized representative, concerning the manufacture, storage, use, sale or display of fireworks, is a violation of this chapter and is grounds for the revocation of the fireworks permit.

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

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

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

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

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

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

3. The exact location planned for the display;

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

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

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

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

C. ((~~Investigation of site; certificate of compliance by the fire marshal - Notice of approval by the King County department of public safety.~~)) Upon receipt of ((~~such~~)) the application, at least twenty days in advance of the date set for the display, the fire marshal shall make an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. If the fire marshal is satisfied that the display is lawful and there has or will be full compliance with the law, then the fire marshal shall issue a written recommendation for or against the permit, which shall be kept on file in the fire marshal's office and available for review by the ((~~King County board of appeals~~)) office of the hearing examiner. If the fire marshal finds that the permit applicant has complied with the law, the fire marshal may issue a certificate of compliance stating the display is in conformance with all parts of the law and with these regulations. For any scheduled public display, applicants must submit((~~,~~)) such information as deemed appropriate by the ((~~King County department of public safety~~)) sheriff's office to ((~~insure~~)) ensure that adequate traffic control and crowd protection policing has either been arranged through private security agencies or, has been contracted for with the ((~~King County department~~

~~of public safety~~)) sheriff's office. A written notice that the applicant has complied with the requirement shall be issued by the ((~~director of the King County department of public safety~~)) sheriff before a public display permit is issued((~~, provided, that~~)). ((~~i~~))If the applicant ((~~should~~)) contracts for traffic control and crowd protection policing with ((~~King~~)) the ((~~C~~))county, in no event should the sum agreed upon in payment for ((~~such~~)) the policing be less than the actual expense incurred by the county in providing that service. ((~~Such~~)) The consideration shall be calculated for personnel resources in the hourly rate for overtime under the current collective bargaining agreement((~~,~~)) plus that percentage then being paid for fringe benefits, and all sums paid under ((~~such~~)) the contract shall be paid in accordance with procedures specified by the ((~~King County office of~~)) finance and business operations division.

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

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

F. A bond or certificate of insurance must be furnished to the fire marshal before a permit is issued. The bond shall be in the amount of one million dollars (((~~$1,000,000~~))) and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by ((~~such~~)) that public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of

insurance shall evidence a comprehensive general liability insurance policy providing limits of one million dollars ((~~$1,000,000~~)) combined single limit, per occurrence and annual aggregate, and naming ((~~King~~)) the ((~~C~~))county as an additional insured. Any such a bond or insurance policy must be approved by the ((~~King County~~)) fire marshal.

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

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

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

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

J. ((~~Preparation of Site and Crowd Control.~~)) 1. The site preparation and crowd control for public displays shall be in conformance with the National Fire Protection

Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in this section.

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

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

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

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

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

2. Only permitted fireworks are authorized for use.

3. When the display is fired from a barge or vessel, a security area shall be established in conformance with National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 Edition, together with amendments ((~~contained~~)) in

this section. No boats shall be allowed within this security area. A boat shall be on standby to remove personnel from the barge or water in an emergency.

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

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

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

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

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

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

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

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

cable-related community needs and interests and to review the franchisee's performance under the franchise((~~.~~));

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The notice and order shall contain:

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

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

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

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

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

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

~~the appeal hearing~~)) appeal that order in accordance with K.C.C. 20.24.090 , as recodified by this ordinance.

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

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

b. to introduce documentary and physical evidence;

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

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

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

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

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

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

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

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

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

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

2. Date and time issued;

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

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

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

6. Statements advising:

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

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

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

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

e. a vehicle with three or more unpaid notice and orders may be immobilized in accordance with any applicable legal requirements and a vehicle with five or more unpaid notice and orders or a vehicle that has been immobilized for more than twenty-

four hours may be towed and impounded without prior notice and at the owner's expense, under this chapter and K.C.C. chapter 46.08; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

percent discount when runoff is controlled on fifty percent or more of the property's impervious surface by the single or multiple flow control facilities;

((~~(2)~~)) b. one or more flow control facilities that are required under K.C.C. chapter 9.04 and designed to the standards in the 1990 or later editions of the Surface Water Design Manual, or that is demonstrated by the property owner to provide flow control of surface and storm water to the standards in the 1990 or later editions of the Surface Water Design Manual, when any such a facility is maintained at the expense of the parcel owner to the standards required by the department. Parcels qualifying under this subsection B.5.((~~a.(2)~~))b. shall receive a twenty percent discount when runoff is controlled on fifty percent or more of the property's impervious surface by the qualifying single or multiple flow control facilities. This discount is available in addition to other qualifying discounts in this subsection B.5.((~~a.~~));

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

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

((~~(5)~~)) e. increased surface and storm water management activities conducted by the parcel owner as mandated by the state through a National Pollutant Discharge Elimination System permit for post construction stormwater discharges. The activities include, but are not limited to, frequent facility inspections, surface water monitoring, reporting of facility performance and prompt correction of identified surface water problems. Satisfactory compliance with the permit is required for this discount, as determined by the department. Parcels qualifying under this subsection B.5.((~~a.(5)~~))e. shall receive a ten percent discount in addition to other qualifying discounts in this subsection B.5.((~~a.~~)); and

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

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

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

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

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

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

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

7. The parcel contains at least sixty-five percent forest and no more than twenty percent impervious surface, the runoff from which is dispersed through the forested area

to the standards in the surface water management fee protocols, resulting in an effective impervious area of no more than ten percent for the entire parcel. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Nonresidential parcels qualifying under this subsection B.7. shall receive an eighty percent discount. Residential parcels qualifying under this subsection B.7. shall receive a fifty percent discount. The discounts in this subsection B.7. may be applied in lieu of but not in addition to other qualifying discounts in subsection B.5. and B.6.((÷));

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

district activity may be applied to any parcel in the service area that is owned or operated by the school district;

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

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

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

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

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

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

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

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

Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog purveyors, guard dog trainers and guard dog owners - additional conditions. The manager of the regional animal services section is authorized to promulgate rules and regulations not in conflict with this title as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners. The rules and regulations may be enacted only after a public hearing has been held regarding the rules and regulations. Enforcement of these

rules and regulations may be appealed to the ((~~county board of appeals~~)) office of the hearing examiner.

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

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

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

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

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

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

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

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

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

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

6. Statements advising:

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

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

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

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

1. Personally;

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

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

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

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

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

((~~B. Any person entitled to service under K.C.C. 11.04.260.B. may appeal from any notice and order or any action of the manager of the regional animal services section~~

~~under this chapter by filing at the office of the manager of the regional animal services section within fourteen days from the service of the order, a written appeal containing:~~

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

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

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

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

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

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

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

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

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

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

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

~~G. In proceedings before the board, the regional animal services section shall bear the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.~~))

SECTION 94. Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115 are each hereby amended to read as follows:

A. Where a complaint alleging a violation of this chapter has been filed by any individual or entity, including a contract awarding authority, within six months of the completion of all work on a contract alleging a violation of this chapter by a contractor or where, within that same ((~~time~~)) period, evidence of a violation is discovered from information gained through compliance monitoring or auditing, the administrator shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint or notice of investigation on the respondent within twenty days after the filing of said charge and shall promptly make an investigation thereof. If a party selected by the administrator conducts the investigation, the costs of such an investigation shall be

borne by the department or project, as applicable, for which the contract was awarded. The investigation shall be directed to ascertain the facts concerning the violation alleged in the complaint and shall be conducted in an objective and impartial manner. During such an investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint ((~~which~~)) that the complainant or the respondent wishes to submit.

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

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

2. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that a violation has been or is being committed. If a finding is made that there is no reasonable cause, said finding shall be served on the complainant and respondent. Within

thirty days after service of such negative finding, the complainant shall have the right to file a written request with the administrator asking for reconsideration of the finding. The administrator shall respond to such request in writing within a reasonable time by granting or denying the request and specifying the reasons for either granting or denying the request.

B.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may, by agreement of the parties, include monetary compensation, the creation of additional opportunities for the employment of persons on other contracts, or such other requirements as may lawfully be agreed upon by the parties and the administrator. Any settlement agreement shall be reduced to writing and signed by both parties. An order shall then be entered by the administrator setting forth the terms of the agreement. Copies of such an order shall be delivered to all affected parties and the original thereof recorded with the records and licensing services division.

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

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

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

C.1. In the case of failure to reach an agreement for the elimination of such a violation, and upon the entry of a preliminary order, the complaint and any and all

findings made and remedies ordered shall be certified by the administrator to the office of the county hearing examiner for hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Corrective personnel action;

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

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

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

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

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

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

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

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

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

~~modification defines and limits the issues that the examiner may consider~~)) appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

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

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

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

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

2. To introduce documentary and physical evidence;

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

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

5. To rebut evidence against the party;

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

((~~E.~~)) D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation has occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant any relief that the office of civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

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

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

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

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

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

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

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

C. Each party may, among exercising other rights:

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

2. Introduce documentary and physical evidence;

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

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

5. Rebut evidence against him or her; and

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

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

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

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

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

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

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

c. the desired outcome of the appeal.

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

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

C. A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by K.C.C. (~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance). The office of civil

rights shall maintain the action and the order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may, among exercising other rights:

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

2. Introduce documentary and physical evidence;

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

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

5. Rebut evidence against him or her; and

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

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A

copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B., as recodified by this ordinance.

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

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

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

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

c. the desired outcome of the appeal.

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

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

C. If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-

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

D. Each party may, among exercising other rights:

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

2. Introduce documentary and physical evidence;

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

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

5. Rebut evidence against him or her; and

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

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

rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

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

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

B. The utilities technical review committee shall:

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

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

3.a. Serve as the appeal body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans, based on whether an existing water purveyor can provide service in a timely and reasonable manner (WAC 246-293-190).

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

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

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

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

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

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

4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136 relative to sewer expansion in rural and resource areas. The determination that sewer expansion in rural and resource areas is necessary shall be based on information concerning the feasibility of alternative treatment technologies as provided by the Seattle-King County department of public health.

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

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

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

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

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

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

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

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

The amount of compensation, if required in this chapter, shall be recommended by the hearing examiner and shall be determined by the council according to the following criteria:

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

dollars administrative costs for processing the vacation of a county road, where the petitioner is providing an alternative road to the county of equal or greater value and said alternative will fulfill the public purposes of the previous transportation circulation plan.

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

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

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

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

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

Any affected employer may request reconsideration of a decision by the director. ((~~A written appeal to the hearing examiner must be filed within the time period prescribed by K.C.C. chapter 20.24. The appeal must state the decision being appealed and the grounds for the appeal. The appeal shall be reviewed in accordance with K.C.C.~~

~~chapter 20.24.~~)) If the director denies the request for reconsideration in whole or in part, the director's final decision may be appealed in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

required by the board for the substantiation of any claim or claims made by the appellant. The board of appeals shall determine whether a correct interpretation of this code has been made by the authority having jurisdiction.

C. Decisions of the board shall be in writing, distributed to the authority having jurisdiction and the appellant and apply only to the case being heard. Board decisions are deemed issued on the date that the decision is delivered to the appellant or the appellant's counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a decision of the board may appeal the decision of the board to the King County hearing examiner as provided in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

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

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

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

A. Chapter 43.21C RCW (SEPA);

B. Chapter 58.17 RCW (Subdivisions);

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

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

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

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

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

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

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

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

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

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

M. King County approved utility comprehensive plans;

N. King County Comprehensive Plan;

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

P. This title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEPA" means the State Environmental Policy Act.

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

The following King County Code sections that are in effect ((~~on~~)) as of April 7, 2013, are adopted as land use and development regulations within the shoreline jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of permitting and environmental review shall, within ten days after the date of ((~~Washington state~~))

Department of Ecology's approval, file a copy of the ((~~state~~)) Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor:

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

1. K.C.C. 20.18.040;
2. K.C.C. 20.18.050;
3. K.C.C. 20.18.056;
4. K.C.C. 20.18.057;
5. K.C.C. 20.18.058; and
6. K.C.C. 20.24.510, as recodified by this ordinance; and

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

1. K.C.C. 21A.06.118;
2. K.C.C. 21A.06.156;
3. K.C.C. 21A.06.181;
4. K.C.C. 21A.06.181.E.;
5. K.C.C. 21A.06.181.G.;
6. K.C.C. 21A.06.182;
7. K.C.C. 21A.06.333.A.;
8. K.C.C. 21A.06.401;
9. K.C.C. 21A.06.469;
10. K.C.C. 21A.06.573;

11. K.C.C. 21A.06.653;
12. K.C.C. 21A.06.738;
13. K.C.C. 21A.06.796;
14. K.C.C. 21A.06.796.A.;
15. K.C.C. 21A.06.825
16. K.C.C. 21A.06.892;
17. K.C.C. 21A.06.913;
18. K.C.C. 21A.06.971;
19. K.C.C. 21A.06.1081;
20. K.C.C. 21A.06.1082.A.;
21. K.C.C. 21A.06.1082.B.;
22. K.C.C. 21A.06.1082.C.;
23. K.C.C. 21A.06.1082.D.;
24. K.C.C. 21A.06.1083;
25. K.C.C. 21A.06.1083.A.;
26. K.C.C. 21A.06.1268;
27. K.C.C. 21A.06.1385;
28. K.C.C. 21A.06.1386;
29. K.C.C. 21A.06.1388;
30. K.C.C. 21A.06.1389;
31. K.C.C. 21A.24.045;
32. K.C.C. 21A.24.051;
33. K.C.C. 21A.24.055;

34. K.C.C. 21A.24.070.A., D. and E.;
35. K.C.C. 21A.24.125;
36. K.C.C. 21A.24.130;
37. K.C.C. 21A.24.133;
38. K.C.C. 21A.24.200;
39. K.C.C. 21A.24.210;
40. K.C.C. 21A.24.220;
41. K.C.C. 21A.24.230;
42. K.C.C. 21A.24.240;
43. K.C.C. 21A.24.250;
44. K.C.C. 21A.24.260;
45. K.C.C. 21A.24.275;
46. K.C.C. 21A.24.280;
47. K.C.C. 21A.24.290;
48. K.C.C. 21A.24.300;
49. K.C.C. 21A.24.310;
50. K.C.C. 21A.24.316;
51. K.C.C. 21A.24.325;
52. K.C.C. 21A.24.335;
53. K.C.C. 21A.24.340;
54. K.C.C. 21A.24.358;
55. K.C.C. 21A.24.365;
56. K.C.C. 21A.24.380;

57. K.C.C. 21A.24.382;

58. K.C.C. 21A.24.386;

59. K.C.C. 21A.24.388;

60. K.C.C. 21A.32.045;

61. K.C.C. 21A.50.030; and

62. K.C.C. chapter 21A.25.

SECTION 113. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each hereby amended to read as follows:

A. Site-specific land use map and shoreline master program map amendments are legislative actions that may ((~~only~~)) be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-((~~generated~~))initiated amendments. An analysis of the motion's fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds((~~;~~)).

2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner((~~; and~~)).

3. If initiated by property owner application, the property owner shall submit a docket((~~ed~~)) request for a site-specific land use map or shoreline master program map amendment((~~. Upon receipt of a docketed request for a site-specific land use map or shoreline master program map amendment, the request shall be referred~~)) to the department of permitting and environmental review for preparation of a recommendation to the hearing examiner.

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:

1. Applicant information, including signature, telephone number and address;

2. The applicant's interest in the property, such as owner, buyer or consultant; and

3. Property owner concurrence, including signature, telephone number and address.

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

1. Name and address of the owner or owners of record;

2. Description of the proposed amendment;

3. Property description, including parcel number, property street address and nearest cross street;

4. County assessor's map outlining the subject property; and

5. Related or previous permit activity.

((~~C.~~)) D. Upon initiation of a site-specific land use map or shoreline master program map amendment, an initial review conference ((~~will~~)) shall be scheduled by the department of permitting and environmental review. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department ((~~will~~)) of permitting and environmental review shall review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to ((~~c~~))Comprehensive ((~~p~~))Plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and ((~~this information either will~~)) the classification shall be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

((~~D.~~)) E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

((~~E.~~)) F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference,

the council shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

((~~F.~~)) G. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal((~~,~~)) following the initial review conference, the executive shall submit an environmental checklist to the department of permitting and environmental review to proceed with review of the proposed amendment.

((~~G.~~)) H. Following the submittal of the information required by subsection((~~s D.,~~)) E. ((~~or~~)), F. or G. of this section, the department of permitting and environmental review shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of permitting and environmental review shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G.((~~,~~)) and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400, as recodified by this ordinance. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.24.400, as recodified by this ordinance. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

((~~H.~~)) I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical, consistent with ((~~Ordinance 13147~~)) this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map

amendment is a legislative decision ((~~which will~~)) that should be determined before and separate from ((~~their~~)) its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 ((~~will be~~)) is required in order to implement the potential zoning.

((~~I.~~)) J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the ((~~c~~))Comprehensive ((~~p~~))Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 ((~~will~~)) shall be included in the next appropriate review cycle following issuance of the examiner's recommendation.

((~~J.~~)) K.1. ((~~No~~)) An amendment to a land use designation or shoreline environment designation for a property may not be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall

render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

((~~K.~~)) L. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

SECTION 114. Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057 are each hereby amended to read as follows:

A. ((~~A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in K.C.C. 20.18.050:~~

~~1. Applicant information, including signature, telephone number and address;~~

~~2. The applicant's interest in the property, such as owner, buyer or consultant;~~

~~3. Property owner concurrence, including signature, telephone number and address;~~

~~4.~~)) In addition to the requirements of K.C.C. 20.18.050, a shoreline redesignation initiated by an applicant must include:

1. A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and

((~~5.~~)) 2. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 20.24.510, as recodified by this ordinance.

B. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

SECTION 115. Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058 are each hereby amended to read as follows:

A. ((~~A~~)) In addition to the requirements in K.C.C. 20.18.050, a council motion initiating a shoreline redesignation must be accompanied by the information required ((~~to be provided in~~)) by K.C.C. 20.18.057 ((~~in addition to the requirements in K.C.C. 20.18.050~~)).

B. A motion initiating a site-specific shoreline redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-((~~generated~~)) initiated shoreline redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion's fiscal impact. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shoreline redesignation proposal to the examiner.

C. The examiner shall make a recommendation to the council on the proposed site-specific shoreline redesignation based on the criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

SECTION 116. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090 are each hereby amended to read as follows:

A. In accordance with K.C.C. 20.20.100, ((~~T~~))the department shall provide notice ((~~in a timely manner~~)) of:

1. ((~~i~~))Its final ((~~decision or recommendation on permits requiring Type 2, 3 and 4 land use decisions and on~~)) Type 1 decision((~~s~~)) subject to SEPA, including the threshold determination, if any~~, the dates for any public hearings and~~));

2. Its Type 2 decision; and

3. Its Type 3 and 4 recommendations.

B. The notice shall include the applicable procedures for either an administrative appeal((~~s, if any~~)) to, or further consideration by, the examiner.

C. The ((~~N~~))notice shall be provided to:

1. ((~~t~~))The applicant((~~, to~~));

2. If required by SEPA, the Department of Ecology and to agencies with jurisdiction ((~~if required by K.C.C. chapter 20.44, to~~)) as defined in chapter 197-11 WAC;

3. If required by chapter 90.58 RCW, the Department of Ecology and the Attorney General ((~~as provided in chapter 90.58 RCW,~~));

4. ((~~to a~~))Any person who, ((~~prior to~~)) before the decision or recommendation, had requested notice of the decision or recommendation from, or submitted comments to, the department; and

5. ((~~to property o~~))Owners of record((~~, as provided in K.C.C. 20.20.060 H~~)) of property in an area within five hundred feet of the site. The area shall be expanded when

the department determines it is necessary to send mailed notices to at least twenty different property owners.

((~~B.~~)) D. Except for decisions regarding shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are only appealable to the state Shorelines Hearings Board, ((~~all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director shall be filed as provided in K.C.C. 20.24.090~~)) any administrative appeal or further consideration by the examiner is subject to K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 117. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

A. The department shall issue its Type 3 or Type 4 recommendation to the office of the hearing examiner ((~~on a Type 3 or Type 4 land use decision~~)) within one hundred fifty days from the date the ((~~applicant is notified by the~~)) department ((~~pursuant to this chapter~~)) notifies the applicant that the application is complete. The ((~~time~~)) periods for action by ((~~the hearing~~)) an examiner ((~~on a Type 3 or Type 4 land use decision~~)) shall be governed by K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance) and the rules of the office of the hearing examiner((~~'s rules~~)).

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

2. The following ((~~shorter time~~)) periods apply to the type of land use permit indicated:

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

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

1. Any period ((~~of time~~)) during which the applicant has been requested by the department, ((~~hearing~~)) the examiner or the council to correct plans, perform required studies or provide additional information, including road variances and variances required under K.C.C. chapter 9.04. The period shall be calculated from the date of

notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request((~~,~~)) or fourteen days after the date the information has been provided. If the county determines that ((~~the~~)) corrections, ((~~study~~)) studies or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The department shall set a reasonable deadline for the submittal of corrections, studies or other information ((~~when requested~~)), and shall provide written notification to the applicant. ((~~An extension of such~~)) The department may extend the deadline ((~~may be granted~~)) upon ((~~submittal by an applicant of~~)) receipt of a written request from an applicant providing satisfactory justification ((~~of~~)) for an extension.

b. ((~~Failure by the applicant to meet such deadline shall be cause for the department to cancel or deny the application.~~

~~c.~~)) When granting a request for a deadline extension, the department shall give consideration to the number of days between ((~~receipt by~~)) the department ((~~of a written~~)) receiving the request for a deadline extension and the department mailing ((~~to the applicant of the department's~~)) its decision regarding that request;

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

3. ((~~A period of no more than ninety days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than sixty days for a~~

~~closed-record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.~~)) The period during which an appeal is pending that prohibits issuing the permit.

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

((~~5.~~)) 4. Any time extension mutually agreed upon by the applicant and the department; and

((~~6.~~)) 5. Any time during which there is an outstanding fee balance that is sixty days or more past due.

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

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

1. Requires either: an amendment to the ((~~c~~))Comprehensive ((~~p~~))Plan or a development regulation((~~,~~)); or modification or waiver of a development regulation as part of a demonstration project;

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

3. Is ((~~substantially~~)) revised by the applicant, when ((~~such~~)) the revisions will result in a substantial change in a project's review requirements, as determined by the

department, in which case the ((~~time~~)) period shall start from the date at which the revised project application is determined to be complete.

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

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

SECTION 118. Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020 are each hereby amended to read as follows:

The office of hearing examiner, as established by K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance)~~,~~ shall act on behalf of the council in considering applications for public benefit rating system assessed valuation on open space land and for current use assessments on timber land in an unincorporated area of the county or appeals from denials by the county assessor of applications for current use assessments on farm and agricultural land as provided in this chapter. All such applications and appeals shall be processed ((~~pursuant to~~)) under the procedures established in this chapter and K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 119. Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120 are each hereby amended to read as follows:

A. The administrative appeal of a threshold determination or of the adequacy of a final ((~~EIS~~)) environmental impact statement is a procedural SEPA appeal that is conducted by the hearing examiner under K.C.C. 20.24.080, as recodified by this ordinance, and is subject to the following:

1. A procedural SEPA appeal to the hearing examiner is authorized only for an action classified as a Type 2, 3 or 4 land use decision in K.C.C. 20.20.020 or as provided for by public rule adopted under K.C.C. 20.44.075;

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

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

4. An appeal of a ((~~DS~~)) determination of significance must be filed with the department issuing the ((~~DS~~)) determination of significance as provided in K.C.C. 20.24.090, as recodified by this ordinance;

5. An appeal of a ((~~DNS~~)) determination of nonsignificance or of the adequacy of an ((~~EIS~~)) environmental impact statement must be filed with the department issuing the ((~~DNS~~)) determination of nonsignificance or ((~~EIS~~)) environmental impact statement as provided in K.C.C. 20.24.090, as recodified by this ordinance. The appeal period for a ((~~DNS~~)) determination of nonsignificance shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies;

6. Except as otherwise provided in this section, SEPA appeals are subject to K.C.C. 20.24.090.C, as recodified by this ordinance; and

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

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

C. A procedural or substantive SEPA appeal authorized by subsection A. of this section on a Type 2, 3 or 4 land use decision shall be consolidated with any administrative appeal on the merits of that decision, as provided in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and this

section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C. 20.44.075 shall not be consolidated with the administrative appeal on the merits of the decision. If a Type 3 or 4 land use decision is appealed to the county council as provided in K.C.C. 20.24.210.B. or ((~~D~~)) C., as recodified by this ordinance, the appeal of the recommendation or decision of the examiner to condition or deny the proposal ((~~pursuant to~~)) under RCW 43.21C.060 shall be made to the council, which shall make a final decision.

D. Notwithstanding ((~~of~~)) subsections A. through C. of this section, a department may adopt procedures in accordance with K.C.C. chapter 2.98 under which an administrative appeal shall not be provided if the director of that department finds that consideration of an appeal would ((~~be~~)) likely ((~~to~~)) cause the department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request. ((~~Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.~~))

SECTION 120. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090 are each hereby amended to read as follows:

A. A variance from the provisions of Section 20.54.070 of this chapter may be granted by the King County council where the applicant owner of agricultural land of county significance can demonstrate the following:

1. That if he complies with the provisions of Section 20.54.070 he cannot make any reasonable use of this property; and

2. That the hardship results from the application of the provisions of Section 20.54.070, and not from other causes; and

3. That the variance granted will be in harmony with the general purposes and intent of this chapter and that the public welfare and interest will be protected.

B. Variance applications shall be made to the Office of Agriculture and shall be heard by the zoning and subdivision examiner in accordance with the procedures in K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

SECTION 121. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100 are each hereby amended to read as follows:

A. For any rezone or subdivision application in which the subject property is an undivided parcel of land under a single ownership and is partially designated as agricultural land of county significance under Section 20.54.060, the King County hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

B. Nothing in this chapter shall replace the procedures for the application, review and appeal of zoning reclassifications pursuant to ~~C~~hapters 21A.40, 21A.42 and ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), or the application, review and appeal of subdivision applications pursuant to Title 19 and K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

C. Owners of land designated as agricultural land of county significance may appeal to the King County council for the purpose of contesting the appropriateness of the designation based on the criteria for designation described in Section 20.54.060. ~~Such~~ appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the hearing examiner in accordance with the procedures in K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. Appeals involving uncontested facts shall be submitted directly to the council for action by the office of agriculture.

D. Owners of land designated as part of a King County agricultural district may appeal to the King County council for the purpose of contesting the appropriateness of the designation. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the King County council and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation.

SECTION 122. Ordinance 3064, Section 11, and K.C.C. 20.54.110 are each hereby amended to read as follows:

A. Applications to amend boundaries of King County agricultural districts and agricultural lands of county significance to include lands not so designated by this chapter shall be made to the office of agriculture in writing with such supporting evidence as required by the office of agriculture. Boundaries of agricultural districts or agricultural lands of county significance may be amended where lands are found to meet the criteria for designation contained in this chapter.

B. All applications to revise the boundaries of King County agricultural districts shall be heard directly by the King County council.

C. All applications to revise the boundaries of agricultural lands of county significance shall be heard by the zoning and subdivision examiner in accordance with the procedures in ((~~King County Code~~)) K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

D. For applications to revise the boundaries of agricultural lands of county significance, the hearing examiner may consider special exceptions to the criteria set forth in Attachment F to Ordinance 3064 and to the procedures set forth in ((~~King County Code~~))K.C.C. ((~~C~~))chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) for those lands producing horticultural crops which the producer sells directly to the public through public markets, u-pick operations, and roadside stands.

SECTION 123. Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110 are each hereby amended to read as follows:

((~~A.~~)) Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may file a statement of appeal, with the historic preservation officer, in accordance with K.C.C. 20.24.090, as recodified by this ordinance ((~~, within thirty five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.~~

~~B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.~~

~~C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.~~

~~D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.~~

~~E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken~~)).

SECTION 124. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070 are each hereby amended to read as follows:

A. The council directs the department to prepare proposed new zoning maps applying the 1993 King County Zoning Code and transmit within ten months of June 28, 1993, for council review and adoption.

B. The department shall use the table ((~~set forth~~)) in subsection C. of this section and the guidelines of this section in preparing an ordinance or ordinances to convert each

area zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent with the comprehensive plan land use map and policies, so as to implement the comprehensive plan and convert old outright and potential zone designations to new ones in a consistent manner. The provisions of this section also shall apply to conversion of the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

C. Conversion table. The following conversion table and criteria contained therein shall be used by the department in converting the zoning maps adopted pursuant to Resolution 25789 to the 1993 Zoning Code:

RESOLUTION 25789 ZONING MAP SYMBOLS	**1993 ZONING CODE MAP SYMBOLS**	**ADDITIONAL CRITERIA**
F	F	In Forest Production or Rural Areas
FR	F or RA	Use zone most consistent with the comprehensive plan
A, A-10 A-35	A-10 A-35 or A-60	In Agricultural or Rural Areas Use zone most consistent with the comprehensive plan
Q-M	M	Designated Mining Sites
AR-2.5 AR-5 AR-10	RA-2.5 RA-5_RA-10 or RA-20	In Rural Areas Use zone most consistent with the comprehensive plan
GR-5, GR-2.5, G-5	UR RA	Only in designated urban areas In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not

		designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000,SR/RS 9600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns
RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to comprehensive plan land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N B-C, BR-C C-G M-L, M-P, M-H	NB or RB CB or RB RB I	For all business zones, use zone most consistent with the comprehensive plan designation and actual scale of business area

D. Unclassified Use Permit Mining Operations. In addition to the conversions set out in the table in subsection C. of this section, all sites legally operating pursuant to an unclassified use permit for mining operations shall be zoned M (Mineral).

E. Resolution of map conflicts. In cases of ambiguity or conflict between a community or comprehensive plan map designation and the zone classification applied under the old code, the department shall use the following guidelines and procedures in recommending new zones:

1. As a general rule, the outright or potential zoning designation applied shall be that which is consistent with the 1994 King County Comprehensive Plan; adopted community plans, where they do not conflict, may be used to provide additional guidance;

2. If the application of the guidelines in this subsection leads the department to propose applying an outright or potential zone classification from the 1993 Zoning Code that is not functionally equivalent to a classification from the old code as defined in the table in subsection C. of this section, the department shall notify the owner of the property proposed for reclassification no later than the council introduction date of the ordinance amending said property, and the property owner may request a change in the area zoning in a manner consistent with the procedures used for council review of a community plan and area zoning.

F. Area-wide P-suffix development conditions. The department shall review all area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution 25789, and recommend legislation removing all such conditions which conflict with the comprehensive plan or have been replaced adequately by standards adopted in the 1993 zoning code. If P-suffix conditions implement policies in the comprehensive plan, then regulations shall be developed by the end of 1995 and the P-suffix conditions shall be removed. Any P-suffix conditions which implement policies in community plans which

are not in conflict with the comprehensive plan but are not adequately addressed by this code shall be carried forward intact until they are evaluated for replacement by general code revisions in 1995.

G. Site-specific development conditions. Approval conditions for previous zone reclassifications, planned unit developments, unclassified permits, and P-suffix conditions applied to individual properties in land use actions pursuant to Resolution 25789, should be recommended for retention wherever they address conditions unique to a particular property and not addressed by the standards in the Zoning Code.

H. For area zoning documents being converted to the 1993 Zoning Code without amendments to their respective community plan maps and policies, only requests for zone changes which meet one of the following criteria shall be considered during either the department or council review process:

1. as provided in subsection E. of this section;

2. when an applicant can demonstrate that the department's proposal incorrectly implements an adopted comprehensive plan map designation or policy in converting existing zoning to a new zone classification; or

3. the site is the subject of an application for a Master Planned Development or Urban Planned Development, and conversion to the 1993 Zoning Code is requested as part of such application. Rezoning of such sites during the conversion, area zoning otherwise shall be to Urban Reserve with the urban planned development overlay district as provided in Chapter 21A.38.

I. Requests which do not meet one of the criteria of subsection H. of this section shall be treated as quasi-judicial reclassification requests which must be formally applied

for according to the process provided for such requests and shall be subject to the criteria in K.C.C. 20.24.190, as recodified by this ordinance.

J. Requests for quasi-judicial reclassification that are consistent with the conversion table illustrated in subsection C. of this section and requests for quasi-judicial reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.24.190, as recodified by this ordinance.

K. Bear Creek MPD's. The following transition provisions shall apply to the Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1. An applicant may either continue to utilize the procedural provisions of the BCCP or may utilize the procedural provisions of K.C.C. 21A.39.

2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-Development Applications previously submitted for the Blakely Ridge MPD and the Northridge MPD are deemed the equivalent of and accepted as complete applications for "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area Zoning (page 140) shall remain in effect for purposes of considering the UPD applications, under either the BCCP or K.C.C. 21A.39.

4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone and potential zone designations of the 1993 zoning code.

5. The Novelty Hill Master Plan sites and urban designation adopted and delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be

considered "UPD Special District Overlays" and "UPD boundary delineations" for purposes of applying K.C.C. 21A.38.020, .070B.1 and .070B.2 and K.C.C. 21A.39.020.

SECTION 125. Ordinance 10870, Section 19, as amended, and K.C.C. 21A.02.090 are each hereby amended to read as follows:

A. The hearing examiner in accordance with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) may hold public hearings and make decisions and recommendations on reclassifications, subdivisions and other development proposals, and appeals.

B. The director may grant, condition or deny applications for variances, conditional use permits, renewals of permits for mineral extraction and processing, alteration exceptions and other development proposals, unless an appeal is filed and a public hearing is required under K.C.C. chapter 20.20, in which case this authority shall be exercised by the hearing examiner.

C. The department shall have authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, and temporary use permits in accordance with the procedures in K.C.C. chapter 21A.42.

D. Except for other agencies with authority to implement specific provisions of this title, the department shall have the sole authority to issue official interpretations and adopt public rules to implement this title, in accordance with K.C.C. chapter 2.98.

SECTION 126. Ordinance 10870, Section 38, and K.C.C. 21A.04.170 are each hereby amended to read as follows:

A. The purpose of the potential zone (dashed box surrounding zone's map symbol) is to designate properties potentially suitable for future changes in land uses or

densities once additional infrastructure, project phasing or site-specific public review has been accomplished. Potential zones are designated by either area zoning or individual zone reclassification. Area zoning may designate more than one potential zone on a single property if the community plan designates alternative uses for the site. Potential zones are actualized ((~~pursuant to~~)) in accordance with K.C.C. chapter ((~~20.24~~)) 20.20.

B. The use of a potential zone designation is appropriate to:

1. Phase development based on availability of public facilities and services or infrastructure improvements ((~~(e.g.~~)), such as roads, utilities((~~,~~)) and schools((~~)~~));

2. Prevent existing development from becoming a nonconforming use in areas that are in transition from previous uses;

3. Allow for future residential density increases consistent with a community plan; and

4. Provide for public review of proposed uses on sites where some permitted uses in a zone designation may not be appropriate.

SECTION 127. Ordinance 10870, Section 25, and K.C.C. 21A.06.425 are each hereby amended to read as follows:

Examiner: the office of the hearing examiner((~~, as established by K.C.C. 20.24~~)).

SECTION 128. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081 are each hereby amended to read as follows:

A. A valid clearing and grading permit shall be maintained on a mineral extraction site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements:

1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director;

2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification; and

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not

possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

3. All areas subject to grading or backfilling shall:

a. incorporate only nonnoxious, nonflammable, noncombustible and nunputrescible solids; and

b. except for roads and areas incorporated into drainage facilities, be surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of the topsoil of land area immediately surrounding six inches, whichever is greater. The topsoil layer shall have an organic matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be tilled or scarified ((~~prior to~~)) <u>before</u> topsoil placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile and plan view and blend with adjacent topography to a reasonable extent;

5. Where excavation has penetrated the seasonal or permanent water table creating a water body or wetland:

a. All side slopes below the permanent water table and banks shall be graded or shaped as to not constitute a safety hazard;

b. Natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. Appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

6. All cleared, graded or backfilled areas, including areas surfaced with topsoil, shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions;

7. Waste or soil piles shall be used for grading, backfilling or surfacing if permissible under this section, then covered with topsoil and planted in accordance with subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill in accordance with this chapter or as top soil in accordance with subsection C.3. of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 129. Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030 are each hereby amended to read as follows:

All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

A. A public sewage disposal system is adequate for a development proposal provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the site of the proposed development is or can be served by an

existing disposal system consistent with K.C.C. Title 13, and the disposal system has been approved by the department as being consistent with applicable state and local design and operating guidelines;

2. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection A.1. of this section is installed to serve each building or lot;

3. For recording a final plat, final short plat or binding site plan, the approved public sewage disposal system set forth in subsection A.1. of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with King County for the future installation of an adequate sewage disposal system. The bond may be assigned to a utility to assure the construction of the facilities within two years of recording; and

4. For a zone reclassification or urban planned development permit, the timing of installation of required sewerage improvements shall be contained in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance; and

B. A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the department of public health as to lot size, soils and system design prior to issuance of a certificate of occupancy for a building or change of use permit.

SECTION 130. Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040 are each hereby amended to read as follows:

All new development shall be served by an adequate public or private water supply system as follows:

A. A public water system is adequate for a development proposal only if:

1. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant demonstrates that the existing water supply system available to serve the site:

a. complies with the applicable planning, operating and design requirements of:

(1) chapters WAC 246-290 and 246-291;

(2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

(3) coordinated water system plans;

(4) K.C.C. Titles 12 and 13 and other applicable rules of the King County board of health;

(5) applicable rules of the Washington state Board of Health, Department of Health, Utilities and Transportation Commission and Department of Ecology;

(6) applicable provisions of King County groundwater management plans and watershed plans;

(7) applicable provisions of the King County Comprehensive Plan and development regulations; and

(8) any limitation or condition imposed by the county-approved comprehensive plan of the water purveyor;

b. The proposed improvements to an existing water system have been reviewed by the department and determined to comply with the design standards and conditions specified in subsection A.1.a. of this section; and

c. A proposed new water supply system has been reviewed by the department and determined to comply with the design standards and conditions specified in subsection A.1.a. of this section;

2. Before issuance of a certificate of occupancy for a building or change of use permit, the approved public water system and any system improvements in subsection A.1. of this section are installed to serve each building or lot respectively;

3. For recording a final plat, final short plat or binding site plan, either the approved public water supply system or system improvements in subsection A.1. of this section are installed to serve each lot or a bond or similar security shall be deposited with King County and may be assigned to a purveyor to assure the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of recording; and

4. For a zone reclassification or urban planned development permit, the timing of installation of required water system improvements is included in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance.

B. An on-site individual water system is adequate and the plat or short plat may receive preliminary and final approval, and a building or change of use permit may be issued as provided in K.C.C. 13.24.138 and 13.24.140.

SECTION 131. Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050 are each hereby amended to read as follows:

All new development shall be served by an adequate surface water management system as follows:

A. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the King County Surface Water Design Manual and K.C.C. Title 9;

B. For a subdivision, zone reclassification or urban planned development, the phased installation of required surface water management improvements shall be stated in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance. Such phasing may require that a bond or similar security be deposited with King County; and

C. A request for an adjustment of the requirements of the Surface Water Design Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard in K.C.C. chapters 21A.12, 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28((~~,~~)) and 21A.30.

SECTION 132. Ordinance 10870, Section 523, and K.C.C. 21A.28.130 are each hereby amended to read as follows:

All new development shall be served by adequate fire protection as set ((~~forth below~~)) follows:

A. The site of the development proposed is served by a water supply system that provides at least minimum fire flow and a, road system or fire lane system that provides life safety((~~/~~)) and rescue access, and other fire protection requirements for buildings as required by K.C.C. Titles 16 and 17((~~, Fire Code and K.C.C. Title 16, Building and Construction Standards~~));

B. For a zone reclassification or Urban planned development, the timing of installation of required fire protection improvements shall be stated in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance, secured with a bond or similar security, and deposited with King County; and

C. A variance request from the requirements established by K.C.C. Title 17, Fire Code, shall be reviewed as set forth in K.C.C. 17.08.090 or K.C.C. 17.10.040, and/or in Article 2 of the currently adopted edition of the Uniform Fire Code and does not require a variance from this title unless relief is requested from a building height, setback, landscaping or other development standard set forth in K.C.C. chapters 21A.12 through ((~~K.C.C.~~)) 21A.30.

SECTION 133. Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045 are each hereby amended to read as follows:

A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria:

1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060;

2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas and their buffers and wetlands and their buffers with the exception of grazed wet meadows.

3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and salmonid fisheries habitat. Monitoring results shall be available to the King County agriculture program.

B. The livestock management component of a farm management plan shall, at a minimum:

1. Generally seek to achieve a twenty-five-foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II or III wetland with the exception of grazed wet meadows, using buffer averaging where necessary to accommodate existing structures. The livestock management component of a farm management plans may vary the width of the buffer of an aquatic area or wetland, and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different buffer width based on both the nature of the farm operation and the function and

sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type N or O waters. Forested lands being cleared for grazing areas shall comply with the critical area buffers in K.C.C. chapter 21A.24;

2. Assure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty-foot buffer downslope of any confinement areas within two hundred feet of type S and F waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of twenty-five feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices, as recommended by the King Conservation District, are implemented and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan.

D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.

E. The ((~~completed~~)) farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with

K.C.C. 20.24.080, as recodified by this ordinance, and 20.24.090, as recodified by this ordinance. ((~~The appeal must be filed within thirty days of submitting the farm management plan [with the] department of natural resources and parks under subsection D. of this section.~~)) Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.

SECTION 134. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of permitting and environmental review and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080, as recodified by this ordinance. The department of natural resources and parks shall be responsible for preparing a TDR qualification report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The qualification report shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;

2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be

accommodated in accordance with ((~~Ordinance 17985, Section 19.A~~)) K.C.C. 21A.37.050.A.: and

3. Be issued a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;

2. A title report;

3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;

5. Assessors map or maps of the lot or lots;

6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:

a. a wildlife habitat conservation plan;

b. a wildlife habitat restoration plan; or

c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E.;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 135. Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020 are each hereby amended to read as follows:

A. This chapter authorizes King County to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive plan policies and map designations and community, subarea, or neighborhood plan policies through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes;

B. Property-specific development standards shall be applied to specific properties through either area zoning as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18, or reclassifications of individual properties as provided in K.C.C. ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and 21A.44; and

C. Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18.

SECTION 136. Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090 are each hereby amended to read as follows:

A. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to K.C.C. 20.24.090, as recodified by this ordinance.

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

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

D. As provided by K.C.C. 20.24.210.A. and C., as recodified by this ordinance:

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

2. The decision shall be final unless appealed under the provisions of K.C.C. 20.24.240.B., as recodified by this ordinance.

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

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

G. Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met.

SECTION 137. Ordinance 10870, Section 618, as amended, and K.C.C. 21A.42.100 are each hereby amended to read as follows:

Applications for zone reclassifications, shoreline environment redesignation, special use permits, urban plan developments, amendment or deletion of P-suffix conditions, plat vacations and short plat vacations shall be reviewed by the department subject to the criteria in K.C.C. chapter 21A.44 and to the procedures and criteria in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) for action subject to approval by the council and notice shall be provided in accordance with K.C.C. chapter 20.20.

SECTION 138. Ordinance 10870, Section 627, and K.C.C. 21A.44.060 are each hereby amended to read as follows:

A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in K.C.C. ((~~Title~~)) 20.24.180, as recodified by this ordinance, and 20.24.190, as recodified by this ordinance, and is consistent with the Comprehensive Plan and applicable community and functional plans.

SECTION 139. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each hereby amended to read as follows:

A. The purpose of the master planning process demonstration project is to:

1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:

a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during project review and facility operation;

b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:

(1) a clearly defined project through a master development plan, which shall include a master site plan;

(2) requirements that must be met before approval of each phase of development; and

(3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, nonracing uses and number and types of events; and

c. establishing a process that ensures timely and efficient review;

2. Utilize the hearing examiner, as authorized in K.C.C. 20.24.520, as recodified by this ordinance, to function as a special master for the purpose of fact finding and reporting on compliance by the applicant with the executed development and operating agreement, as provided in subsection S. of this section; and

3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.

B. The master planning process demonstration project shall be implemented only for a regional motor sports facility only on the Pacific Raceways property as described in Attachment A to Ordinance 17287.

C. The master planning demonstration project shall be initiated by the applicant making a written request to the department for a preapplication meeting to identify the requirements necessary for a complete application under this section.

D. A master planning proposal application shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;

2. A proposed site plan that identifies the location and dimensions of proposed racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage treatment or holding facilities and any off-site traffic improvements;

3. A proposed master drainage plan under the surface water design manual;

4. A proposed grading plan that identifies or includes:

(a) land contours;

(b) soil types; and

(c) phasing;

5. Proposed development conditions relating to:

(a) on-site vehicle circulation and off-site traffic control measures;

(b) protection for critical areas, especially adjacent to Soosette creek;

(c) stormwater flow control and water quality treatment;

(d) visual screening from adjoining residential properties;

(e) ongoing monitoring and reporting to measure compliance with the development and operating agreements;

(f) fire protection; and

(g) water supply and service;

6. Proposed operating conditions that specify:

(a) days and hours of operation;

(b) frequency of events;

(c) types of activities, including types of motor vehicles; and

(d) maximum noise levels; and

7. Any necessary information identified through the preapplication process.

E. The development and operating agreement shall contain development standards and operating conditions related to the development and operation of the site and shall include, but shall not be limited to:

1. A master site plan and detailed conditions establishing the:

a. location and scope of proposed land uses;

b. location and size of buildings and structures such as grandstands;

c. layout and dimensions of racing surfaces and circulation roadways;

d. site elevations and contours established by a master grading plan;

e. excavation and processing of materials, including dust control, during construction of the facilities;

f. location and dimensions parking areas;

g. location of stormwater facilities, sewage treatment facilities, water, and related features; and

h. vegetative screening required in subsection F.1. of this section;

2. A master drainage plan consistent with the surface water design manual;

3. A project phasing plan, including threshold requirements that must be met before approval of the next phase of development;

4. Specified types of racing and nonracing activities, and where on the site the activities can occur;

5, Specified days and times for all racing and nonracing uses;

6. Specified noise levels for racing and nonracing uses, including but not limited to, how noise levels will be measured and mitigated;

7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;

9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;

10. Specified regular ongoing monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air

quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Soosette creek;

11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsection S. of this section; and

12. Specified enforcement mechanisms to address any violations of the conditions of the development agreement, including, but not limited to, the following:

a. a process for monitoring condition violations and for receipt of complaints;

b. a process for expedited review and remedy of possible violations; and

c. a penalty schedule that recognizes the nature and impact of the violation and is sufficient to deter violations that otherwise result in financial benefit to the facility, including, but not limited to, revocation of operating permit and loss of specific days of operation.

F. All development under the master plan shall be subject to the following standards relating to screening and building setbacks: as provided in K.C.C. 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

1. Retention of existing vegetation; and

2. Placement of new vegetation to augment existing vegetation.

G.1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

2. The department may approve alterations to critical areas, critical areas buffers and critical area setbacks that are not otherwise allowed as an alteration exception under K.C.C. 21A.24.070 when the applicant demonstrates that:

a. the proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the site;

b. the proposed impacts to critical areas, critical area buffers and critical area setbacks shall be controlled and compensated for in accordance with the requirements of K.C.C. 21A.24.125;

c. for proposed alterations within steep slope or landslide areas:

(1) the alterations are necessary to bring existing racing or access road surfaces into compliance with applicable racing association safety standards, or to construct noise barriers or for the placement of spectator seating on the interior portion of the road course; and

(2) the alterations can be constructed to maintain the stability of the hazard area through the use of structural mitigations identified through a geotechnical analysis by a licensed and qualified geotechnical professional; and

d. for proposed alterations to wetlands or aquatic areas and their buffers:

(1) the alterations are necessary to comply with applicable racing association safety standards either for existing racing surfaces or for providing to emergency vehicles access roads to the existing racing surfaces;

(2) there is no feasible alternative to the development proposal with less adverse impact on the critical area;

(3) the alteration is the minimum necessary to accommodate the development proposal;

(4) the alternation has the least possible adverse impact on the critical area and critical area buffer;

(5) the critical area is not used as a salmonid spawning area;

(6) the director may only approve an alteration in a category III or IV wetland; and

(7) the alterations to any wetland shall be mitigated in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

H. Uses proposed under the master planning proposal shall comply with the King County surface water design manual and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos and Soosette creeks and operation of the Soos Creek Hatchery, while protecting groundwater quality. The department shall consider the proposed use in determining whether spill control or special oil control measures in excess of the King County surface water design manual requirements are necessary to achieve the required environmental protections;

2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on- site and in Big Soos and Soosette creeks;

4. Conduct flow monitoring in Big and Soosette creeks before, during and after construction to ensure that normal or preexisting flows are being maintained.

5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during and after construction;

6. If the department determines it to be environmentally beneficial and if it is in compliance with the surface water design manual requirements for discharge to the natural location and is approved through an adjustment, channel surface water from impervious surfaces, including buildings, structures, pit areas or raceways to drain away from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the alternative discharge location; and

7. Develop and implement an adaptive management program to correct any flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks caused by the development.

I. Site development that entails extraction and grading of soils to achieve the final site contours for development shall be subject to the following limits:

1. The amount of materials that may be extracted during any specific phase of project construction shall be only as necessary to construct that phase of the project approved for construction; and

2. The on-site processing of the extracted materials shall be limited to the sorting of the material into separate dirt, sand and gravel components.

J. The master planning proposal shall include site designs and features to reduce the level of noise impacts upon nearby residential neighborhoods.

K. The department shall:

1. Schedule and conduct a preapplication meeting with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed expansion of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues.

2. Provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section within thirty days after the date of the preapplication meeting;

3. Accept for filing a master planning proposal application submitted by the applicant only if it provides the information and studies required by subsection K.2. of this section;

4. Determine whether the master planning proposal is a complete application under this section and K.C.C. 20.20.050;

5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In addition to notice required under K.C.C. 20.20.060.B, the department shall provide mailed notice to:

a. all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

b. persons requesting notification of any county land use action regarding Pacific Raceways; and

c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;

6. Not later than seven days after the applicant has filed with the department its master planning proposal, issue a determination of significance and proceed with the environmental review of the master planning proposal under Ordinance 17287, Section 6;

7. Conduct one or more public meetings on the master planning proposal application to gather information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal application with the department and may be combined with a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal application and shall provide an opportunity for the applicant to respond to questions at each public meeting;

8. Issue the final environmental impact statement within eighteen months of either issuing to the applicant a notice of complete application or the master planning proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant may request additional time to prepare the final environmental impact statement;

9. Not later than thirty days after the final environmental impact state is issued, propose for public review and comment a development and operating agreement

consistent with this section. The department shall provide notice of the proposed development and operating agreement in the same manner as it provided the notice of application under subsection K.5. of this section. The department shall present the proposed development and operating agreement at a public meeting within fourteen days after the notice is provided under this subsection K.9; and

10. Within sixty days after the public meeting required by subsection K.9. of this section:

a. transmit to the hearing examiner the department's recommended development and operating agreement, together with a proposed ordinance authorizing the executive to execute the development and operating agreement;

b. publish its recommended development and operating agreement on the department's website; and

c. provide notice of its recommended development and operating agreement in the same manner as it provided the notice of application under subsection K.5.a. through c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The notice shall also advise:

(1) that the department's recommendation is subject to an open record public hearing before the hearing examiner;

(2) the date that the department's recommendation has been transmitted to the hearing examiner; and

(3) that interested persons may appear as parties at the open record public hearing by filing a notice of appearance with the hearing examiner within fourteen days of the date that the department's recommendation has been transmitted to the hearing

examiner. The applicant will be presumed to be a party without having to file a notice of appearance.

L.1. Before the transmittal of the department's recommended development and operating agreement to the hearing examiner, the transportation, economy and environment committee or its applicable successor may request reports or briefings from the department and applicant regarding how the demonstration project is proceeding. The department shall solicit input from those identified in subsection K.5.a. through c. of section to inform the committee in the report and briefing.

2. If the department or the applicant is unable to meet a timeline established by this section as part of the process for review of the master planning proposal, the department shall provide written notice to the council within fourteen days after the missed deadline in the form of a letter to the chair of transportation, economy and environment committee or its applicable successor describing the causes for the delay, and the steps or actions needed to be taken by the department or the applicant to continue timely processing of the proposal.

M.1. No sooner than fourteen days after receiving the department's recommended development and operating agreement, the hearing examiner shall set the date for the prehearing conference and notify the parties of interest.

2. Unless otherwise agreed to by those that appear as parties, the hearing examiner shall conduct an open record public hearing within ninety days of the prehearing conference and, if necessary, shall hold the public hearing over consecutive days.

3. When the hearing examiner sets the department's recommended development and operating agreement for an open record public hearing, the department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department's recommendation. At least fourteen calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection K.5.a. through c. of section.

4. The hearing examiner's recommendation may be to approve or reject the department's recommended development and operating agreement, or the examiner may recommend that the council adopt the department's recommended development and operating agreement with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King County.

5. Within fourteen days after the conclusion of the open record public hearing, the hearing examiner shall issue a written recommendation and shall transmit a copy thereof to all persons who appeared as parties in the open record public hearing. The recommendation shall include findings of fact and conclusions from the record that support the decision and the findings and conclusions shall set forth and demonstrate the manner in which the recommendation is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287.

6. To appeal the hearing examiner's recommendation, an aggrieved party must file a notice of appeal with the clerk of the council within fourteen days of the date of the mailing of the hearing examiner's recommendation. The clerk shall notify the hearing examiner and the parties of record to the hearing examiner's open record public hearing in writing of the council's receipt of the appeal. The clerk shall also cause to have posted on the council's web page the notice of the appeal. The appellant shall file a statement of appeal with the clerk within twenty-one days of filing its notice of appeal, together with proof of service of the statement of appeal to the other parties of record. The statement of appeal must specify the basis for the appeal and any arguments in support of the appeal. Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk shall cause to have the statement of appeal posted on the council's web page. Any written responsive statements or arguments to the appeal, together with proof of service on the other parties of record, must be filed with the clerk within fourteen days after the filing of the statement of appeal. The clerk shall cause to have these responsive statements and arguments posted on the council's webpage.

7. At least fourteen days before the closed record hearing by the council of the appeal, the clerk will provide the parties of record with written notice of the hearing time and date. The council's consideration of the appeal shall be based upon the record as presented to the hearing examiner at the open record public hearing and upon written appeal statements and arguments submitted by the parties that are based on the open record public meeting. The council may allow the parties to the appeal a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, county staff may provide a written

or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by council members at the appeal hearing. Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

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

a. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. The recommendation of the hearing examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the hearing examiner.

9. a. The council's final action on any recommendation of the hearing examiner shall be by ordinance, which shall include findings of fact and conclusions from the record of the hearing examiner's public hearings. The findings and conclusions shall set forth and demonstrate the manner in which the council's decision is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287. The council may adopt as its own all or portions of the hearing examiner's findings and conclusions.

b. Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective. The ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted. The council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period.

N. If the hearing examiner's recommendation is not appealed pursuant to subsection M. of this section:

1. The clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting for adoption;

2. No final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance that amends or reverses the examiner's recommendation;

3. The council may either:

a. Refer the matter to the transportation, economy and environment or its successor for further consideration deemed necessary before the council takes final action on the matter or remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. Adopt the hearing examiner's recommendation by an ordinance satisfying the requirements of subsection M.9. of this section.

4. Any final action by the county council may be reconsidered by the council pursuant to K.C.C. 20.24.250, as recodified by this ordinance; and

5. Any appeal of the council's final action shall comply with the requirements of K.C.C 20.24.240.A., as recodified by this ordinance.

O.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this section shall prospectively control the operations and design for the site and supersede the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006 regarding activities that occurred before the execution of a development agreement shall not be affected.

2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months before the agreement expires. The

department shall provide a notice of the renewal request under subsection K.5.a. through c. of this section and shall conduct at least one public meeting on the request as provided in subsection K.7. of this section.

c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days before the development and operating agreement expires.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to laws in effect at the time the subsequent application is filed.

P. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to subsequent permits necessary for the uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete application for any permits necessary for a use authorized by the development and operating agreement shall apply:

a. surface water management standards under K.C.C. Title 9;

b. public health and safety codes under K.C.C. Title 13;

c. road standards under K.C.C. Title 14;

c. building codes under K.C.C. Title 16; and

d. fire codes under K.C.C. Title 17.

R. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection K.5.a. through c. of this section. The department shall submit to the hearing examiner its recommendation on the request not later than August 1.

S. The hearing examiner shall conduct the following annual monitoring and reporting activities for the council:

1. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection K.5.a. through c. of this section.

2. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

a. describes the current status of the phases of the development;

b. evaluates compliance with development and operation agreement conditions during the preceding year;

c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;

d. evaluates proposed modifications to the development and operating agreement; and

e. outlines potential steps to ensure compliance with the development and operating agreement.

3. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

T. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The department shall solicit comments from the applicant, the hearing examiner, and the public, identified in subsection K.5.a. through c. of this section, on the master planning process and include a synopsis of those comments in the report. A paper copy and an electronic copy of the report shall be filed with the clerk of the council, who shall retain the paper original and shall forward electronic copies to each councilmember. SECTION 140. O

The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. "Civil code violation" means and includes one or more of the following:

1. Any act or omission contrary to any ordinance, resolution, regulation or public rule of the county that regulates or protects public health, the environment or the use and development of land or water, whether or not the ordinance, resolution or regulation is codified; and

2. Any act or omission contrary to the conditions of any permit, notice and order or stop work order issued pursuant to any such an ordinance, resolution, regulation or public rule.

C. "Contested hearing" means a hearing requested in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation.

D. "Director" means, depending on the code violated:

1. The director of the department of permitting and environmental review;

2. The director of the Seattle-King County department of public health, or ((÷))"local health officer" as that term is used in chapter 70.05 RCW((.));

3. The director of the department of natural resources and parks;

4. The director of any other county department authorized to enforce civil code compliance;

5. Authorized representatives of a director, including compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; or

6. Such other person as the council by ordinance authorizes to use this title.

E. "Found in violation" means that:

1. A citation, notice and order or stop work order has been issued and not timely appealed;

2. A voluntary compliance agreement has been entered into; or

3. The hearing examiner has determined that the violation has occurred and the hearing examiner's determination has not been stayed or reversed on appeal.

F. "Hearing examiner" means the office of the King County hearing examiner, as provided in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

G. "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

H. "Mitigation hearing" means a hearing requested in response to a citation to explain mitigating circumstances surrounding the commission of a violation.

I. "Permit" means any form of certificate, approval, registration, license or any other written permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all

subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

J. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation or legal entity.

K. "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, or the owner, lessor, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation occurs, or both.

L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement code provisions.

M. "Remediate" means to restore a site to a condition that complies with critical area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare.

N. "Resolution" means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

SECTION 141. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070 are each hereby amended to read as follows:

A. The department shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and data systems for tracking violations and applicable county codes, whether or not a violation

has occurred. As soon as a department has reasonable cause to determine that a violation has occurred, it shall document the violation and promptly notify the owner, occupant or other person responsible for code compliance.

B. Except as provided in subsection D. of this section, a warning shall be issued verbally or in writing promptly when a field inspection reveals a violation, or as soon as the department otherwise determines that a violation has occurred. The warning shall inform the person determined to be responsible for code compliance of the violation and shall include a reference to the applicable permit or zoning condition, ordinance or code related to the violation. The warning shall also allow the person an opportunity to correct the violation or enter into a voluntary compliance agreement as provided for by this title. Verbal warnings shall be logged and followed up with a written warning within two weeks, and the site shall be reinspected within thirty days.

C. The guidelines in this section for warnings, notifications and reinspections are not jurisdictional, and failure to meet them in any particular case shall not affect the county's authority to enforce county code provisions with regard to that case.

D. Nor warning need be issued in cases involving, emergencies that pose an imminent threat to environmental health or to the public safety.

E. A department may issue a citation if it determines that the violation is likely to be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

F. A department may issue notice and orders in cases where it determines that the violation is unlikely be fully corrected in a reasonable period of time.

G. The department shall use all reasonable means to determine and cite the person or persons actually responsible for the violation occurring when the owner has not directly or indirectly caused the violation.

H. If the violation is not corrected or a voluntary compliance agreement is not achieved within a reasonable time ((~~period~~)), a citation, notice and order or stop work order should be issued. As a guideline, citations should be issued within sixty days from receipt of a complaint, and notice and orders should be issued within one hundred twenty days from receipt of a complaint. Stop work orders should be issued promptly upon discovery of a violation in progress.

I. Any complainant who provides a mailing address and requests to be kept advised of enforcement efforts should be mailed a copy of all written warnings, voluntary compliance agreements, citations, notice and orders, stop work orders and notices of settlement conferences issued by a department with regard to the alleged violation. Any complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order or a determination not to issue a citation or order under K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance). The appeal under this subsection shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

SECTION 142. Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080 are each hereby amended to read as follows:

A. Service of a citation, notice of compliance, notice and order or penalty waiver decision shall be made on a person responsible for code compliance by one or more of the following methods:

1. Personal service of a citation, notice of noncompliance, notice and order or penalty waiver decision may be made on the person identified by the department as being responsible for code compliance, or by leaving a copy of the citation or notice and order at that person's house of usual abode with a person of suitable age and discretion who resides there.

2. Service directed to either the landowner or occupant of the property, or both, may be made by posting the citation, notice of noncompliance, notice and order or penalty waiver decision in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.

3. Service by mail may be made for a citation, notice of noncompliance, notice and order or penalty waiver decision by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the person responsible for code compliance at the person's last known address, at the address of the violation or at the address of the person's place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. ((~~Service by mail shall be presumed effective upon the third business day following the day upon which the citation, notice of noncompliance, notice and order or penalty waiver decision was placed in the mail.~~))

B. For notice and orders only, when the address of the person responsible for code compliance cannot reasonably be determined, service may be made by publication once in a local newspaper with general circulation.

C. Service of a stop work order on a person responsible for code compliance may be made by posting the stop work order in a conspicuous place on the property where the violation occurred or by serving the stop work order in any other manner permitted by this section.

D. The failure of the director to make or attempt service on any person named in the citation, notice of noncompliance notice and order, stop work order or penalty waiver decision shall not invalidate any proceedings as to any other person duly served.

SECTION 143. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090 are each hereby amended to read as follows:

A. Whenever the applicable department determines that a code violation has occurred or is occurring, the department shall make reasonable efforts to secure voluntary compliance from the person responsible for code compliance. Upon contacting the person responsible for code compliance, the department may enter into a voluntary compliance agreement as provided for in this section.

B. A voluntary compliance agreement may be entered into at any time after issuance of a verbal or written warning, a citation, a notice and order or a stop work order and before an appeal is decided pursuant to K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance).

C. The voluntary compliance agreement is a commitment by the person responsible for code compliance under which the person agrees to do any combination of

abating the violation, remediating the site or mitigating the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name and address of the person responsible for code compliance;

2. The address or other identification of the location of the violation;

3. A description of the violation and a reference to the provision or provisions of the ordinance, resolution or regulation that has been violated;

4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed. For the purpose of this subsection C.4., the department may either require that compliance be achieved by a specific date or that compliance be achieved by a date to be determined based on the occurrence of some future event;

5. The amount of the civil penalty that will be imposed pursuant to K.C.C. chapter 23.32 if the voluntary compliance agreement is not satisfied;

6. An acknowledgment that the voluntary compliance agreement will be recorded against the property in the records and licensing services division, the recording to be accomplished as provided for in notice and order cases;

7. An acknowledgment that if the department determines that the terms of the voluntary compliance agreement are not met, the department may issue a notice of noncompliance, and if the notice of noncompliance is not successfully appealed pursuant to K.C.C. 20.24.090, as recodified by this ordinance, that the county may, without issuing a citation, notice and order or stop work order, impose any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by

the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit;

8. An acknowledgment that if any assessed penalty, fee or cost is not paid, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for code compliance, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for code compliance;

9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil violation; and that the person responsible waives the right to administratively appeal the existence of the conditions and the fact that they constituted a civil code violation, and that if a notice of noncompliance is issued and not successfully appealed, the person is subject to and liable for any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and

10. An acknowledgment that the person responsible for code compliance understands that he or she knowingly, voluntarily and intelligently waives the right to administratively appeal a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the department issues a notice of noncompliance, and if the notice of noncompliance is not successfully challenged through administrative appeal, he or she is liable for the civil penalty available under K.C.C. chapter 23.32. The person identified in the voluntary compliance agreement is liable for the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in K.C.C. chapter 23.24 and is subject to all other remedies provided for in this title.

E. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the department if the person responsible for code compliance has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

SECTION 144. Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100 are each hereby amended to read as follows:

If the department determines that terms of the voluntary compliance agreement are not completely met, the director may issue a notice of noncompliance. A notice of noncompliance shall include a description of all incomplete or untimely corrective or abatement action required under the voluntary compliance agreement. The notice of noncompliance shall also include the civil penalty to be imposed based upon the failure to comply with the voluntary compliance agreement. The person or persons responsible for

code compliance may appeal the facts and conclusions described in the notice of noncompliance as provided by K.C.C. 20.24.090, as recodified by this ordinance. If the director issues a notice of noncompliance, and the notice of noncompliance is not successfully challenged through administrative appeal, the department may abate the violation in accordance with this title, and the person responsible for code compliance may, without being issued a citation, notice and order or stop work order, be assessed a civil fine or penalty, in accordance with the penalty provisions of the voluntary compliance agreement, plus all costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that notice of noncompliance was issued.

SECTION 145. Ordinance 12024, Section 7, and K.C.C. 23.10.070 are each hereby amended to read as follows:

A. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the vehicle on the land stating the reason for such denial. If it is determined by the hearing officer that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

B. Nothing in this chapter shall relieve the landowner of any civil penalties which may accrue from any zoning code violation related to the improper placement, parking or storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

C. In addition to determination of responsibility as provided for in paragraph A, the hearing examiner shall receive and examine evidence on other relevant matters, including whether a public nuisance as defined in this chapter exists. The decision of the hearing examiner shall be final. Any further ((~~approval~~)) appeal shall be as prescribed in K.C.C. 20.24.240.B., as recodified by this ordinance.

SECTION 146. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020 are each hereby amended to read as follows:

A. A citation represents a determination that a civil code violation has been committed and that the person cited is a person responsible for code compliance. The determination is final unless contested as provided in this title.

B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for code compliance to an illegal dumping cleanup restitution payment.

D. The person issued a citation shall respond to the citation as provided in K.C.C. 23.20.060 and 23.20.070 within ((~~fourteen~~)) seventeen days of the date of service of the citation.

E. Failure to respond to the citation within ((~~fourteen~~)) seventeen days shall render the citation a final determination that the conditions described in the citation

existed and constituted a civil code violation and that the person cited is liable as a person responsible for code compliance.

F. Imposition of a civil fine creates a joint and several personal obligation in all persons responsible for code compliance who are served with the citation. The prosecuting attorney on behalf of King County may collect the civil fines assessed by any appropriate legal means.

G. Issuance of a citation in no way limits a director's authority to issue a notice and order or stop work order to the same person responsible for code compliance pursuant to this title. Payment of the civil fine assessed under the citation does not relieve a person responsible for code compliance of his or her duty to correct the violation or to pay any and all civil penalties accruing under a notice and order or stop work order issued pursuant to this title.

SECTION 147. Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030 are each hereby amended to read as follows:

A citation shall contain the following:

A. A reasonable description of the location of the property on which the violation occurred;

B. The name and address of the person responsible for code compliance;

C. A brief description of the violation or violations found;

D. A statement of the specific ordinance, resolution, regulation, public rule, permit condition, notice and order provision, or stop work order provision that was violated;

E. The date that the citation was served;

F. A statement that the citation represents a determination that a civil code violation has occurred and that the person cited is subject to civil fines;

G. A statement of the amount of the civil fine assessed;

H. A statement of the options provided in this title for responding to the citation and the procedures necessary to exercise these options;

I. A statement that, at any hearing to contest the determination that a civil code violation has occurred, the county has the burden of proving, by a preponderance of the evidence, that the violation was committed;

J. A statement that, at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the violation, the person cited will be deemed to have committed the violation;

K. A statement that the person cited must respond to the citation as provided in this chapter within ((~~fourteen~~)) seventeen days;

L. A statement that failure to respond to the citation or to appear at a requested hearing renders the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the person cited is liable as a person responsible for code compliance;

M. A statement advising that a failure to respond to the citation or appear at a requested hearing may be referred to the prosecuting attorney for prosecution; and

N. A statement, made under penalty of perjury as provided in RCW 9A.72.085, setting forth facts supporting issuance of the citation.

SECTION 148. Ordinance 16278, Section 16, and K.C.C. 23.20.060 are each hereby amended to read as follows:

A. A person issued a citation must respond within ((~~fourteen~~)) seventeen days after service of the citation in one of the following ways:

1. If the person issued the citation does not contest the determination, the person shall pay the amount of the civil penalty plus cleanup restitution payment, if applicable, specified in the citation. The record shall show a finding that the person cited is the person responsible for code compliance.

2. If the person issued the citation does not contest the determination, but wishes to explain the circumstances surrounding the commission of the violation, the person shall request in writing a mitigation hearing and provide a mailing address to which notice of the hearing may be sent; or

3. If the person issued the citation wishes to contest the determination that a violation occurred or that the person issued the citation is responsible for the violation, the person shall request in writing a contested hearing and provide a mailing address to which notice of the hearing may be sent.

B. The person issued the citation shall respond to the citation by mail to the address provided on the citation. The response shall be postmarked not later than ((~~fourteen~~)) seventeen days after the date the citation was served.

C. If a person fails to respond to a citation within ((~~fourteen~~)) seventeen days, the person shall be deemed to have committed the violation stated in the citation. The department may assess the penalty and restitution payment specified in the citation.

SECTION 149. Ordinance 16278, Section 18, and K.C.C. 23.20.080 are each hereby amended to read as follows:

A. If a person requests a hearing in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation, the department shall notify the hearing examiner that a contested hearing has been requested. The office of the hearing examiner shall:

1. Schedule a hearing to be held within sixty days after the department provides notice of the request; and

2. At least twenty days before the date of the hearing, provide notice of the time, place and date of the hearing by first class mail to the address provided in the request for hearing.

B. Except as otherwise provided in this section, contested hearings shall be conducted pursuant to K.C.C. ((~~20.24.170~~)) chapter 20.xx (the new chapter created under section 2 of this ordinance) and the rules of procedure of the ((~~King County~~)) hearing examiner. The hearing examiner may issue subpoenas for witnesses and order limited discovery. The requirements ((~~of K.C.C. 20.24.145~~)) relating to ((~~pre-hearing~~)) prehearing conferences do not apply to the contested hearing.

C. If the rights of the alleged violator to receive notice that meets due process requirements are not prejudiced:

1. A citation shall not be deemed insufficient by reason of formal defects or imperfections, including a failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed; and

2. A citation may be amended prior to the conclusion of the hearing so as to conform to the evidence presented.

D. The burden of proof is on the county to establish by a preponderance of the evidence that the violation was committed. The hearing examiner shall consider the citation and any other written report made as provided in RCW 9A.72.085, submitted by the person who issued the citation or whose written statement was the basis for the issuance of the citation in lieu of that person's personal appearance at the hearing as prima facie evidence that a violation occurred and that the person cited is responsible. The statement and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any additional certification or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the violation did not occur or that the person contesting the citation is not responsible for the violation.

E. If the citation is sustained at the hearing, the hearing examiner shall enter an order finding that the person cited committed the violation. If an ongoing violation remains uncorrected, the hearing examiner shall impose the applicable penalty. The hearing examiner may reduce the penalty as provided in K.C.C. 23.20.070 if the violation has been corrected. If the hearing examiner finds by a preponderance of the evidence that the violation did not occur, an order shall be entered dismissing the citation.

F. The hearing examiner's decision ((~~is a final agency action~~)) shall be final and conclusive unless an appeal is timely filed with the appropriate court or tribunal.

G. A cited person's failure to appear for a scheduled hearing shall result in an order being entered that the person cited is the person responsible for code compliance and assessing the applicable civil penalty and if applicable, cleanup restitution payment.

SECTION 150. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020 are each hereby amended to read as follows:

A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order represents a determination that a civil code violation has been committed, that the person cited is a person responsible for code compliance, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies including cleanup restitution payment, if applicable, specified in the notice and order.

B. Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:

1. Additional civil penalties and costs;

2. A requirement that abatement, remediation or mitigation be performed;

3. An agreement to perform community service as prescribed by this chapter;

4. Permit suspension, revocation, modification or denial as prescribed by this chapter; or

5. Abatement by a director and recovery of the costs of abatement according to the procedures described in this chapter.

C. Any person identified in the notice and order as responsible for code compliance may appeal the notice and order ((~~within fourteen days~~)) according to the procedures in K.C.C. chapter 23.36.

D. Failure to appeal the notice and order within the applicable time limits shall render the notice and order a final determination that the conditions described in the

notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.

E. Issuance of a notice and order in no way limits a director's authority to issue a citation or stop work order to a person previously cited through the notice and order process pursuant to this title. Payment of the civil penalties assessed under the notice and order does not relieve a person found to be responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under citations or stop work orders issued pursuant to this title.

SECTION 151. Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030 are each hereby amended to read as follows:

The notice and order shall contain the following information:

A. The address, when available, or location of the civil code violation;

B. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators;

C. A statement that the director has found the named person to have committed a civil code violation and a brief description of the violation or violations found;

D. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

E. The dollar amount of the civil penalty per separate violation;

F. A statement advising that any costs of enforcement that exceed the amount of the penalty may also be assessed against the person to whom the notice and order is directed;

G. A statement advising that the notice and order will be recorded against the property in the records and licensing services division subsequent to service;

H. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

I. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, a director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of any persons responsible for code compliance;

J. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by a person responsible for code compliance and as a joint and several personal obligation of all persons responsible for code compliance;

K. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the hearing examiner within ((~~fourteen~~)) twenty-four days of the date of service of the notice and order;

L. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent King County permit applications on the subject property;

M. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance; and

N. A statement advising the person responsible for code compliance of his or her duty to notify the director of any actions taken to achieve compliance with the notice and order.

SECTION 152. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100 are each hereby amended to read as follows:

A. A director may suspend, revoke or limit any permit issued by that director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;

2. The permit holder has interfered with a director in the performance of his or her duties relating to that permit;

3. The permit was issued in error or on the basis of materially incorrect information supplied to the county;

4. Permit fees or costs were paid to the county by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled;

5. For a permit or approval that is subject to critical areas review, the applicant has failed to disclose a change of circumstances on the development proposal site which materially affects an applicant's ability to meet the permit or approval conditions or which makes inaccurate the critical areas study that was the basis for establishing permit or approval conditions; or

6. For a permit or approval for which fees that have been billed are sixty days or more past due. If the applicant has filed a timely written notice for a fee waiver under K.C.C. 27.02.040, the permit shall not be suspended, revoked or otherwise limited under this subsection A.6. until at least ((~~fourteen~~)) seventeen days after the fee waiver decision has been issued.

B. A suspension, revocation or modification authorized by subsection A. of this section shall be carried out through the notice and order provisions of this chapter and shall be effective upon the compliance date established by the notice and order. The revocation, suspension or cancellation may be appealed to the hearing examiner using the appeal provisions of this title.

C. Notwithstanding any other provision of this title, a director may immediately suspend operations under any permit by issuing a stop work order pursuant to K.C.C. chapter 23.28.

SECTION 153. Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050 are each hereby amended to read as follows:

A. The invoice for newly assessed civil penalties imposed under this title shall include a statement advising the person responsible for code compliance that there is a

right, within twenty-((~~one~~))four days from service of the invoice, to request a waiver from the director of some or all of the penalties.

B. Civil penalties, in whole or in part, may be waived or reimbursed to the payer by the director, with the concurrence of the director of the department of executive services, under the following circumstances:

1. The citation, notice and order, notice of noncompliance or stop work order was issued in error;

2. The civil penalties were assessed in error; or

3. Notice failed to reach the property owner due to unusual circumstances.

C. Civil penalties, in whole or in part, may be waived by the director, with the concurrence of the director of the department of executive services or its successor agency, under the following circumstances:

1. The code violations have been cured under a voluntary compliance agreement;

2. The code violations which formed the basis for the civil penalties have been cured, and the director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or

3. Other information warranting waiver has been presented to the director since the citation, notice and order, notice of noncompliance, stop work order or newly assessed penalty invoice was issued.

D. In cases where additional penalties may be assessed and liens issued, or where compliance or other factors may provide a later ground for waiver, the director may postpone consideration of the waiver request. New penalties may be assessed as

warranted, but interest shall not accrue on, and collection shall not be pursued for, penalties subject to a pending waiver request.

E. When the director reaches a final determination on a waiver request, the department shall provide a written decision to the person filing the waiver request, either in person or by mail. The written decision shall inform the person of the right to appeal the waiver decision and shall provide notice of the appeal deadlines and requirements established in this chapter.

F. The director shall document the circumstances under which a decision was made to waive penalties and such a statement shall become part of the public record unless privileged.

SECTION 154. Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100 are each hereby amended to read as follows:

A. A person who filed a penalty waiver request under K.C.C. 23.32.050 may appeal the director's decision denying all or a portion of the request waiver.

B. In order to be effective, a written notice and statement of appeal must be received by the department within ((~~fourteen~~)) seventeen days from service of the director's penalty waiver decision. The statement of appeal must include:

1. The identity of the person filing the appeal;

2. The address of the property where the violations were determined to exist;

3. A description of the actions taken to achieve compliance and, if applicable, the date of compliance; and

4. Any other reasons why the person believes the penalties are erroneous or excessive under the circumstances.

C. Failure to effectively appeal the director's penalty waiver decision within the applicable time limits renders the decision final.

SECTION 155. Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110 are each hereby amended to read as follows:

The burden is on the appellant to demonstrate by a preponderance of the evidence that civil penalties were assessed after achieving compliance or that the penalties are otherwise erroneous or excessive under the circumstances. If the hearing examiner grants the appeal, in whole or in part, the examiner shall modify the assessment of civil penalties accordingly. If the hearing examiner denies the appeal in full ((~~whole or in part~~)), the assessed civil penalties shall be reinstated in full. The hearing examiner's decision is final.

SECTION 156. Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120 are each hereby amended to read as follows:

A. In an appeal of the assessment of civil penalties, the appellant may not challenge findings, requirements or other items((~~,~~)) that could have been challenged during the appeal period for a citation, notice and order, notice of noncompliance, stop work order or earlier penalty.

B. The appeal of the assessment of civil penalties to the hearing examiner shall be governed by K.C.C. chapters ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and 23.36, except that where specific provisions in this chapter conflict with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) or 23.36, ((~~the provisions of~~)) this chapter shall govern.

C. Upon the timely receipt of a statement of appeal, the assessment of civil penalties shall be tolled pending the hearing examiner's decision. New penalties may be assessed and liens issued as warranted, but interest shall not accrue on, and collection shall not be pursued for, penalties subject to a pending appeal. Should the hearing examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively from the date that compliance was required in the notice and order, stop work order, voluntary compliance agreement or the compliance dates set in the hearing examiner's decision on an appeal of a notice and order.

SECTION 157. Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010 are each hereby amended to read as follows:

A.((~~1.~~)) Any person named in a notice and order or stop work order and any owner of the land where the violation occurred for which a notice and order or stop work order is issued may ((~~file with the issuing department a notice of~~)) appeal ((~~of~~)) the notice and order or stop work order in accordance with K.C.C. 20.24.090, as recodified by this ordinance. ((~~The notice of appeal shall be filed within fourteen days of the service of the notice and order or stop work order.~~))

((~~2.~~)) B. Any complainant who has alleged a violation of K.C.C. chapter 9.12, 16.82 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to be kept advised in accordance with K.C.C. 23.02.070.H. may (~~file with the issuing department a notice of~~)) appeal ((~~of~~)) a citation, notice and order, stop work order or a determination not to issue a citation or order in accordance with K.C.C. 20.24.090, as recodified by this ordinance. ((~~The notice of appeal shall be filed within fourteen days of~~

~~the service of the citation, notice and order, stop work order or notice of decision not to issue a citation or order.~~

~~B. If a notice of appeal has been filed within the time period provided in this section, the appellant shall file a statement of appeal with the issuing department within twenty-one days of the service of the citation, notice and order, stop work order or notice of decision not to issue a citation or order.~~))

C. Any person issued a citation shall respond to the citation as provided in K.C.C. chapter 23.20.

D. A ((~~notice~~)) statement of appeal shall comply with the form, content and service requirements of K.C.C. chapters 20.20 and ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) and adopted public rules.

SECTION 158. Ordinance 13263, Section 44, and K.C.C. 23.36.020 are each hereby amended to read as follows:

A. The appeal hearing shall be conducted as provided for in K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance) except that where specific provisions in this title conflict with K.C.C. chapter ((~~20.24~~)) 20.xx (the new chapter created under section 2 of this ordinance), the provisions of this title shall govern.

B. Enforcement of any notice and order of a director issued pursuant to this title shall be stayed as to the appealing party during the pendency of any administrative appeal under this title, except when a director determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in any notice and order issued.

C. Enforcement of any stop work order of a director issued pursuant to this title shall not be stayed during the pendency of any administrative appeal under this title.

D. When multiple citations, stop work orders, or notices and orders have been issued simultaneously for any set of facts constituting a violation, only one appeal of all the enforcement actions shall be allowed.

SECTION 159. Ordinance 16026, Section 11, and K.C.C. 27.50.020 are each hereby amended to read as follows:

An applicant disputing a fee estimate must do so in writing filed with the department not later than seventeen days after the date that the department mailed the fee estimate letter or estimate revision to the applicant. Within fourteen days after the applicant files the fee estimate dispute with the department, the department shall mail the director's decision on the fee estimate dispute to the applicant. The director's decision shall be final unless the applicant then files a written combined notice and statement of appeal with the director, together with the required appeal fee, not later than seventeen days after the department mailed the director's decision to the applicant. The applicant may only appeal an adverse decision, in which the director has denied all or a portion of the applicant's dispute. The department shall forward a copy of the combined notice and statement of appeal to the hearing examiner. The department shall also preserve the record((~~,~~)) and comply with the appeal provisions in K.C.C. 20.24.090.((~~D~~))E, as recodified by this ordinance.

SECTION 160. Ordinance 16026, Section 15, and K.C.C. 27.50.060 are each hereby amended to read as follows:

A. An applicant appealing any billing on a project managed permit or approval must file a written combined notice and statement of appeal with the director, together with the required appeal fee not later than twenty-one days after the date the department issues the written notice of completion or permit issuance document to the applicant. The department shall forward the combined notice and statement of appeal to the hearing examiner. The department shall also preserve the record((~~,~~)) and comply with the appeal provisions outlined in K.C.C. 20.24.090.((~~D~~))E, as recodified by this ordinance.

B. The director shall respond to the combined notice and statement of appeal filed under this section within twenty-one days after the combined notice and statement is filed with the department. The director shall determine whether to grant, partially grant((~~,~~)) or deny the billing appeal. The department shall mail the director's decision to the applicant and the examiner. If the director grants the appeal of the billing, the examiner shall dismiss the appeal and the department shall refund the applicant's appeal fee. If the director partially grants or denies the applicant's billing appeal request, the examiner shall conduct an open record hearing((~~,~~)) and affirm, modify or reverse the decision of the director.

SECTION 161. Ordinance 11034, Section 9, and K.C.C. 28.84.100 are each hereby amended to read as follows:

The following ((~~provisions~~)) shall govern appeals from decisions of the director related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060((~~.~~)):

A. Any person ((~~allegedly~~)) aggrieved by ((~~any such~~)) a decision of the director shall, before filing ((~~any~~)) an appeal ((~~with~~)) to the ((~~King County~~)) hearing examiner,

request that the director reconsider the decision. The request must be made within fifteen calendar days of the date of the decision. The request shall state the decision to be appealed, the grounds for the appeal and the relief ((~~being~~)) sought. The director shall promptly issue a final decision, which shall be appealable only as provided ((~~herein.~~)) in K.C.C. 20.24.090, as recodified by this ordinance;

B. ((~~Within fifteen calendar days of the date of issuance of the director's final decision, the person allegedly aggrieved may file a written appeal statement with the King County hearing examiner. The appeal shall state the decision being appealed and the grounds for appeal~~

~~C.~~)) The examiner shall hear the appeal, determine whether the decision of the director was consistent with K.C.C. 28.84.050 or 28.84.060, as applicable, this chapter and rules and regulations promulgated by the director((~~,~~)) and promptly issue a final decision ((~~K.C.C. 20.24.080.~~)); and

((~~D.~~)) C. Appeals of the examiner's final decision shall be to the superior court or the state Pollution Control Hearings Board, as provided by law.

SECTION 162. In accordance with K.C.C. 20.12.205, the executive shall submit this ordinance to the state Department of Ecology for its approval of the standards in sections 34, 35, 113, 114 and 115 of this ordinance, as provided in RCW 90.58.090.

SECTION 163. Sections 34, 35, 113, 114 and 115 of this ordinance take effect

within the shoreline jurisdiction fourteen days after the Department of Ecology provides written notice of final action stating that the proposal is approved.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	12	**Name:**	Erin Auzins
Proposed No.:	2015-0502	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0502 would renew for six months an existing moratorium on the establishment or location of medical marijuana dispensaries and collective gardens.

SUMMARY

The council adopted the first medical marijuana moratorium with Ordinance 17726 in December 2013. That Ordinance established a one-year moratorium on the location, establishment or expansion of medical marijuana collective gardens or dispensaries authorized under the state medical marijuana law[1]. The moratorium was intended to give the state legislature time to act on the regulatory gap between the largely unregulated medical marijuana law, and the new recreational marijuana law approved by voters with Initiative 502.

The state legislature did not take any legislative action to address the regulatory gap between the state's regulations for recreational marijuana (I-502) and medical marijuana in its 2014 session. As a result, the Council passed a six-month extension to the moratorium with Ordinance 17940, with the expectation that the legislature would take action during the 2015 session to address this issue.

On April 24, 2015, Governor Jay Inslee signed into law an act[2] that would incorporate the medical marijuana laws into the recreation marijuana regulatory system. This law would more clearly make medical marijuana dispensaries illegal, and would place strict limits on marijuana cooperative systems and collective gardens. These portions of the law become effective in July 2016.

Proposed Ordinance 2015-0502 would extend the moratorium for another six months, through June 2016. This would give the County a tool to prevent any additional collective gardens and dispensaries from locating and operating in unincorporated King County prior to the effective date of these provisions.

---

[1] Chapter 69.51A RCW.
[2] Second Substitute Bill 5052

BACKGROUND

In 1998, Washington decriminalized “medical marijuana” with the passage of Initiative 692. The initiative limited criminal penalties on the use, possession, and cultivation of marijuana by patients who possess "valid documentation" from their physician or medical professional affirming that he or she suffers from a debilitating condition and that the "potential benefits of the medical use of marijuana would likely outweigh the health risks." As this initiative was implemented, a number of areas of concern arose that were not addressed in the original measure.

In 2011, the legislature adopted ESSB 5073 that would have addressed these concerns by developing a framework for regulating medical marijuana dispensaries and establishing a statewide registry of patients with valid authorizations. The Governor vetoed significant portions of the legislation, primarily those elements that would have regulated the sellers and users, while leaving intact several elements of the bill that ultimately became law. One of these elements has been interpreted by the courts to allow the establishment of “collective gardens” that now act as unregulated marijuana dispensaries. While the law establishes the rights of those with authorization to use medical marijuana, the mechanisms that would have allowed law enforcement to validate authorizations were also vetoed.

On November 6, 2012, Washington voters approved Initiative 502 (I-502). Prior to the passage of I-502, persons possessing even minor amounts of the drug could be subject to criminal charges, prison time, and subsequent criminal records. However, I-502 makes no changes to the state’s medical marijuana laws, leaving several areas of concern related to the medical marijuana industry that remained unresolved.

On April 24, 2015, the Governor signed Second Substitute Bill 5052,[3] the Cannabis Patient Protection Act, which is intended to regulate the medical marijuana system. The legislation will require that the state (the Department of Health working with the Liquor Control Board) establish a series of standards for medical marijuana and also develop systems for the voluntary registration of patients. The legislation also requires that the Liquor Control Board (to become the Liquor and Cannabis Board in July 2015) establish a system of regulations for the production, processing and retail sale of medical marijuana for patient’s use.

The new regulations would include a retail license with a “medical marijuana endorsement” that would require the retailer to meet special requirements for meeting the needs of medical marijuana users. The legislature has established that “collective gardens” and “dispensaries” operating before the voter approval of I-502 on November 6, 2012, would have a priority in obtaining licenses with this endorsement. These establishments would have to meet all of the same regulatory standards as recreational

[3] The bill as passed by the legislature can be viewed here: http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5052&year=2015#history. The Governor did veto several sections of the bill. The veto letter can be viewed here: https://crmpublicwebservice.des.wa.gov/bats/attachment/vetomessage/c37d74e7-ddea-e411-8e68-005056ba1e68. None of the vetoed sections change how medical marijuana businesses would be regulated.

stores, including the 1,000-foot buffer zone from incompatible uses. The legislation will eliminate the current provisions for "collective gardens" starting July 1, 2016, and as a result, medical marijuana dispensaries will no longer be legal. The legislation leaves in place the legal protections for these collective gardens until July 2016. As a consequence, the "unregulated" medical marijuana dispensaries can continue to operate under existing strictures through the July 1, 2016, date.

ANALYSIS

The portions of the new state law that would make medical marijuana businesses either licensed by the state, or illegal under state law, will take effect July 1, 2016. Between the end of the current moratorium on December 16, 2015, and when the new state law and associated agency rules becomes effective, there is a potential risk of new medical marijuana businesses locating in unincorporated King County. The Department of Permitting and Environmental Review (DPER) has used the existing moratorium to close new medical marijuana businesses that have attempted to operate in unincorporated King County in the past two years.

In addition, once the state law is effective, there could be medical marijuana businesses that have not been licensed by the LCB and continue to operate illegally. How the state and the County will coordinate enforcement activities for these illegal businesses has not been resolved.

The proposed moratorium renewal would be in place for six months, which is the maximum allowed by state law.[4] Because of the implementation date of the provisions of 2SSB 5052, the executive may request or the council may initiate additional moratorium renewals through July 1, 2016. If the county chooses not to extend the moratorium, there is a potential risk that medical marijuana businesses locate and operate in unincorporated King County without state approval, which could create additional enforcement activities for DPER and the LCB.

ATTACHMENTS

1. Proposed Ordinance 2015-0502

INVITED

- John Starbard, Director, DPER

[4] RCW 36.70A.390 allows renewals of one or more six month periods. The renewal would be in place through June 16, 2015.

[Blank Page]

KING COUNTY

Signature Report

November 30, 2015

Ordinance

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0502.1 **Sponsors** McDermott

AN ORDINANCE renewing for six-months an existing moratorium on the establishment or location of medical marijuana dispensaries and collective gardens asserted to be or actually authorized under Chapter 181, Laws of Washington 2011, and chapter 69.51A RCW; and declaring and emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. King County has authority to establish and renew a moratorium under the Growth Management Act, as set forth in RCW 36.70A.390, to preclude approval of a particular land use and to facilitate its interest in studying the impacts of that land use.

B. Washington state Initiative Measure No. 692, approved in 1998, created an affirmative defense to the charge of possession of marijuana for qualifying patients.

C. The 2011 state Legislature passed Engrossed Second Substitute Senate Bill 5073 and Governor Christine Gregoire signed the bill while vetoing several of its sections, including those authorizing the operation of medical marijuana dispensaries. Engrossed Second Senate Bill 5073 became Chapter 181, Laws of Washington 2011 and took effect July 22, 2011.

D. The 2011 act provided for a system of "collective gardens," within which qualifying patients could produce, grow and deliver marijuana for medical use under certain conditions, and which allowed qualifying patients to designate a "designated provider," who was authorized to distribute marijuana to one patient within any fifteen-day period.

E. Washington state Initiative Measure No. 502, approved in 2012, established a regulatory system for adult use of recreational marijuana and regulation of the production, processing, and sales of marijuana. Initiative 502 did not amend the medical marijuana laws.

F. A growing number of medical marijuana collective gardens and dispensaries asserted to be or actually authorized by the 2011 act are currently in operation in unincorporated King County. Due to the quasi-criminal nature of these facilities, data collection is very difficult and the location and number of these facilities is not clear.

G. Over the past several years, specific concerns have been raised by community members regarding the operation of medical marijuana collective gardens and dispensaries in unincorporated King County.

H. The acceptance of development applications proposing additional collective gardens or dispensaries may allow development that is incompatible with nearby existing land uses in unincorporated King County.

I. For these reasons and others, Ordinance 17726 established a zoning moratorium on medical marijuana collective gardens and dispensaries for a twelve month period that was scheduled to expire on December 16, 2014.

J. Ordinance 17940 renewed the zoning moratorium on medical marijuana collective gardens and dispensaries for a six-month period that was scheduled to expire on June 16, 2015.

K. In April 2015, the Washington state Legislature enacted Second Substitute Bill 5052, which became Chapter 70, Laws of Washington 2015, which incorporates distribution of medical marijuana products into the recreational marijuana regulatory system.

L. The 2015 act creates a strictly limited marijuana cooperative system and places additional limits on the allowance for collective gardens that has previously been utilized by some citizens to produce and distribute marijuana, effective July 1, 2016.

M. There is a risk that medical marijuana collective gardens and dispensaries might continue to locate and operate in unincorporated King County between the end of the current moratorium and the 2015 act's July 1, 2016, effective date for the provisions cited in subsection L. of this section.

N. The 2015 act requires the Washington state Liquor and Cannabis Board to establish standards for medical marijuana endorsements within the recreational system, and requires the Washington state Department of Health to adopt rules to establish standards for medical marijuana health care providers and patients.

O. As part of these new rules, enforcement mechanisms for medical marijuana dispensaries and collective gardens that do not comply with the 2015 act will also be determined.

P. In response to the 2015 act and the uncertainty with the rules and enforcement mechanisms, Ordinance 18059 renewed the zoning moratorium on medical marijuana

collective gardens and dispensaries for a six-month period scheduled to expire December 16, 2015.

Q. The rules and enforcement mechanisms have not yet been determined by the Washington state Liquor and Cannabis Board.

R. It is in the public interest to renew the zoning moratorium on medical marijuana collective gardens and dispensaries in order to avoid the establishment of legal nonconforming uses in unincorporated King County during the interim period while the state adopts new rules for medical marijuana endorsements and to determine whether a local enforcement mechanism for medical marijuana dispensaries and collective gardens is necessary.

S. It is necessary that this ordinance go into effect immediately in order to avoid the establishment of a potentially large number of additional collective gardens and medical marijuana dispensaries in the interval before executive signature.

SECTION 2. A six-month renewed moratorium commencing on December 16, 2015, is declared prohibiting the location, establishment or expansion of any medical marijuana collective garden or medical marijuana dispensary in unincorporated King County, whether for profit or not-for-profit, asserted to be authorized or actually authorized under Chapter 181, Laws of Washington 2011, and chapter 69.51A RCW. A building permit, occupancy permit, public health approval or development permit of any kind shall not be issued for any of the purposes or activities prohibited by this section. Any land use approvals or other permits for any of these operations that are issued as a result of or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect.

SECTION 3. For the purposes of section 2 of this ordinance:

A. "Medical marijuana collective garden" means a location or garden including, but not limited to, its associated equipment, supplies, cannabis plants, seeds and cuttings, that is used by qualified patients to share responsibility for acquiring and supplying the resources required to produce, process, transport and deliver cannabis for medical use, as regulated under chapter 69.51A RCW and subject to the limitations in chapter 69.51A RCW. A person who is operating under the limits of a Washington state Liquor and Cannabis Board license to operate as a recreational marijuana producer, processor or retailer shall not be deemed to be a medical marijuana collective garden; and

B. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation or other group or person, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell or otherwise transfer, for consideration or otherwise, marijuana for medical use. A person who is the designated provider for only one qualified patient during any fifteen-day period and who complies with chapter 69.51A RCW or a person who is properly operating under the limits of a Washington state Liquor and Cannabis Board license to operate as a recreational marijuana producer, processor or retailer shall not be deemed a medical marijuana dispensary.

SECTION 4. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 5. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace,

health or safety or for the support of county government and its existing public institutions.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	13	**Name:**	Paul Carlson
Proposed No.:	2015-0451	**Date:**	December 1, 2015

SUBJECT

An ordinance authorizing AmeriCorps volunteers working for King County government to be eligible for County-issued ORCA card transit passes.

SUMMARY

Proposed Ordinance 2015-0451 amends the King County Code to make AmeriCorps volunteers working for King County government eligible for transit pass benefits on the same basis as County employees and interns. The ordinance amends K.C.C. 3.12.188, the code section that defines eligibility for the transit benefit, and adds a definition of "AmeriCorps" to K.C.C. 3.12.010, the code section that defines terms used in the Personnel chapter

BACKGROUND

In 1993, Congress approved the National and Community Service Trust Act, which established the AmeriCorps program. AmeriCorps incorporated the Volunteers in Service to America (VISTA) program and the National Civilian Conservation Corps. The Vet Corps is part of AmeriCorps.

The Washington Service Corps (WSC), established by the Legislature in 1983, administers the AmeriCorps program in this state. King County government pays $6,200 (2015 figure) to WSC per term of employment for each AmeriCorps member serving with King County; the WSC pays individuals a stipend and provides them with a minimal benefit package, not including a transportation benefit.

AmeriCorps members have been employed by King County agencies such as the Office of Emergency Management, Department of Natural Resources and Parks, and Seattle-King County Public Health. Each agency signs a Memorandum of Understanding (MOU) with the WSC identifying the number of AmeriCorps volunteers. Each individual is required to work at least 40 hours per week for 10.5 months, for a total of at least 1,700 hours.

County agencies are responsible for paying the cost of ORCA cards for their employees and administrative interns; this responsibility would apply to the AmeriCorps volunteers as well. According to the Fiscal Note, the 2015 cost of a county employee transit benefit is $376, estimated to be $402 in 2016, $434 in 2017, $469 in 2018, $506 in 2019, and $527 in 2020.

The Fiscal Note estimates that agencies could be responsible for approximately $47,000 in the 2015-2016 biennium, more than $54,000 in the 2017-2018 biennium, and more than $63,000 in the 2019-2020 biennium. This estimate includes a potential substantial increase in the numbers of individuals placed through Vet Corps.

ANALYSIS

King County provides a transit benefit to its employees and interns. AmeriCorps volunteers working for the County do not qualify to receive a transit benefit. It is a policy decision as to whether the County Code should be amended to make AmeriCorps volunteers eligible for the transit benefit.

ATTACHMENTS

1. Proposed Ordinance 2015-0451
2. Transmittal Letter
3. Fiscal Note

KING COUNTY

Signature Report

November 30, 2015

Ordinance

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0451.1 **Sponsors** Dembowski

AN ORDINANCE allowing for the issuance of transit passes to AmeriCorps service members; and amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 and Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188.

STATEMENT OF FACTS:

1. King County stands for providing a workplace built on equity for all employees and those providing continuous ongoing important work in service of the county government.

2. King County recognizes the goals and opportunities that the AmeriCorps and supported programs strive for in providing services to communities in need, while also providing valuable work and training skills to participants.

3. King County recognizes the need to assist economically and professionally, those individuals who are new or entering the workforce. Individuals in training related programs may not or often are not provided a salary sufficient to meet most fiscal needs. King County recognizes that the provision of a transit pass would provide some economic relief while

allowing the participants to continue to provide their services to the county.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are each hereby amended to read as follows:

For the purposes of this chapter, all words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A.1. "Administrative interns" means employees who are:

a. enrolled full-time during the regular school year in a program of education, internship or apprenticeship; or

b. veterans temporarily working to gain practical workforce experience.

2. All administrative internships in executive departments shall be approved by the manager. Administrative interns are exempt from the career service under Section 550 of the charter.

B. "AmeriCorps" means those who apply for and are selected to serve in positions at King County government through either AmeriCorps or Washington Service Corps programs, or both.

C. “Appointing authority" means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

((~~C.~~)) D. "Basis of merit" means the value, excellence or superior quality of an individual's work performance, as determined by a structured process comparing the employee's performance against defined standards and, where possible, the performance of other employees of the same or similar class.

((~~D.~~)) E. "Board" means the county personnel board established by Section 540 of the charter.

((~~E.~~)) F. "Budgetary furlough" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and, in order either to achieve budget savings or to meet unallocated budget reductions, which are commonly known as contras, or both, cost savings may be achieved through reduction in days or hours of service, resulting in placing an employee for one or more days in a temporary furlough status without duties and without pay.

((~~F.~~)) G. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period.

((~~G.~~)) H. "Career service position" means all positions in the county service except for those that are designated by Section 550 of the charter as follows: all elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; the chief economist and other employees of the office economic and financial analysis; the chief economist and other employees of the office of economic and financial analysis; administrative assistants for the executive and one administrative assistant each for the county

administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified in this section; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Divisions in executive departments and administrative offices as determined by the county council shall be considered to be executive departments for the purpose of determining the applicability of Section 550 of the charter.

All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

((~~H.~~)) I. "Charter" means the King County Charter, as amended.

((~~I.~~)) J. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:

1. Under eighteen years of age; or

2. Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

((~~J.~~)) K. "Class" or "classification" means a position or group of positions, established under authority of this chapter, sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.

((~~K.~~)) L. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.

((~~L.~~)) M. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday that is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.

((~~M.~~)) N. "Competitive employment" means a position established in the county budget and that requires at least twenty-six weeks of service per year as the work schedule established for the position.

((~~N.~~)) O. "Council" means the county council as established by Article 2 of the charter.

((~~O.~~)) P. "County" means King County and any other organization that is legally governed by the county with respect to personnel matters.

((~~P.~~)) Q. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state Department of Social and Health Services, or

the secretary's designee, to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, that has continued or can be expected to continue indefinitely and that constitutes a substantial handicap for the individual.

((~~Q.~~)) R. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. Any payments to part-time and temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

((~~R.~~)) S. "Director" means the manager of the human resources division*.

((~~S.~~)) T. "Division" means the human resources division or its successor agency*.

((~~T.~~)) U. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

((~~U.~~)) V. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;

2. Are each other's sole domestic partner and are responsible for each other's common welfare;

3. Share the same regular and permanent residence;

4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner that are paid at least in part by a program or benefit for which the partner qualified because of the domestic

partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;

5. Are not married to anyone;

6. Are each eighteen years of age or older;

7. Are not related by blood closer than would bar marriage in the state of Washington;

8. Were mentally competent to consent to contract when the domestic partnership began.

((~~V.~~)) W. "Employed at least half time or more" means employed in a regular position that has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (employees working both thirty five and forty hours) the manager, in consultation with the department, is responsible for determining what hour threshold applies.

((~~W.~~)) X. "Employee" means any person who is employed in a career service position or exempt position.

((~~X.~~)) Y. "Executive" means the county executive, as established by Article 3 of the charter.

((~~Y.~~)) Z. "Exempt employee" means an employee employed in a position that is not a career service position under Section 550 of the charter. Exempt employees serve at the pleasure of the appointing authority.

((~~Z.~~)) AA. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointments may be made directly without a competitive hiring process.

((~~AA.~~)) BB. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

((~~BB.~~)) CC. "Full-time regular position" means a regular position that has an established work schedule of not less than thirty-five hours per week in those work units in which a thirty-five hour week is standard, or of not less than forty hours per week in those work units in which a forty-hour week is standard.

((~~CC.~~)) DD. "Furlough day" means a day for which an employee shall perform no work and shall receive no pay due to an emergency budget crisis necessitating emergency budget furloughs.

((~~DD.~~)) EE. "Furloughed employee" means an employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.

((~~EE.~~)) FF. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for the career service.

((~~FF.~~)) GG. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

((~~GG.~~)) HH. "Incentive increase" means an increase to an employee's base salary within the assigned pay range, based on demonstrated performance.

((~~HH.~~)) II. "Integrated work setting" means a work setting with no more than eight persons with developmental disabilities or with the presence of a sensory, mental or physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county offices, field locations and other work sites at which supported employees work alongside employees who are not persons with development disabilities employed in permanent county positions.

((~~II.~~)) JJ. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

((~~JJ.~~)) KK. "Manager" means the manager of the human resources division* or its successor agency.

((~~KK.~~)) LL. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

((~~LL.~~)) MM. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

((~~MM.~~)) NN. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

((~~NN.~~)) OO. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

((~~OO.~~)) PP. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

((~~PP.~~)) QQ. "Pay plan" means a systematic schedule of numbered pay ranges with minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range and rules for administration.

((~~QQ.~~)) RR. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

((~~RR.~~)) SS. "Pay range adjustment" means the adjustment of the numbered pay range of a classification to another numbered pay range in the schedule based on a classification change, competitive pay data or other significant factors.

((~~SS.~~)) TT. "Personnel guidelines" means only those operational procedures promulgated by the manager necessary to implement personnel policies or requirements previously stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

((~~TT.~~)) UU. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

((~~UU.~~)) VV. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

((~~VV.~~)) WW. "Probationary period" means a period of time, as determined by the manager, constituting the final step in the competitive screening process for career service or for promotion from one career service position to another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

((~~WW.~~)) XX. "Probationary period salary increase" means a within-range salary increase from one step to the next highest step upon satisfactory completion of the probationary period.

((~~XX.~~)) YY. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

((~~YY.~~)) ZZ. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the manager. Only the manager may authorize a provisional appointment. An appointment to this status is limited to six months.

((~~ZZ.~~)) AAA. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

((~~AAA.~~)) BBB. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

((~~BBB.~~)) CCC. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

((~~CCC.~~)) DDD. "Salary or pay rate" means an individual dollar amount that is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

((~~DDD.~~)) EEE. "Section" means an agency's budget unit comprised of a particular project program or line of business as described in the budget detail plan for

the previous fiscal period as attached to the adopted appropriation ordinance or as modified by the most recent supplemental appropriations ordinance. This definition is not intended to create an organization structure for any agency.

((~~EEE.~~)) FFF. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

1. An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;

2. A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;

3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;

4. An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

5. A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or

6. Any period of incapacity due to pregnancy or prenatal care.

((~~FFF.~~)) GGG. "Temporary employee" means an employee employed in a temporary position and in addition, includes an employee serving a probationary period

or is under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

((~~GGG.~~)) HHH. "Temporary position" means a position that is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

((~~HHH.~~)) III. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service. Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the manager. The manager shall maintain a current list of all term-limited temporary employees by department.

((~~CIII.~~)) JJJ. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other non-routine, substantial body of work, for a period greater

than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for ongoing maintenance of systems that have been implemented;

3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for ongoing management of buildings or facilities once they have been built;

4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five

and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and

6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the manager before the appointment of term-limited temporary employees.

((~~JJJ.~~)) KKK. "Volunteer for the county" means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation from the county for services rendered and who is accepted as a volunteer by the county, except emergency service worker volunteers as described by chapter 38.52 RCW. A "volunteer for the county" may receive reasonable reimbursement of expenses or an allowance for expenses actually incurred without losing his or her status as a volunteer. "Volunteer for the county" includes, but is not limited to, a volunteer serving as a board member, officer, commission member, volunteer intern or direct service volunteer.

((~~KKK.~~)) LLL. "Volunteer intern" means volunteers who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship who are receiving scholastic credit or scholastic recognition for participating in the internship.

((~~LLL~~)) MMM. "Work study student" means a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis

approved by the higher education coordinating board, demonstrates a financial inability, either parental, familial or personal, to bear the total cost of education for any semester or quarter.

SECTION 2. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188 are each hereby amended to read as follows:

A. Employees eligible for leave and insured benefits under this chapter, administrative interns, volunteer interns, work study students, AmeriCorps members and eligible department of transportation retirees ((~~as defined in this section~~)) shall be issued a transit ((~~bus~~)) pass entitling the holder to ride without payment of fare on public transportation services operated by or under the authority of the county. In addition, ((~~such~~)) those employees shall be entitled to use the transit ((~~bus~~)) pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit, ((~~the King County Ferry District,~~)) Sound Transit, Everett Transit((~~,~~)) and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of transit ((~~bus~~)) passes shall be restricted to such employees, administrative interns, volunteer interns, work study students, AmeriCorps members and department of transportation retirees and any unauthorized use shall, at a minimum, result in forfeiture of the passes. With the exception of administrative interns, volunteer interns, ((~~and~~)) work study students((~~,~~) and AmeriCorps members, employees not eligible for leave and insured benefits under this chapter shall not receive transit ((~~bus~~)) passes or any transit ((~~bus~~)) pass subsidy.

B. The executive shall cause an appropriate survey to be conducted biennially of the use of public transportation services by county employees and volunteer interns.

Based on the results of the survey, the projected usage of public transportation services by county employees, the county's commute trip reduction objectives and other factors determined appropriate by the executive, the executive shall recommend in the annual budget an amount to be paid to the public transportation operating account for transit ((~~bus~~)) passes. The amount recommended by the executive shall not include any payment for transit ((~~bus~~)) passes for commissioned police officers, eligible department of transportation retirees and employees whose positions are determined by the director of the department of transportation to be dedicated exclusively to the public transportation function. The final amount to be transferred to the public transportation operating account for transit ((~~bus~~)) passes shall be determined by the council as part of the annual budget and appropriation process consistent with the requirements of the King County Charter and applicable state law.

C. For purposes of this section, "eligible department of transportation retiree" means an employee eligible for leave and insured benefits under this chapter who:

1. Separates from employment with the county while holding a position in the department of transportation determined by the director of the department of transportation to be dedicated exclusively to the public transportation function; and

2. On the date of the separation is eligible to receive benefits from a retirement system established pursuant to state law.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

[Blank Page]

ATTACHMENT 2

October 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

Periodically the King County Council has enacted legislative changes to the provision of transit pass eligibility under King County Code 3.12.188 Transit bus passes. Enclosed is an ordinance, if approved that would provide the transit pass benefit to AmeriCorps programs members. AmeriCorps is a wide umbrella organization which encompasses Veterans Corps (VetCorps), as well as other Washington Service Corps program members that provide services for King County Government.

These groups currently are not provided the transit pass benefit. AmeriCorps workers perform extended temporary, ongoing work for the County, although they are not provided with transit pass eligibility. AmeriCorps members are obligated to serve full-time for over a 10 month period, and are working towards starting or advancing their careers related to their education. Members generally have limited income and are provided with only a small stipend for their commitment period.

Several County agencies have been using AmeriCorps volunteers to perform critical project work that would otherwise not be performed due to lack of funding, similar to the County's use of interns. Under the County's code, Administrative Interns, Unpaid Interns and Work Study Students all receive transit passes. Adding this benefit for the approximately 40 AmeriCorps volunteers retained annually results in a minor cost to the County but for each volunteer, the benefit is of enormous value.

Providing the support of the transit pass benefit to this worker segment, and the access to effective public transit and thus access to County worksites, is in alignment with the County's Equity and Social Justice Initiative and the guiding principles of the County's Strategic Plan.

It is estimated that this report required 78 staff hours to produce, costing approximately $4,140.

Thank you for your review of the enclosed report and your consideration of this important legislation. If you have any questions, please contact Grey Lewis, Human Resources Labor Analyst, at 206-477-3246.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Caroline Whalen, County Administrative Officer, Department of Executive Services (DES)
Nancy Buonanno Grennan, Director, Human Resources Division (HRD), DES
Grey Lewis, Labor Analyst, HRD, DES
Harold Taniguchi, Director, Department of Transportation (DOT)
Kevin Desmond, General Manager, Metro Transit Division, DOT

2015/2016 FISCAL NOTE

ATTACHMENT 3

Ordinance/Motion:	
Title:	2015 Transit Bus Pass Eligibility Change, Inclusion of AmeriCorps Members
Affected Agency ar	All
Note Prepared By:	Grey Lewis, Labor Analyst, Human Resources Division
Date Prepared:	24-Apr-15
Note Reviewed By:	
Date Reviewed:	

Description of request:

Revenue to:

Agency	Fund Code	Revenue Source	2015/2016	2017/2018	2019/2020
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2015/2016	2017/2018	2019/2020
All Funds			$ 46,680	$ 54,163	$ 63,176
TOTAL			**$ 46,680**	**$ 54,163**	**$ 63,176**

Expenditures by Categories

	2015/2016	2017/2018	2019/2020
	$ 46,680	$ 54,163	$ 63,176
TOTAL	**$ 46,680**	**$ 54,163**	**$ 63,176**

Does this legislation require a budget supplemental?

Notes and Assumptions:

1. Ordinance Period: Ordinance effective June 1, 2015

Cost estimate example: based on 60 new eligible workers, based on survey of prior years X 2015 Transit Pass cost allocation per Transit ETP $376 per worker = $22,560. Worker counts estimated based on survey of departments 2012-2014, and prospective recruitment of VetCorps members. Estimate for 2016 per Transit ETP is $402. Estimate for 2017 at $434; 2018 at

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	14	**Name:**	Erin Auzins
Proposed No.:	2015-0506	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0506 would authorize the Executive to sign an interlocal agreement with the City of Sammamish for coordination on the Klahanie annexation area.

SUMMARY

The proposed interlocal agreement with the City of Sammamish is proposed to outline the transfer of public property to the City, to state the changes regarding jail, police and court services that come with the annexation, and to address coordination in development review for projects currently in review or construction. The agreement generally follows the template interlocal agreement for annexation coordination, and the specific changes made for this annexation are noted.

BACKGROUND

On April 28, 2015, the citizens of the Klahanie annexation area voted to be annexed into the City of Sammamish. The annexation becomes effective January 1, 2016. With the annexation, the City takes ownership of drainage facilities, mitigation and monitoring sites, streets and related infrastructure, and parks; and takes over jail, police, district court[1] and development review and permitting in the annexation area.

Executive staff and City staff have been working on an interlocal agreement to address coordination of the operation of the public infrastructure, and to allow for the County to continue processing some development permit applications that are vested to the County regulations during a transitional period.

The City of Sammamish Council approved the interlocal agreement at its November 17, 2015, meeting.

[1] There are existing agreements relating to provision of jail, police and district court services between the County and the City of Sammamish.

ANALYSIS

The interlocal agreement, which would be effective until December 31, 2025, would establish provisions for the transfer of County roads, parks and drainage properties, for the continued provision and coordination of jail, police and district court services, and for coordination for review and inspection by the County of development projects that were begun under County regulations and have vesting under County regulations.

The proposed agreement generally follows the template interlocal agreement that has been prepared for annexation coordination. Changes to the template made for this specific agreement include:

1. Additional indemnification for the City against liability from County ordinances, as enforced by the County. The County may defend our enforcement of the Codes, and if any damages are awarded against the City or County due to a claim, the County shall satisfy the claim.
2. Clarity relating to hazardous substances on public property, and the process for notification and review of federal, state or local orders for remediation.
3. Clarification that prior agreements for jail, police, court, animal control, permit processing for previous annexations, and road and drainage maintenance services remain in effect.
4. Clarification that the City will adopt ordinances regarding 2016 property taxes in 2015 for the annexation area.
5. Additional hold harmless language that the County will remedy identified defects to properties to be transferred to the City prior to the transfer.
6. Specific language regarding the deed for Queens Bog.
7. Clarity regarding what review and inspection activities the County will undertake for building permits.
8. Clarity on what documentation development review files, and code enforcement files, will include when they are sent to the City to complete review.
9. Language regarding projects that have not been assessed impact fees by the County, to have the County process the application only to recommendation, then to transfer the application to the City to complete processing, and therefore to allow the City to assess impact fees for these projects, per Sammamish Municipal Code and state law.

ATTACHMENTS

1. Proposed Ordinance 2015-0506 with attachment

INVITED

- Lauren Smith, Director, Regional Planning Unit

KING COUNTY

Signature Report

November 30, 2015

Ordinance

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0506.1 **Sponsors** Lambert

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the city of Sammamish relating to the annexation of the Klahanie Potential Annexation Area.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. The Klahanie Potential Annexation Area is located entirely within the urban growth area and is designated for potential annexation by the city of Sammamish in accordance with Growth Management Planning Council Motion 14-1, which transferred the area from Issaquah to Sammamish.

B. The Klahanie Potential Annexation Area is approximately 1,243 acres with an estimated population of 10,939 persons.

C. April 28, 2015, the citizens of the Klahanie Potential Annexation Area voted to be annexed to the city of Sammamish.

D. On July, 13, 2015, the city of Sammamish council adopted Ordinance 02015-393, which set the effective date of the annexation of the Klahanie Potential Annexation Area as January 1, 2016.

SECTION 2. The King County executive is hereby authorized to enter into an interlocal agreement, in substantially the same form as Attachment A to this ordinance,

with the city of Sammamish to facilitate the orderly transition of governance of the Klahanie Potential Annexation Area within King County to the city.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

ATTACHMENT A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAMMAMISH, AND KING COUNTY, REGARDING ANNEXATION OF THE KLAHANIE POTENTIAL ANNEXATION AREA PURSUANT TO RCW 35A.14.100

THIS AGREEMENT is made and entered into this date by the City of Sammamish ("City"); and King County ("County"); collectively referred to as the "Parties."

WHEREAS, the City identified area(s) of unincorporated King County referred to as the Klahanie Potential Annexation Area(s) (hereinafter the "Annexation Area,"), described in additional detail in Exhibit A, in its comprehensive plan consistent with the requirements of the state Growth Management Act (GMA) and the Countywide Planning Policies; and

WHEREAS, on April 28, 2015 the citizens of the Annexation Area voted to be annexed to the City; and

WHEREAS, jurisdiction over the Annexation Area, and all associated local governmental authority will transfer from the County to the City on the Effective Date of January 1, 2016; and

WHEREAS, pursuant to the Revised Code of Washington Chapter 35.02, regarding incorporation proceedings and the Revised Code of Washington Chapter 36.75.010, which defines City streets and County Roads, the City will automatically take ownership of and responsibility for the operation, safety and maintenance of all former County roads and bridges within the Annexation Area on the Effective Date,

WHEREAS, the County will transfer and the City will take ownership and responsibility for the operation, safety and maintenance of all County-owned appurtenances associated with former County roads in the annexation area including but not limited to drainage facilities, storm water facilities, environmental mitigation sites and monitoring projects, street lights, traffic signs and signals, and fiber-optic conduit upon the Effective Date; and

WHEREAS, the County will transfer additional drainage and surface water management facilities, and park properties to the City upon the Effective Date; and

WHEREAS, the Parties want to ensure a smooth transfer of County properties and responsibility for property maintenance; and

WHEREAS, the Parties desire to facilitate an orderly transition of local government functions and services to the citizens of the Annexation Area; and

WHEREAS, the Parties acknowledge that due to state and federal vesting rights, County regulations may continue to apply to existing development projects within the Annexation Area; and

WHEREAS, the Parties agree that the citizens of the Annexation Area will be most efficiently served by having County staff process building and land use permit applications that are vested to County regulations for a transitional period; and

WHEREAS, the Parties wish to maintain their existing agreements regarding the provision of jail, police, court, animal control, permit processing for previously annexed areas and roads and drainage facility maintenance services; and

WHEREAS, the governing bodies of the Parties wish to enter into this Agreement as authorized and provided for by the Interlocal Cooperation Act, codified at Chapter 39.34 RCW;

NOW THEREFORE, in consideration of the mutual terms, provisions and obligations contained herein, and other good and valuable consideration the Parties agree as follows:

PART 1

PURPOSE, APPLICABILITY AND STRUCTURE

1.1 PURPOSE

The purpose of this document is to memorialize the Parties' agreement regarding the transfer of governmental properties and responsibilities relating to the Annexation Area.

1.2 TERM AND EFFECTIVE DATE

This Agreement shall be effective following authorization by the legislative bodies of both parties as of the date the Agreement is executed by both parties. This Agreement will continue in effect until December 31, 2025, unless extended pursuant to section 5.14 or terminated as set forth with regard to specific provisions.

1.3 STRUCTURE

Part 1: Purpose, Applicability and Structure

Part 2: Administration, Jurisdiction, Indemnification and General Provisions

Part 3: Property Transfer Provisions

Part 4: Emergency and Court Services Transfer Provisions

Part 5: Development and Permit Review Services Transfer Provisions

Part 6: Approval by the Parties

PART 2

ADMINISTRATION, JURISDICTION, INDEMNIFICATION, AND GENERAL PROVISIONS

2.1 ADMINISTRATION AND CONTACT PERSONS

The following are designated as the administrators of this Agreement and as the contact persons for their respective jurisdictions. Contact persons for individual County Agencies and Departments are listed in Exhibit B to this Agreement, attached hereto and incorporated by reference.

	City of Sammamish	King County
Representative	Lyman Howard	Dwight Dively
Title	Deputy City Manager	Director, Office of Performance Strategy & Budget
Address	801, 228th Avenue SE	401, 5th Avenue
Address	Sammamish, WA 98075	Seattle, WA 98104
Email	lhoward@sammamish.us	dwight.dively@kingcounty.gov
Telephone	425-295-0552	206-263-9687

2.2 TIMELINE

Anticipated timing of the annexation interlocal process is as follows:

1. Parties approve interlocal agreement: December 14, 2015
2. Annexation effective date: January 1, 2016

2.3 COMPLIANCE WITH LAWS

When undertaking activities required under this Agreement, each Party will ensure that its actions comply with applicable laws. The Parties retain the ultimate authority for land use and development decisions within their respective jurisdictions. Unless directly specified in this Agreement, the Parties do not intend to change their legally-designated decision-making responsibilities. The Parties agree that any and all discretionary decision-making authority with respect to land use and permitting will transfer from the County to the City upon the Annexation Date.

2.4 INDEMNIFICATION PROVISIONS

2.4.1 The County shall indemnify and hold harmless the City and its elected officials, officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the County, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City or the County and the City, the County shall defend the same at its sole cost and expense, provided that the City retains the right, but not the obligation, to participate with regard to any issue that would have a direct impact on the city's municipal ordinances or city government; and if final judgment be rendered against the City and its elected officials, officers, agents, and employees, or any of them, or jointly against the City and County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

2.4.2 The City shall indemnify and hold harmless the County and its elected officials, officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the City, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, or the County and the City, the City shall defend the same at its sole cost and expense, provided that the County retains the right, but not the obligation, to participate with regard to any issue that would have a direct impact on the King County Code or King County government; and if final judgment be rendered against the County and its officers, elected officials, agents, employees, or any of them, or jointly against the City and County and their respective officers, agents, and employees or any of them, the City shall satisfy the same.

2.4.3 The Parties acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from their concurrent negligence, and/or the concurrent negligence of each Party's respective agents, employees, and/or officers, the foregoing Sections 2.4.1 and 2.4.2 shall be valid and enforceable against each Party only to the extent of that Party's negligence and that of its respective agents, employees and/or officers.

2.4.4 In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility that arises in whole or in part from the existence, application, or effect of City ordinances, rules, regulations, policies or procedures. If any cause, claim, suit, action or proceeding

(administrative or judicial), is initiated challenging the validity or applicability of any City ordinance, rule or regulation, the City shall defend the same at its sole expense and if judgment is entered or damages awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorney's fees.

2.4.5 In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility that arises in whole or in part from the existence or effect of County ordinances, rules, regulations, policies or procedures, as interpreted, asserted, applied, or enforced by the County. If any cause, claim, suit, action or proceeding (administrative or judicial), is initiated challenging the validity or applicability of any County ordinance, rule or regulation as asserted, interpreted, applied or enforced by the County, the County may defend the same at its sole expense and in its sole discretion, and if judgment is entered or damages awarded against the City, the County, or both, the County shall satisfy the same, including all chargeable costs and attorney's and expert witness fees.

2.4.6 The Parties agree that their obligations under this Section 2.4 extend to any claim, demand, and/or cause of action brought by or on behalf of any employees, or agents. For this purpose, each Party mutually waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW, but only to the extent necessary to indemnify the other Party. This Subsection 2.4.6 has been specifically negotiated between the parties.

2.4.7 Regarding properties to be transferred from the County to the City under this Agreement (the Transferred Properties), except for Environmental Claims, as defined below, King County shall indemnify and hold harmless the City and its elected officials, officers, agents or employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses and damages for injuries to persons or property damage ("Claims") arising out of the intentional, and/or negligent acts or omissions of the County occurring on those properties prior to the Annexation Date. "Environmental Claims" shall mean any and all Claims arising under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq*; the Model Toxics Control Act (MTCA), RCW 70.105D, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, or any other federal, state, or local law, including ordinances, rules and regulations, that relates to the release of hazardous substances, as now or hereafter amended. The terms "release" and "hazardous substances" as they may appear in Sections 2.4.6 – 2.4.11 shall be defined according to the Model Toxics Control Act, and its implementing regulations, as may be hereafter amended. With respect to Environmental Claims relating to the Transferred Properties, the County shall only indemnify the City for such Claims to the extent the County or its agents released, or exacerbated the existing

release of hazardous substances on the Transferred Properties prior to the Annexation Date. For purposes of this Section 2.4.6, a discharge of stormwater into and through a stormwater system by third parties shall not constitute a release of hazardous substances by the County or its agents.

2.4.8 The City shall indemnify and hold harmless the County and its elected officials, officers, agents or employees, or any of them, from and against any and all Claims arising out of the Transferred Properties other than those Claims for which the County indemnified the City under Section 2.4.6.

2.4.9 If either Party is notified by the state Department of Ecology, the Environmental Protection Agency, or other regulatory agency on or after the effective date of this Agreement about potential liability for remedial action obligations related to Transferred Properties that may implicate or involve Environmental Claims for which either Party indemnified the other under Sections 2.4.7 or 2.4.8, the Party receiving the notice shall promptly notify the other Party in writing within ten (10) business days of receiving such notice. Each Party agrees to provide the other with a minimum of ninety (90) days advanced written notice prior to asserting an Environmental Claim against the other party. The Parties agree to meet during the 90-day periods above and discuss potential remedial actions and/or resolution of any Claim. If a Party is required by a federal, state or local regulatory agency to undertake immediate remedial actions to address the release or threatened release of hazardous substances, and if a party reasonably believes that any portion of the costs for such remedial actions could potentially form the basis for an Environmental Claim against the other Party, the Party required to take immediate remedial actions shall provide the other Party with a reasonable opportunity to review and comment on the scope and cost of any proposed remedial actions before such actions are undertaken. However, the provisions of this Section 2.4.9 shall not modify the indemnification obligations in Sections 2.4.7 and 2.4.8.

2.4.10 For a period of three (3) years following transfer, each Party to this Agreement shall exercise its best efforts to immediately notify the other of any and all claims, actions, losses or damages that arise or are brought against that Party relating to or pertaining to the Transferred Properties.

2.4.11 The provisions of this Section 2.4 shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

2.4.12 Nothing in Section 2.4 shall supersede or modify any existing agreements between the Parties.

2.5 STATUS OF COUNTY EMPLOYEES

Subject to City civil service rules and state law, the City agrees to consider hiring County employees whose employment status is affected by the change in governance of the Annexation Area where such County employees make application with the City pursuant to the City's hiring process and meet the minimum qualifications for City employment. The County shall provide the City with a list of affected employees in a timely manner. The City's consideration of hiring affected sheriff department employees shall be governed by RCW 35.13.100 through 35.13.360 and other applicable law.

2.6 RECORDS TRANSFER

2.6.1 The County shall work with the City to transfer to the City any public records related to the annexation area, including but not limited to those pertaining to transferred facilities and properties within the annexation area. The City may send a written request for records to the director of any County division holding such records, or to the County's Public Records Officer. Alternately, the City may request a meeting between City representatives and County representatives of any County department for the purpose of reviewing and identifying records to be copied and/or transferred by contacting the department director in writing. The request shall provide sufficient detail to allow the County to identify and locate the specific records. The County shall provide the records within a reasonable time as agreed by the Parties.

2.6.2 If additional time is needed to produce any of the records referenced in section 2.6.1, above, the County shall inform the City of the amount of additional time needed to produce that record. Any such record shall be provided within 45 days after the Annexation Date or as otherwise agreed by the Parties.

2.6.3 Notwithstanding Section 2.6.1, records related to the County's processing of vested permits pursuant to this Agreement will be provided to the City as described in Section 5.7.4 of this Agreement.

2.6.4 The County may elect to provide original records or copies of records. The County may elect to provide an electronic copy in lieu of a paper copy.

2.6.5 The County shall provide the City one set of records satisfying the requirements of Section 2.6.1 free of charge.

2.6.6 Nothing in this Agreement relieves the County of its obligations to comply with the Public Records Act, chapter 42.56 RCW, now or as hereafter amended.

2.6.7 Nothing in this Agreement requires the County to either provide records that are not reasonably identifiable or to create records or compilations that do not already exist.

2.6.8 Any of either Party's records related to any matters covered by this Agreement, not otherwise privileged, shall be subject to inspection, review, and/or audit by either party at the requesting party's sole expense until December 31, 2016. Records requested under this Section 2.6.8 shall be made available for inspection during regular business hours within a reasonable time of the request.

2.7 FORMAT, FILING, DISPUTE-RELATED AND MISCELLANEOUS PROVISIONS.

2.7.1 **Entire Agreement**. This Agreement together with all Exhibits hereto contains all of the agreements of the Parties with respect to any matter covered or mentioned herein and no prior agreements shall be effective for any purpose, except those prior agreements directly referenced in this section 2.7.1. The Parties' prior agreements regarding County provision of jail, police, court, animal control, permit processing for previously annexed areas, and roads and drainage facility maintenance services shall remain in full effect. All Exhibits attached hereto and referenced herein are incorporated in this Agreement as if fully set forth. Any oral representation or understanding not incorporated herein is excluded.

2.7.2 **Filing.** A copy of this Agreement shall be filed with the City Clerk, and recorded with the King County Recorder's Office or listed by subject on the County's web site or other electronically retrievable public source.

2.7.3 **Cooperation.** The parties shall cooperate, shall take such further action and shall execute and deliver further documents as may be reasonably requested by the other party in order to carry out the provisions and purposes of this Agreement.

2.7.3 **Binding effect.** This Agreement is binding upon and shall inure to the benefit of each Party hereto, its successors and assigns.

2.7.4 **Amendments**. No provision of this Agreement may be amended or modified except by written agreement signed by the Parties. Any amendment that modifies a material term of this Agreement must be approved by the King County Council prior to the County executing the amendment.

2.7.5 **Severability**. If one or more of the clauses of this Agreement is found to be unenforceable, illegal, or contrary to public policy, the Agreement will remain in full force and effect except for the clause(s) determined to be unenforceable, illegal, or contrary to public policy. The Parties will replace any severed provision with one that is closest in

meaning to the intent of the severed provision and that is not unenforceable, illegal or contrary to public policy.

2.7.6 **Assignment.** Neither the City nor the County shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other affected Party.

2.7.7 **Dispute Resolution.** If agreement cannot be reached regarding interpretation or implementation of any provision of this Agreement, the Parties should attempt to use an informal dispute resolution process such as mediation, through an agreed-upon mediator and process, to resolve the disagreement. If the parties engage in mediation all costs for mediation services will be divided equally between the Parties and each Party will be responsible for the costs of its own legal representation.

2.7.8 **Attorneys' Fees.** If either of the Parties defaults on the performance of any terms of this Agreement or places the enforcement of this Agreement in the hands of an attorney, or files a lawsuit, each Party shall pay all of its own attorneys' fees, costs and expenses.

2.7.9 **Legal Representation.** The services to be provided by the County pursuant to this Agreement do not include legal services, which under all circumstances shall be provided by the City at its own expense.

2.7.10 **Personnel.** Control of County personnel assigned to assist the City with any and all aspects of the annexation process as described in this Agreement, and control of County personnel assigned to Annexation Area permit processing pursuant to this Agreement, shall remain with the County. Standards of performance, discipline and all other aspects of performance of such County personnel shall be governed by the County.

2.7.11 **No Waiver.** Failure of either Party to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default. Waiver of any breach of any term or condition of this Agreement shall not be deemed a waiver of any prior or subsequent breach. No term or condition shall be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto.

2.7.12 **Levy Taxes.** City shall adopt in 2015 any ordinance or ordinances necessary to levy property taxes within the Annexation Area for collection after the Effective Date.

2.7.13 **Applicable Law.** Washington law shall govern the interpretation of this Agreement.

2.7.14 **Venue.** King County shall be the venue of any mediation, arbitration, or lawsuit arising out of this Agreement.

2.7.15 **Authority.** Each individual executing this Agreement on behalf of each Party represents and warrants that such individual is duly authorized to execute and deliver the Agreement on behalf of the applicable Party.

2.7.16 **Notices.** Any notices required to be given by the Parties shall be delivered at the addresses set forth above in Section 2.1. Any notices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the addresses set forth above in Section 2.1. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

2.7.17 **Performance.** Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor.

2.7.18 **Equal Opportunity to Draft.** The Parties have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Party upon a claim that that Party drafted the ambiguous language. Both Parties acknowledge and represent that they have had the opportunity to obtain and have had legal review of the terms and conditions of this Agreement. Each party shall be and is separately responsible for payment of any legal services rendered on their behalf regarding legal review of this Agreement.

2.7.19 **Captions.** The captions of any articles, paragraphs or sections contained herein are for purposes of convenience only and are not intended to define or limit the contents of said articles, paragraphs or sections.

2.7.20 **Third Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit of the Parties hereto. No third-party beneficiaries are intended by this Agreement, and no other person or entity shall have any right of action or interest in this Agreement based on any provision set forth herein.

PART 3
PROPERTY TRANSFER PROVISIONS

3.1 PROVISIONS PERTINENT TO ALL TRANSFERRED PROPERTIES

3.1.1 **Revenue Sharing.** There shall be no revenue sharing between the Parties in conjunction with the Transferred Properties.

3.1.2 **Term.** The provisions of this Part 3 shall survive the expiration or termination of this Agreement and shall continue in force in perpetuity from the date signed by both Parties. This section will not become effective unless the City actually annexes the Annexation Area.

3.1.3 **Identification of Properties to be Transferred.** Properties to be transferred include the following: Park and Recreation Properties as listed in Exhibit B1, Drainage Facilities and Drainage Facility Property Interests as listed in Exhibit B2. Drainage Facilities contained within public road rights-of-way that will automatically transferring upon the Effective Date are identified in Exhibit B3.

3.1.4 **Conveyance of Title/Acceptance of Title Covenants.** The County shall, upon the Annexation Date, or if the Annexation Date falls on a weekend or holiday the first business day thereafter, convey all of its ownership interest in the properties described in Exhibits B1 and B2 to the City by quitclaim deed, in the form attached as Exhibit C. The City shall accept the Transferred Properties subject to all rights, conditions, covenants, obligations, limitations and reservations of each and every Transferred Property. The City shall abide by and enforce all terms, conditions, reservations, restrictions and covenants of title at the time of conveyance and/or in any deed of conveyance. The Parties agree that the County shall have standing to enforce all deed covenants for each of the Transferred Properties, including but not limited to the Park and Recreation Properties listed in Exhibits B1.

3.1.5 **Property Interests Not to be Transferred.** Drainage Facilities and Drainage Facility interests within the Annexation Area that are not held by the County as listed in Exhibit D shall not be transferred, but shall remain in private ownership. Upon and after the Annexation Date the City has the right, but not the obligation, to inspect the Drainage Facilities listed in Exhibit D.

3.1.6 **Condition of Premises.** The City will have the opportunity to inspect the Transferred Properties and agrees to accept the Transferred Properties in AS IS condition,

and to assume full and complete responsibility for all operations, maintenance, repairs, improvements of, and provisions of services upon, the Transferred Properties, except as set forth within Section 3.1.10 of this Agreement. This Agreement is not intended to modify existing agreements between the Parties related to roads maintenance services and maintenance of drainage facilities.

3.1.7 **Inspection.** The County will make current County personnel most knowledgeable about the Transferred Properties available to jointly inspect the Transferred Properties with City personnel. Such personnel will be reasonably prepared to inform City personnel regarding the status of maintenance of Personal Property on the Transferred Properties. Records concerning the Transferred Properties will be made available to the City pursuant to Section 2.6 of this Agreement.

3.1.8 **Personal Property.** The County shall also convey to the City all of the County's right, title and interest in certain personal property and appurtenances (the "Personal Property") associated with the Transferred Properties including but not limited to structures, fencing, irrigation, and asphalt. The City agrees to accept the Personal Property in AS IS condition, and to assume full and complete responsibility for the Personal Property.

3.1.9 **Disclaimer of Warranties**. King County does not make and specifically disclaims any warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose, with respect to the Transferred Properties or the Personal Property, and no official, employee, representative or agent of King County is authorized otherwise.

3.1.10 **Hold Harmless**. The City acknowledges and agrees that, except as set forth in Section 2.4 of this Agreement, the County shall have no liability for, and that the City shall hold harmless, indemnify and release and have no recourse against the County for any defect or deficiency of any kind whatsoever in the Transferred Properties or the Personal Property, including any necessary maintenance or replacement of said Properties, except for any such defect or deficiency that was known to the County prior to conveyance or transfer of the Transferred Properties or Personal Property, and which defect or deficiency the County agreed to remedy prior to conveyance or transfer.

3.1.11 **No Merger.** The terms, covenants, representations and warranties contained in this Agreement shall not merge into any deed of conveyance, but shall survive the conveyance of each of the Transferred Properties and shall continue in force unless both parties mutually consent in writing to termination.

3.1.12 **Deeds to Control.** If there is any conflict between the terms and provisions of this Agreement, and the terms and provisions of any deed executed to convey a Transferred Property, then the terms and provisions of the deed shall control.

3.2 PARK AND RECREATION PROPERTIES

3.2.1 **Park and Recreation Covenants.** The deeds to Park and Recreation Properties listed in Exhibit B1 shall contain the following specific covenants pertaining to use, which covenants shall run with the land for the benefit of the County and the County land that makes up its public park, recreation and open space system. The County and the City agree that the County shall have standing to enforce these covenants, which shall be set forth as follows:

All deeds to Park and Recreation Property shall contain the following covenants:

"The City covenants that the Property shall continue to be used in perpetuity for park or recreation purposes unless other equivalent lands or facilities within the County or the City are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park, or recreation purposes."

"The City further covenants that it will not limit or restrict access to and use of the Property by non-city residents in any way that does not also apply to city residents. The City covenants that any and all user fees charged for the Property, including charges imposed by any lessees, concessionaires, service providers, and/or other assignees shall be at the same rate for non-City residents as for the residents of the City. The City covenants that if differential fees for non-city residents are imposed, they will be reasonably related to the cost borne by city taxpayers to maintain, improve or operate the Property for park or recreation purposes."

The deed for Queens Bog shall also contain the following covenants:

1. Said real property shall be maintained as a wildlife refuge, with limited human activity conducted therein only as specified by the City of Sammamish, Parks Division. Interpretive signs shall be erected and maintained at appropriate locations within the real property which prohibit unauthorized entry and explain the benefits of maintaining the real property in its native state.

2. No Hunting, fishing trapping or other interference with or destruction of fish, game, birds, or any other wildlife or flora shall be permitted within said real property, except

as authorized by the City of Sammamish and /or the State of Washington Department of Fish and Wildlife.

3. No horses, domestic animals or motor vehicles of any kind shall be allowed within said real property, other than those necessary for maintenance of trails, viewing platforms, drainage facilities, signs, or any other limited human intrusion specifically permitted by the City of Sammamish.

4. No commercial, residential, active recreational or other use shall be established, nor restrooms, concessions, parking facilities or park improvements, other than City of Sammamish approved drainage facilities, a trail system and one or more viewing platforms shall be erected or maintained within the real property described.

3.2.2 **Exchange of Property.** If the City acquires or re-designates real property for park or recreation purposes after the Annexation Date, and wishes to exchange that property for equivalent Park Transferred Property listed in **Exhibit B1** it may do so, subject to review and approval by the County; such County approval not to be unreasonably withheld. In that event, the County will execute and record a release of County-imposed covenants, conditions, and restrictions ("CC&Rs") on the Transferred Property at issue, upon the City's execution and recording of equivalent CC&Rs to the property proposed for exchange.

3.3 ADDITIONAL COUNTY-OWNED PROPERTY INTERESTS

The Parties will make staff available to identify and review any additional County-owned local drainage facilities, easements, and other property interests (Additional Properties) within the Annexation Area that should appropriately be conveyed to the City on an as-needed basis. Such Additional Properties include those for which the County's facility acceptance process has not yet been completed, including both projects being constructed by the County as well as projects subject to County approval that are constructed by third parties. Any such Additional Properties shall be transferred to the City pursuant to this Agreement and upon County approval. The transfer of responsibility for Personal Property shall be documented in writing signed by appropriate representatives of the Parties, identifying each specific facility transferred, and the date of transfer. If an Additional Property to be transferred is real property the transfer shall be by quitclaim deed as reflected in Exhibit C.

PART 4

EMERGENCY AND COURT SERVICES TRANSFER PROVISIONS

4.1 JAIL SERVICES TRANSITION

The City is responsible for the incarceration of adult offenders charged with misdemeanor or gross misdemeanor crimes occurring in the Annexation Area on or after the Annexation Date. The County is responsible for the incarceration of adult offenders charged with misdemeanor or gross misdemeanor crimes occurring in the Annexation Area before the Annexation Date.

4.1.1 **Existing Agreements.**

This Agreement is not intended to modify existing agreements between the Parties related to jail services.

4.2 POLICE SERVICES TRANSITION.

4.2.1 **Criminal Cases and Investigations.** On and after the Annexation Date, police services responsibility within the Annexation Area will be transferred to the City. The County will be responsible for all criminal cases and investigations reported before the Annexation Date, including but not limited to all costs associated with those cases and investigations. The City will be responsible for all criminal cases and investigations reported on and after the Annexation Date, including but not limited to all costs associated with those cases and investigations. The City's Chief of Police and the King County Sheriff will work together to ensure a smooth transition plan and a continuing partnership.

4.2.2 **Sharing of Community Information**. The County agrees to provide policing-related community contact lists that the County may have regarding the Annexation Areas to the City. These lists may include, but are not limited to: members of block watch programs, community groups, and/or homeowner's associations. The lists shall be provided to the City according to Section 2.6.1 of this Agreement.

4.2.3 **911 Services**. The Parties agree to coordinate the transfer of emergency response services in the Annexation Areas.

4.2.4 **Existing Agreements**. This Agreement is not intended to modify existing agreements between the Parties related to police services.

4.3 DISTRICT COURT SERVICES TRANSITION

The County will be responsible for the prosecution and adjudication of infractions and misdemeanor criminal cases, including the costs thereof, which occur within the Annexation Area before the Annexation Date. The City will be responsible for the prosecution and adjudication of infractions and misdemeanor criminal cases, including the costs thereof, which occur in the Annexation Area upon and after the Annexation Date.

4.3.1 Existing Agreements.

This Agreement is not intended to modify existing agreements between the Parties related to District Court services.

PART 5

VESTED PERMIT APPLICATION REVIEW PROVISIONS

5.1 VESTED PERMIT PROCESSING

The Parties agree that County staff may continue to process various vested development permit applications within the Annexation Area for a transitional period as set forth in this Part Five of this Agreement.

5.2 ADMINISTRATIVE AND MINISTERIAL PROCESSING

County permit review pursuant to this Agreement is intended to be of an administrative and ministerial nature only. Any and all final recommendations on legislative or quasi-judicial decisions or decisions of a discretionary nature shall be made by the City's designated decision maker and processed pursuant to the City's applicable review and appeal procedures.

5.3 REVIEW FEES

The City shall adopt legislation authorizing the County to charge review fees in amounts currently specified or hereafter adopted in King County Code Title 27 for applications processed by the County in accordance with the terms of this Agreement.

5.4 PRE-ANNEXATION BUILDING PERMIT APPLICATIONS

5.4.1 Except as otherwise provided herein, the County shall continue to review on the City's behalf all vested building-related permit applications filed with the County before the Annexation Date that involve property within the Annexation Area. For the purposes of this Agreement, building-related permits include but are not limited to building permits, fire systems/fire sprinkler permits, mechanical permits, clearing and grading permits involving 500 cubic yards of material or less, and right of way permits. Review by the County shall occur in accordance with the regulations to which the applications are vested. Any decision regarding whether or when an application has vested shall be made by the City pursuant to the County Code and state law. The County will make appropriate personnel available to consult regarding permit vesting issues upon request from the City.

5.4.2 The City shall review all new building-related permit applications involving property within the Annexation Area that are filed on or after the Annexation Date pursuant to City regulations, except as provided in section 5.4.4 of this Agreement.

5.4.3 Except as provided in Section 5.12.3 of this Agreement, the County's review of building-related permits shall include conducting inspections, issuing correction notices, evaluating compliance with any and all approval conditions and making decisions to approve, condition or deny such applications, certificates of occupancy, and permit renewals and completion of renewals.

5.4.4 The County shall receive and process any permit applications submitted after the Annexation Date that implement conditions of a Commercial Site Development permit issued by the County prior to the Annexation Date. The County shall additionally receive and process ancillary permit applications, such as mechanical permits, that are made on or after the Annexation Date and that are essential for completion of an approved project permit.

5.4.5 The County shall review and render decisions on requests for minor changes to approved building-related permit plans up to the time that either a certificate of occupancy is issued or final construction approval has been issued for the project. The County shall review and make recommendations to the City's designated decision maker on requests for major changes to approved building-related permit plans up to the time that either a certificate of occupancy is issued or final construction approval has been issued for the project. The County will make a final decision on such requests for substantive plan changes upon the City's request. Following issuance of the certificate of occupancy or final construction approval, all requests for changes to the approved set of plans shall be referred to the City. The City intends to process such requests as new permit applications.

5.4.6 The County shall review and make recommendations to the City's designated decision maker on applications to vary adopted road or drainage standards that are made in conjunction with a building related application being reviewed by the County pursuant to this Agreement. All final decisions on such variance applications shall be rendered by the City.

5.5 PRE-ANNEXATION LAND USE PERMIT APPLICATIONS

5.5.1 **Identification of Projects**. Except as otherwise provided for herein, the County shall continue to review on behalf of the City all vested land use permit applications filed with the County before the Annexation Date that involve property within the Annexation Area. Land use permit applications shall include, but are not limited to, threshold determinations made under the State Environmental Policy Act (SEPA), clearing and grading permits involving more than 500 cubic yards of material, short plat approvals, preliminary plat approval, final plat approval, conditional use permits, design review, site plan review, variances, lot line adjustments, binding site plan approval, civil construction permits, and planned unit development approval. Review by the County shall occur in accordance with the regulations to which the applications are vested. Any decisions regarding whether or when an application has vested shall be made by the City. The County will make appropriate personnel available to consult regarding permit vesting issues upon request from the City.

5.5.2 **Designation of Actions**. For those vested land use applications that do not require a public hearing or a public meeting prior to issuance, the County will continue to process such applications and shall make a report and recommendation to the City's designated decision maker based upon the regulations under which the applications are vested. Any decisions to approve, deny, or approve with conditions such applications shall be made by the City's designated decision maker and will be processed pursuant to the City's applicable land use review and appeal procedures. All final decisions on such vested land use applications shall be rendered by the City.

5.5.3 **Rezone applications**. All rezone applications and any associated permit applications shall be referred to the City for all further processing.

5.5.4 **County Report and Preliminary Recommendation**. For those vested land use applications that require quasi-judicial approval, legislative approval, or which involve filed administrative appeals, the County shall prepare a report and preliminary recommendation to the City's designated decision maker for a final decision pursuant to applicable County codes and the City's applicable land use review and appeal procedures. The City's decision-maker shall not be a County employee. The City shall be responsible for scheduling, providing notice, conducting any public hearings required, and making any decision in conjunction with the application or appeal.

5.5.5 **Subdivision Application Review for Preliminary Approval**. For those vested subdivision, short subdivision and binding site plan applications that have not yet received

preliminary approval, the County shall continue to review the application up to the point of making a recommendation to the City's designated decision maker on preliminary approval.

5.5.6 **Subdivision Application Review for Post-Preliminary Approval.** For those vested subdivision, short plat, and binding site plan applications that have received preliminary approval prior to annexation, the County shall continue and complete all post-preliminary review up to the point of making a recommendation to the City on final approval. For purposes of this section, post-preliminary review phases include: engineering plan approval, final plat, short plat or binding site plan approval, and construction inspection approval.

5.5.7 **Road Variances**. The County shall review and make recommendations to the City's designated decision maker on applications to vary adopted road or drainage standards that are made in conjunction with a land use application being reviewed by the County pursuant to this Agreement. All final decisions on such variance applications shall be rendered by the City.

5.5.8 **Plan Changes.** For projects under construction at the time of annexation, the County shall review and render decisions on requests for changes to approved land use permit engineering plans through final construction approval. Following issuance of final construction approval, requests for changes to the approved set of plans shall be referred to the City.

5.6 APPEALS AND PUBLIC HEARINGS

5.6.1 All public hearings on applications, and any and all hearings on appeals of decisions made by either Party pursuant to this Agreement, shall be conducted by the City according to City processes. The City shall be responsible for scheduling, providing notice, conducting any public hearings required, and making all decisions in conjunction with the hearing or appeal.

5.6.2 County staff will attend hearings and testify regarding County analysis upon request from the City.

5.7 LIST OF PROJECTS, NOTICE OF MEETINGS AND OPTION TO EXCLUDE

5.7.1 **List of Projects**. The County will prepare and send to the City monthly lists of all building, land use and associated ancillary permit applications pending within the Annexation Area. The list shall include the status of each project as shown in the County record-keeping system.

5.7.2 **Exclusion of Projects**. Either Party's chief executive office or designee may, at any time and for any reason, exclude from this Agreement any building, land use or associated ancillary permit application(s) within the Annexation Area upon providing ten days advance written notice of its intent to exclude the application(s). Upon exclusion, the County shall turn the complete application file over to the City for all further processing. The complete application file shall include all project-related applications, studies, plan sets,

memoranda, analysis, maps, photographs, previously rendered project-related decisions, and similar documents required by state law or County Code for project review, and all non-privileged internal DPER communications and external correspondence related to substantive decision making regarding the project. County staff shall consult with the City regarding the application upon the City's request.

5.7.3 **Notice of Meetings.** The County shall promptly notify the City upon the scheduling of all technical screening meetings, pre-construction conferences and engineering pre-submittal meetings for projects being reviewed by the County pursuant to this Agreement. The City may attend and participate in these meetings.

5.7.4 **Document Transfer**. The County shall promptly provide the City with a complete copy of each permit application file, including any and all associated financial guarantee files processed pursuant to this Agreement upon the City's request, completion of permit review, termination of this Agreement under Section 5.13 or expiration of this Agreement, whichever comes first. The County may provide copies in an electronic format.

5.7.5 **Existing Agreements** This Agreement is not intended to modify existing agreements between the Parties related to permit processing for previously annexed areas.

5.8 SEPA COMPLIANCE

5.8.1 **City to Serve as Lead Agency**. In order to satisfy the procedural requirements of the State Environmental Policy Act, codified at Chapter 43.21C RCW the City shall serve as lead agency for all Annexation Area building permit and land use applications, including those being processed by the County pursuant to this Agreement. The City has designated the SEPA Responsible Official to make threshold determinations and to supervise the preparation and content of environmental review for projects within the Annexation Area.

5.8.2 For those permit applications requiring a SEPA determination, the County will not take final action upon the application until the City's SEPA Responsible Official has acted. The County agrees to provide technical and administrative SEPA assistance to the City's SEPA Responsible Official on such projects. Such assistance may include, but is not limited to:

- review of an applicant's environmental checklist and collection of relevant comments and facts;
- preparation of a proposed SEPA threshold determination with supporting documentation for approval, which will include citations to a) King County Code provisions that compliance with will negate a probable significant adverse impact, and b) King County Code substantive authority for recommended mitigation measures;
- publication and notice by the County on behalf of the City's SEPA Responsible Official;

- preparation and submittal of a written review and comment on any appeal received on a SEPA threshold determination recommended by County staff to the City's SEPA Responsible Official;

- attendance at appeal hearings to testify with respect to analysis of environmental impacts, mitigation measures and the environmental review process;

- preparation of any required draft, final, addendum or supplemental EIS for approval of the City's SEPA Responsible Official; and

- coordination of adopted or required SEPA measures of mitigation with project review staff.

5.8.3 Any decision whether to condition or deny an application on SEPA grounds shall be made by the City.

5.9 CODE ENFORCEMENT

5.9.1 **Identification of Code Enforcement Cases**. At least thirty (30) days prior to the Annexation Date the County shall provide the City with a list and brief explanation of all pending Annexation Area code enforcement cases. The County shall continue to process pending code enforcement cases until the Annexation Date. On and after the Annexation Date, the City shall be responsible for all code enforcement actions within the Annexation Area. The County shall provide the City with complete copies of Annexation Area enforcement files in accordance with Section 2.6.1 of this Agreement. Enforcement files shall include all non-privileged, substantive communications and analysis regarding the alleged violation(s) of County Code, all photographs and similar documents reflecting the County's investigation of the condition and uses of the subject property, and any and all regulatory documents issued pursuant to King County Title 23.

5.9.2 **Public Health or Safety Hazards.** On and after the Annexation Date the City shall be responsible for code enforcement actions necessary to address public health or safety hazards within the Annexation Area.

5.9.3 **Permit Conditions.** The County is authorized to enforce all conditions of approval for those Annexation Area permit applications under County review pursuant to this Agreement. Pursuant to this provision, the County is authorized to issue corrective notices and/or withhold permit approvals or recommendations for approvals. If code compliance remains unresolved after the first notice, the County shall advise the City, and at the City's discretion, the City may initiate code enforcement cases, assess civil penalties, initiate financial guarantee recall, or otherwise take legal action to remedy the violation or non-compliance.

5.10 FINANCIAL GUARANTEES

5.10.1 **Projects to be Reviewed by the City**. Any financial guarantee that is intended to secure compliance with project conditions that are being or will be reviewed by the City shall be turned over to or posted with the City, which shall have sole authority and discretion over its release and/or enforcement.

5.10.2 **Projects to be Reviewed by the County**. Any financial guarantee that has been posted or is otherwise required in order to guarantee compliance with conditions being reviewed by the County pursuant to this Agreement shall be retained by or posted with the County. On behalf of the City, the County is authorized to accept such financial guarantees and to release them where it determines that conditions for release have been satisfied. The County shall advise the City prior to releasing such financial guarantee instruments, and the City may request consultation with the County before the release of such financial guarantee instruments.

5.10.3 **Enforcement of Financial Guarantees.** The City shall be solely responsible for making any demands or initiating any legal action to enforce financial guarantees for Annexation Area projects.

5.11 PROCESSING PRIORITY

The County agrees to process pre-annexation building and land use applications in accordance with the County's administrative procedures, staffed as resources allow, and at the same level of service as provided to County applications.

5.12 FEES AND REIMBURSEMENT

5.12.1 **County Authorized to Collect Review Fees**. For applications processed by the County pursuant to this Agreement, in order to cover the costs of providing services, the County is authorized to collect and retain such application and other fees as are authorized by the County fee ordinances adopted by the City pursuant to Section 5.3 above.

5.12.2 **Additional Fees**. For applications being processed by the City pursuant to this Agreement, when the City requests services from the County, the City shall pay the County at such hourly rate as specified in the version of King County Code Title 27 in effect at the time the services are performed. The County shall not seek reimbursement under this paragraph for review services performed on an individual permit application where the County has already been fully compensated for such services by the receipt of permit application review fees, which include fees for testifying at public hearings required by the application process. The County shall provide the City with quarterly invoices for assistance and services provided, and the City shall tender payment to the County within thirty days after the invoice is received.

5.12.3 **Impact Fees.** Prior to the Effective Date the County shall assess, collect, and distribute all Annexation Area project-related impact fees pursuant to the King County Code. After the Effective Date the City shall assess, collect, and distribute all Annexation Area project-related impact fees pursuant to the Sammamish Municipal Code and state law. For

all vested building permit applications pertaining to the construction of new dwelling units upon which impact fees were not assessed before the Effective Date, the County shall continue reviewing the application and make a recommendation that a permit be approved, conditioned, or denied. The County shall then transfer the complete application file to the City. The City shall make the final decision whether to approve the permit, assess and collect project-related impact fees, and perform all further permit review and processing.

5.13 TERMINATION AND EXPIRATION

Either Party's chief executive officer or designee may terminate the provisions of this Part Five of this Agreement for any reason upon providing at least sixty (60) days written notice to the other party. Upon expiration or termination of this Agreement, the County will have no further authority or obligation to process, review, or enforce any application or permit condition under this Section 5 of this Agreement. Upon transfer of authority, the City shall be responsible for notifying affected applicants that it has assumed all further processing responsibility.

5.14 EXTENSION

The Parties' chief executive officers or their designees may agree to extend the duration of the provisions of this Part Five of this Agreement until June 30, 2025 or to any date or dates prior thereto. In order for any such extension to occur, the City's chief executive officer or designee should make a written request to the County Executive not less than sixty (60) days prior to the otherwise applicable expiration date. Any agreement by the County to the proposed extension(s) shall be made in writing by the County Executive or designee. If the parties have not agreed to an extension in writing by the otherwise applicable expiration date, the Agreement shall expire. If the Parties agree to extend the provisions of this Part Five of this Agreement for any period of time, the provisions of Part Two of this Agreement shall also be extended for the same period of time.

5.15 APPLICATION PROCESS

At least thirty (30) days prior to the Annexation Date the City will prepare and have available for applicants and other interested parties a document describing the handling of applications based on this Agreement.

5.16 NOTICE OF EXPIRED PERMIT APPLICATIONS

At least thirty (30) days prior to the Annexation Date the County shall advise any and all applicants whose permit applications have expired or will expire within ninety (90) days

prior to annexation regarding the status of their application(s). The notification shall inform such applicants that inquiries regarding the status of their application(s) should be directed to the County.

PART 6
APPROVAL BY THE PARTIES

IN WITNESS WHEREOF, the Parties have signed this Agreement.

CITY OF SAMMAMISH	**KING COUNTY**
By: _____	By: _____
Ben Yazici City Manager	Dow Constantine County Executive
DATED:	DATED:
_____ November 17, 2015	_____
APPROVED AS TO FORM:	APPROVED AS TO FORM:
_____ City Attorney	_____ Deputy Prosecuting Attorney

Exhibit A

Description of Annexation Area

Klahanie Proposed Annexation Area

Legal Description

Those portions of Sections 10, I l, 12, 13, 14, 15, 22 and 23 Township 24 North, Range 6 East, W.M., King County, Washington, described as follows:

Beginning at the intersection of the West line of the East half of the Northeast quarter of said Section 22, and the Easterly line of the Plat of' Vaughn Hill Addition as recorded in Volume 102 of Plats, Pages 99-100, records of King County, Washington, said intersection being on the Issaquah city limits as annexed under Ordinance No. 2255; thence, along said Issaquah city limits, Southeasterly along said Easterly line to the Southeasterly margin of Issaquah-Fall city Road as conveyed to King County under King County recording number 9807070554; thence continuing Southeasterly along said Easterly line to the southeast corner of said Plat; thence Northeasterly, along the southerly line of that parcel of land conveyed by Deed

recorded under Recording Number 20040813000399 to the southeast corner of said parcel; thence Northwesterly, along the easterly line of said parcel, to the intersection with the westerly extension of the southerly line of that parcel of land described as Parcel A as conveyed by Deed recorded under Recording Number 200203A6001321; thence Northeasterly, along the southerly lines of said Parcel A and Parcel B of said Deed, to the east line of the Northeast quarter of said Section 22 ; thence along said east line, to said Southeasterly margin of Issaquah-Fall city Road;

Thence Northeasterly along said Southeasterly margin to its intersection with the Southwesterly extension of the Southeasterly margin of SE Duthie Hill Road;
Thence Northeasterly along said Southeasterly margin to its intersection with the Southeasterly extension of the Southwesterly margin of Issaquah-Beaver Lake Road, said intersection being on the Sammamish city limits as established by the incorporation of the city of Sammamish;

Thence along said Sammamish city limits the following courses:

Thence Northwesterly along said extension and said Southwesterly margin to its intersection with the South margin of SE 32nd Street;

Thence Westerly along said South margin to its intersection with the Southeasterly margin of SE 32nd Way;

Thence Southwesterly along said Southeasterly margin to its intersection with the Easterly margin of Issaquah-Pine Lake Road (also known as Gobel Road, King County Road No. 558) as established by deed recorded under King County recording number 7807130727;

Thence Southeasterly, Southwesterly, Southerly and Southeasterly along said Easterly margin to its intersection with the Easterly extension of the South margin of SE 48th Street, said intersection being on the Issaquah city limits as annexed under said Ordinance No. 2255;

Thence leaving said Sammamish city limits and following said Issaquah city limits the following courses:

Thence continue Southeasterly along said Easterly margin to its intersection with the Northwesterly margin of said Issaquah-Fall city Road as conveyed to King County under King County recording numbers 9807070556 and 9807070557;

Thence Northeasterly along said Northwesterly margin to the West line of the East Half of the Northeast quarter of said Section 22;

Thence Southerly along said West line to the **Point of Beginning**"

Exhibit B-1-Parks and Recreation Related Properties

Parks and Recreation Related Properties Transferred from King County to the City of Sammamish Described as Follows:

1. **PIN # 1124069013**

That portion of the Southwest quarter of Section 11, Township 24 North, Range 6 East, W.M., King County, Washington described as follows:

Beginning at the Northeast corner of said subdivision;

Thence 01°27’18” W along the West line thereof a distance of 30.00 feet to the South Margin of SE 32nd Street;

Thence S 88°12’53” E along said South margin a distance of 208.00 feet to the True Point of Beginning of the herein described tract;

Thence continuing S 88°12’53” E along said South margin, a distance of 1,348.28 feet to the Easterly margin of the Bonneville Power Administration Transmission Line Easement;

Thence S 16°26’31” E along said Easterly margin a distance of 1,618.52 feet to the Northerly margin of S.E. Klahanie Boulevard;

Thence S 86°00’00” W along said Northerly margin a distance of 622.83 feet to a point of curve;

Thence Westerly continuing along said Northerly margin a distance of along the arc of a curve to the left, said curve having a radius of 1,067.38 feet through a central angle of 04°36’11” a distance of 85.75 feet;

Thence N 19°11’17” W a distance of 250.95 feet;

Thence N 53°14’26” W a distance of 205.29 feet;

Thence N 03°34’35” E a distance of 240.47 feet;

Thence N 14°46’58” E a distance of 372.32 feet;

Thence N 19°58’59” W a distance of 117.05 feet;

Thence N 49°41’09” W a distance of 216.39 feet;

Thence N 88°12’53” W a distance of 95.00 feet to the Southeast corner of the West 208.00 feet of the North 238.00 feet of said subdivision;

Thence N 01°27’18” E along the East line thereof a distance of 208.00 feet to the True Point of Beginning.

2. <u>PIN # 1124069106</u>

That portion pf the Southwest quarter of Section 11, and of the Southeast quarter of

Section 10, all in Township 24 North, Range 6 East, W.M., King County, Washington described as follows:

Beginning at the Northeast corner of said Southeast quarter of Section 10;

Thence S 01°27’18” W along the East line thereof, a distance of 30.00 feet to the South

margin of S.E. 32nd Street and the True Point of Beginning of the herein described Tract;

Thence N 88°09’19” W along said South margin, a distance of 611.81 feet to the Easterly

Boundary of Klahanie Division No. 7, according to the plat thereof recorded in Volume 142 of

Plats, Pages 34 through 41, Records of King County, Washington;

Thence Southeasterly along said Easterly boundary the following courses and distances,

S 01°27’50” W a distance of 473.21 feet;

Thence S 53°29’06” E a distance of 718.98 feet

Thence S 60°55’45” E a distance of 1,237,37 feet;

Thence S 19°11’17” E a distance of 232,79 feet to a point on the Northwesterly margin of

S.E. Klahanie Boulevard and a point on the arc of a curve, the center of which S 19°23’56” E;

Thence Easterly along said Northerly margin along the arc of a curve to the right, and

Departing from said boundary of Klahanie Division No. 7, said curve having a radius of 1,067.38

Feet, through a central angle of 10°47’45” a distance of 201.12 feet

Thence N 19°11’17” W a distance of 250.95 feet;

Thence N 53°34’26” W a distance of 205.29 feet;

Thence N 03°34’35” E a distance of 240.47 feet;

Thence N 14°46’38” E a distance of 372.32 feet

Thence N 19°58’59” W a distance of 117.05 feet;

Thence N 49°41’09” W a distance of 216.39 feet

Thence N 71°15’50” W a distance of 704.95 feet;

Thence N 88°12’53” W a distance of 95.00 feet to the Southeast corner of the West 208.00 feet of the North 238.00 feet of Southwest quarter of Section 11;

Thence continuing N 88°12”53” W a distance of 208.00 feet

Thence N 01°27’18” E a distance of 208.00 feet to the True Point of Beginning.

Exhibit B-2-
Drainage Facilities and Drainage Facility Property Interests

Parcels with associated drainage facilities:

PIN	Property Name	Acres	Facility ID	Type	Facility Name
0318400310	Autumn Glen I Tract D	1.19	D91612	Tank	Autumn Glen I
1149900340	Brookshire East Tract D	.26	D91689	Pond	Brookshire East
1150900120	Brookshire Ridge Tract A	.5	D92780	Pond	Brookshire Ridge
1424069087	Short Plat 1186017 Tract A	.91	D91666	Pond	Hunter's Ridge
2806000700	Glenwood Tract D	.66	D91567	Pond	Glenwood (P)
3527300140	Hunter Lane Tract B	.27	D92725	Pond	Hunter Lane Tract B
3905081910	Klahanie Div. 19 Tract N	.14	D92022	Pond	Klahanie Div 19
3905090590	Klahanie Div. 20 Tract F	.25	D92382	Pond	Klahanie East (Div 20)
3905101030	Klahanie Div. 21 Tract G	2.56	D92440	Pond	Klahanie Div 21
6790800070	Pine Classics Tract B	.75	D93079	Vault/ Infiltration	Pine Classics
6791150250	Pine Lake Meadows Tract A	.61	D90142	Pond	Pine Lake Meadows Pond A
6791150260	Pine Lake Meadows Tract B	1.8	D90159	Pond	Pine Lake Meadows Pond B
8078350540	Summer Meadows Div. 1 Tract B	1.37	D91326	Pond	Summer Meadows Division Div 1

Easements with associated Drainage Facilities

D91255	Klahanie Division 4	Vault
D91271	Brookshire Estates	Pond
D91481	Summer Meadows Div 2	Tank
D91893	Klahanie North (Division 13)	Pond
D91894	Klahanie Div 10 12 & 16	Wetland Pond
D92436	KCSP S89S0278	Tank
D92454	Traditions at Klahanie (Tract B) (Division 19)	Pond
D93080	KCSP L05S0061	Vault
D93134	Hunter's Place	Vault
D93136	KCSP L05S0061	Vault
D93186	Hunter's Place II	Vault
D93191	KCSP L04S0057/L04S0058	Vault
D93238	Overlook at Brookshire (fka Nelsen-Catterall)	Vault
DR0609	Queens Bog Dam	Pond (Dam)
DR0612	Klahanie Pond 1	Pond (Dam)
DR0613	Yellow Lake Dam	Pond (Dam)
DR0614	Klahanie Pond 2	Pond (Dam)
DR0615	Klahanie Division 13	Pond (Dam)

All drainage easements dedicated to King County or the Public in the following Recorded Plats:

AUTUMN GLEN I

BARCLAY SQUARE

BARCLAY SQUARE

BROOKSHIRE CREST

BROOKSHIRE ESTATES

BROOKSHIRE ESTATES

BROOKSHIRE ESTATES

BROOKSHIRE RIDGE

FAIRFIELD GREEN

FAIRFIELD GREEN

GLENWOOD

HUNTER LANE

HUNTER'S PLACE

HUNTER'S PLACE II

HUNTERS RIDGE

JACOB'S MEADOW

JACOB'S MEADOW

KENLOCH

KENLOCH

KENLOCH

KLAHANIE

KLAHANIE COMMUNITY CENTER-BSP

KLAHANIE DIV NO. 02

KLAHANIE DIV NO. 03

KLAHANIE DIV NO. 04

KLAHANIE DIV NO. 05

KLAHANIE DIV NO. 06

KLAHANIE DIV NO. 07

KLAHANIE DIV NO. 07

KLAHANIE DIV NO. 08

KLAHANIE DIV NO. 09

KLAHANIE DIV NO. 10

KLAHANIE DIV NO. 11

KLAHANIE DIV NO. 12

KLAHANIE DIV NO. 13

KLAHANIE DIV NO. 14

KLAHANIE DIV NO. 15

KLAHANIE DIV NO. 16

KLAHANIE DIV NO. 17

KLAHANIE DIV NO. 18

KLAHANIE DIV NO. 19

KLAHANIE DIV NO. 19

KLAHANIE DIV NO. 20

KLAHANIE DIV NO. 21

KLAHANIE DIV NO. 22

KLAHANIE DIV NO. 23

LAKE PARK TOWNHOMES AT KLAHANIE

OVERLOOK AT BROOKSHIRE

OXFORD PARK PH 01

OXFORD PARK PH 01

PINE CLASSICS

PINE LAKE MEADOWS

RAINBOW LAKE RANCH

SIERRA AT KLAHANIE

SIERRA AT KLAHANIE

SIERRA AT KLAHANIE

SKYE LANDING AT KLAHANIE

SKYE LANDING AT KLAHANIE

SKYE LANDING AT KLAHANIE

SUMMER MEADOWS DIV NO. 01

SUMMER MEADOWS DIV NO. 02

SUMMER POND DIV NO. 01

SUMMER POND DIV NO. 02

SUMMERWOOD

SUNDANCE AT KLAHANIE PH 01

SUNDANCE AT KLAHANIE PH 01

TANGLEWOOD AT KLAHANIE

TANGLEWOOD AT KLAHANIE

TANGLEWOOD AT KLAHANIE

TANGLEWOOD AT KLAHANIE

TRADITIONS AT KLAHANIE

VILLAGE AT KLAHANIE

KC Short Plat 276021

KC Short Plat 278074

KC Short Plat 287027

KC Short Plat 387051

KC Short Plat 387052

KC Short Plat 974025

KC Short Plat 980020

KC Short Plat 1177104

KC Short Plat 1186017

KC Short Plat 1187025

KC Short Plat L04S0057

KC Short Plat L04S0058

KC Short Plat L05S0049

KC Short Plat L05S0050

KC Short Plat L05S0061

KC Short Plat S89S0278

Exhibit B-3
Drainage Facilities Within Public Road Rights of Way

D91568	Glenwood (SLT)	Tank
D91569	Glenwood (NLT)	Tank
D91615	Brookshire Crest	Tank
D91631	Summer Pond #2	Vault
D92726	Hunter Lane	Vault

Exhibit C Deed Form

AFTER RECORDING RETURN TO:

CITY OF SAMMAMISH
801 228TH AVE SE
SAMMAMISH, WASHINGTON 98075

QUITCLAIM DEED

Grantor - - King County, Washington
Grantee - - City of Sammamish
Legal - - - - --Lots XXXXXXXXX through XXXXXXX, inclusive, , records of King County, Washington; EXCEPT that portion XXXXXXX
Tax Acct. – XXXXXXXX

The Grantor, KING COUNTY, a political subdivision of the State of Washington, for good and valuable consideration conveys and quitclaims to Grantee, the City of Sammamish, the following real property situated in King County, Washington and described in EXHIBIT A, attached hereto and incorporated herein by this reference including after acquired title.

GRANTOR **KING COUNTY**	**Accepted and Approved** **City of Sammamish** **A Municipal Corporation of the State of Washington**
BY: _____ DATE: _____	BY: _____ DATE: _____

Approved as to Form:

By _____
Senior Deputy Prosecuting Attorney

NOTARY BLOCK APPEARS ON NEXT PAGE

NOTARY BLOCK FOR KING COUNTY

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

On this _____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Anthony Wright, to me known to be the Director of the Facilities Management Division of the King County Department of Executive Services, and who executed the foregoing instrument and acknowledged to me that HE was authorized to execute said instrument on behalf of KING COUNTY for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Notary Public in and for the
State of Washington, residing

at _____
City and State

_____
Signature

_____
Printed Name

My appointment expires _____

_____

LEGAL DESCRIPTION

Exhibit D Privately Owned Drainage Facilities

Number	Name	Address	Type
D97404	Lakeside Montessori	3522 Issaquah-Pine Lake Rd SE	Pond
D97907	Faith United Methodist Church	3924 Issaquah-Pine Lake Rd SE	Pond
D98210	Shepherd of the Hills Lutheran Church	24850 SE Issaquah-Fall City Rd	Pond /Bioswale
D98234	QFC Klahanie-Vault A	4570 Klahanie Dr SE	Vault
D98235	QFC Klahanie-Vault B	4570 Klahanie Dr SE	Vault
D98451	Lakeside Montessori	3522 Issaquah-Pine Lake Rd SE	Tank
D98535	Beaver Lake Middle School	25025 SE 32nd St.	Pond
D98552	Klahanie Park	25000 SE Klahanie Blvd	Pond
D98835	Jacob's Meadow Condos	23710 SE 36th Lane	Wetpond
D99047	Eastridge Christian Assembly	24505 SE Issaquah-Fall City Rd	Pond

[Blank Page]

Materials for

Briefing No. 2015-B0217

Metro/Sound Transit Preparation for March 2016 Service Changes

Will be distributed at the committee meeting

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	16	**Name:**	Christine Jensen Scarlett Aldebot-Green Erin Auzins Mary Bourguignon Paul Carlson Jenny Giambattista Lise Kaye Beth Mountsier Mike Reed
Proposed No.:	2015-B0226	**Date:**	December 1, 2015

SUBJECT

A briefing on the King County Executive's Public Review Draft (PRD) of the proposed 2016 update to the King County Comprehensive Plan.

SUMMARY

The next four-year, "major" update to the King County Comprehensive Plan (KCCP), which allows for consideration of substantive policy changes to the KCCP and potential revisions to the Urban Growth Boundary (UGB), will occur in 2016. The Executive issued a Public Review Draft (PRD) of his proposed 2016 KCCP update on November 6, 2015, which will be open for public comment through January 6, 2016. In order to keep Councilmembers up to date on the progress of the 2016 KCCP update, Council staff is providing a high-level briefing on the PRD to the Transportation, Economy and Environment Committee.

Key themes of the proposed changes in the PRD include:

- Several **restructures** to the existing structure of the KCCP, including creating an Executive Summary, integrating the Introduction into Chapter 1 Regional Growth Management Planning, and new Housing and Human Services chapter.

- **Readability improvements and technical updates.**

- **Elimination of the Guiding Principles** structure that was created in 2012 as part of the Introduction section to the KCCP to set the tone.

- Increased **Equity and Social Justice (ESJ)** integration in most chapters.

- **Climate change and the Strategic Climate Action Plan (SCAP)** goals and targets incorporated throughout the plan.

- The new **Housing and Human Services** chapter includes significant increased attention to affordable and healthy housing issues.

- New policies in directing **urban facilities** that serve urban development to be sited in the Urban Growth Area (UGA).

- Updates to **stormwater policies** to address the new requirements in the County's National Pollution Discharge Elimination System (NPDES) permit, including increased attention to **Low Impact Development (LID)**.

- Increased attention on **local and healthy food** options.

- Stronger connections and references to the **Regional Growth Strategy and Growth Management Act (GMA).**

- Creation of a new **subarea planning process** and analysis and recommendations for nineteen **land use proposals**.

Following closure of the PRD comment period, the Executive will consider the public feedback and finalize the proposed 2016 KCCP. The Executive is then required to transmit the proposed KCCP update to the Council by March 1. The Council will then review and deliberate on the Executive's proposal, with possible adoption later in 2016.

BACKGROUND

The KCCP is the guiding policy document for land use and development regulations in unincorporated King County. The King County Code (K.C.C.) allows for updates to the plan on either an annual or a once-every-four-years basis, depending on the scope of the change.[1] The four-year cycle is considered a "major" update to the plan and, unlike annual updates, allows for consideration of substantive policy changes and potential revisions to the Urban Growth Boundary. The next four-year update to the KCCP will occur in 2016.

In May, 2015, the Council adopted the Scoping Motion[2] for the 2016 KCCP update. The motion outlined the key issues that the Council and the Executive identified for specific consideration in the forthcoming plan update. The Scoping Motion is not an exhaustive list of issues to be considered;[3] additional changes to the plan may also be included in the final KCCP that is ultimately adopted by the Council in 2016.

---

[1] K.C.C. 20.18.030

[2] Motion 14351, which was required to be transmitted by the Executive by K.C.C. 20.18.060.

[3] The Docket is also a means for the public to request changes to KCCP polices, development code regulations, and land use zoning and zoning designations as allowed by K.C.C. 20.18.140. A summary of the Docket proposals received since the 2012 KCCP update is included as Attachment 3 to the staff report. The Council is expected receive the 2015 Docket report on December 1.

In addition to indicating the overarching issues for the KCCP update, the Scoping Motion was one of the methods to ensure consideration of proposals to expand the Urban Growth Area (UGA) during the 2016 KCCP update. In 2012, the KCCP was amended to clarify the process for considering UGA changes. First, KCCP policy RP-202 requires that, except for Four-to-One proposals, UGA expansion proposals must be acted on at the Growth Management Planning Council (GMPC)[4] prior to Council action. Furthermore, policy RP-203 states that the County may only forward proposals to the GMPC under the following instances:

1. The proposal is included in the Scoping Motion;
2. An area zoning study for the proposal is included in the Public Review Draft of the proposed KCCP update; or
3. The proposal goes through the Hearing Examiner site specific map amendment process.[5]

This means that the Scoping Motion was the formal avenue for the Council to be able to identify possible UGA changes for consideration in the 2016 KCCP update. Any additional proposed UGA changes would need to have been added to the PRD by the Executive or be applied for by the property owner and go through the Hearing Examiner process in order to be considered in 2016.

K.C.C. 20.18.160 and RCW 36.70A.140 call for "early and continuous" public engagement in the development and amendment of the comprehensive plan and any implementing development regulations. As part of that process, the Executive traditionally publishes a Public Review Draft (PRD) of the KCCP in the fall preceding a four-year update that allows for public input on the draft changes to the plan. For the 2016 KCCP, the Executive issued the PRD on November 6, 2015, which will be open for public comment through January 6, 2016. The Executive has hosted three community meetings on the PRD thus far, in Vashon, Fairwood, and Skyway. There will be one final community meeting on the PRD on December 2 in Fall City, as well as a follow up meeting in Vashon.

The Council does not have a formal role in review of the PRD, nor is the Council required to take any legislative action on the document. However, in order to keep Councilmembers up to date on the progress of the 2016 KCCP update, Council staff is providing a high-level briefing on the PRD to the Transportation, Economy and Environment Committee.

Following closure of the PRD comment period, the Executive will consider the public feedback and finalize the proposed 2016 KCCP. The Executive is then required to

[4] The required GMPC "action" could be either in support of or against the proposal, and is a non-binding recommendation for the County Council to consider in its deliberations.
[5] The GMPC may also take action on UGA proposals that are not forwarded by King County (i.e. another GMPC member jurisdiction could put a proposal forward for consideration), which could then also be considered by the County Council as part of a four-year KCCP update.

transmit the proposed KCCP update to the Council by March 1, 2016, as required by K.C.C. 20.18.060. The Council will then review and deliberate on the Executive's proposal, with possible adoption later in 2016.

ANALYSIS

How the Analysis section is organized. The staff analysis includes a review of each of the chapters of the PRD, as outlined below, which includes identifying what is new in the plan, discussion of any issues of inconsistencies with adopted policies and plans and the Scoping Motion, and highlighting any additional issues for Councilmember consideration. The staff report is a high-level analysis, which may not fully capture all of the policy issues and impacts of the Executive's PRD. A more comprehensive, in-depth analysis will need to occur after transmittal of the final Executive proposal in 2016 to more fully evaluate the impact of the policy changes, as well as to better determine consistency with other policies within the KCCP and with other plans, policies, and regulations.

A chapter by chapter analysis of the PRD can be found on the following pages of the staff report:

Overview	Page 5
Equity and Social Justice	Page 7
Chapter 1 Regional Growth Management Planning	Page 10
Chapter 2 Urban Communities	Page 13
Chapter 3 Rural Areas and Natural Resource Lands	Page 18
Chapter 4 Housing and Human Services	Page 22
Chapter 5 Environment	Page 25
Chapter 6 Shoreline Master Program	Page 29
Chapter 7 Parks, Open Space and Cultural Resources	Page 30
Chapter 8 Transportation	Page 31
Chapter 9 Services, Facilities and Utilities	Page 34
Chapter 10 Economic Development	Page 37
Chapter 11 Community Service Area Planning	Page 39

Chapter 12 Implementation, Amendments and Evaluation Page 41

Area Zoning Studies Page 43

Development Code Amendments Page 50

Technical Appendix A Capital Facilities Page 52

Technical Appendix C Transportation Needs Report and Arterial Function Classification Page 53

Overview

The PRD is a draft four-year, "major" update to the KCCP, which includes significant policy changes throughout the plan and includes evaluation of several proposals to revise the UGB. The following is a summary of the overarching changes proposed in the PRD.

Restructures. The PRD proposes several significant changes to the existing structure of the KCCP. A welcome letter from the Executive and an Executive Summary are both proposed to be included in the beginning of the plan to frame the document and the issues addressed in the plan. The Introduction is proposed to be removed and integrated into Chapter 1 Regional Growth Management Planning. A new Housing and Human Services chapter is proposed to be created, Chapter 4, which both consolidates existing policies into one place and adds more robust policies in each of these policy areas.

Readability improvements and technical updates. The PRD aims to improve readability by the general public and makes necessary technical updates. The proposed changes include:

- A more detailed **Table of Contents** that outlines the topical areas that are covered in each of the chapters.
- Replacement of all **acronyms** in the plan with their full names, such as "GMA" being written out as the "Growth Management Act" throughout the plan.
- Where appropriate, references to the "Urban Area" or the "Urban Growth Area" are restated as the "**Unincorporated Urban Area**" when the intent is to only apply the policy to areas where King County has local government authority instead of providing regional government policy guidance that applies to unincorporated areas and cities.
- The definition for "**Rural Area**" is updated to clarify it is a collective geography that includes Rural Towns, Rural Neighborhood Commercial Centers, and rural residential zoned properties (RA-2.5, RA-5, RA-10, and RA-20). This change makes it clearer that **Natural Resource lands** are separate from Rural Area lands. The terminology for "Rural Cities" is also updated to be "**Cities in the**

Rural Area" to reflect that they are urban geographies that are located in the rural area. Where appropriate, references to these terms are updated throughout the plan to ensure consistency with existing policy intent**.**

- Current **demographic information and technical references** to adopted planning documents and terminology (such as using "recycled water" instead of "reclaimed water") are also updated throughout the plan.

Key policy themes. The following are the some of the more significant policy issues that are incorporated throughout the draft plan update:

- **Elimination of the Guiding Principles** structure that was created in 2012 as part of the Introduction section to the KCCP to set the tone for the plan. The PRD proposes to retain most of the concepts as planning objectives located in Chapter 1 Regional Growth Management Planning, however several substantive amendments to the principles are proposed.

- The PRD includes increased **Equity and Social Justice (ESJ)** integration in most chapters of the plan. The prominent changes are found in Chapter 2 Urban Communities; Chapter 4 Housing and Human Services; and Chapter 9 Facilities, Services and Utilities.

- Incorporating **climate change and the Strategic Climate Action Plan (SCAP)** goals and targets throughout the plan. While the most significant changes can be found in the Climate Change section in Chapter 5 Environment and the Energy and Telecommunications section in Chapter 9 Facilities, Services and Utilities, policy updates can be found in most chapters of the plan.

- The new **Housing and Human Services** chapter includes significant increased attention to affordable and healthy housing issues.

- New policies in directing **urban facilities** that serve urban development to be sited in the UGA.

- Updates to **stormwater policies** to address the new requirements in the County's National Pollution Discharge Elimination System (NPDES) permit, including increased attention to **Low Impact Development (LID)**.

- Increased attention on support for and access to **local and healthy food** options.

- Stronger connections and references to the **Regional Growth Strategy and GMA.**

- Creation of a new **subarea planning process** with an eight-year planning schedule using the Community Service Area (CSA) geographies. The PRD also

includes analysis and recommendations for nineteen **land use proposals**. Several of the land use proposals are proposed to be addressed through the new subarea planning process.

Equity and Social Justice

The Council and Executive have emphasized the importance of "fair and just" determination of public policy broadly,[6] including in the King County Strategic Plan, the biennial budget process, and a range of county plans and initiatives. Equity concerns have the potential to arise in major public policy undertakings that involve changes in the life circumstances of broad demographics, such as the KCCP. In that light, the Scoping Motion called for significantly expanding the emphasis on Equity and Social Justice (ESJ), adding language to each chapter requiring close evaluation of policies for their equity impact. This review highlights the extensive policy recommendations related to ESJ in the PRD.

What's new in the Public Review Draft?

The 2012 Comprehensive Plan included equity and environmental justice considerations throughout the Plan. The PRD proposes to extend and strengthen the ESJ elements of the Plan. New policy or revisions to existing policy that address equity concerns are found in most chapters of the PRD,[7] though most prominently in chapters relating to Urban Communities; Housing and Human Services; and Facilities, Services and Utilities. To facilitate review, this analysis focuses on key equity themes that emerged throughout the PRD.

Funding and service delivery/Use of Equity Impact Review Tool. Several policies call for the use of the county's Equity Impact Review Tool (EIRT) to assess impacts of policies or projects on vulnerable populations. These include F-221a (Chapter 9 Services, Facilities and Utilities), which indicates that the EIRT should be used to prioritize funding and service delivery where service shortfalls would disproportionately impact vulnerable populations; and F-243a, which encourages the use of the EIRT to assess service change impacts on vulnerable populations. F-271b encourages use of the EIRT to assess service change impacts on vulnerable populations, and E-xxx on page 5-30 (Chapter 5 Environment) mandates use of the Equity Impact Review process in preparing for resiliency against climate change.

Facility siting. The impacts of siting of facilities are addressed in several policies. F210a provides that, when siting new county facilities, agencies are to identify and evaluate impacts on "determinants of equity" for vulnerable populations. F-xxx on page 9-47 indicates that the county should strive to ensure that vulnerable populations are not unduly impacted by new or expanded transmission and distribution lines. F-332a

[6] As required by Ordinance 16948
[7] There are no ESJ policy updates in Chapter 5 Environment, Chapter 6 Shorelines, and Chapter 11 Community Service Area Planning.

encourages the county to strive to site hazardous liquids transmission pipelines to avoid unduly impacting vulnerable populations.

Public participation. Engagement of vulnerable populations in public outreach is the subject of a number of policies. P-134 (Chapter 7 Parks, Open Spaces and Cultural Resources) provides that Parks will involve a wide variety of interests, through a diversity of individuals, groups and agencies consistent with ESJ priorities; P-135 provides that the county will use a variety of methods to ensure involvement from all county residents, including public meetings, advisory groups, surveys, web and social media postings, news releases, signage, mailing lists, newsletters and community groups. F-101a provides that King County agencies will engage communities in a culturally- and audience-appropriate manner. F-101b and F-328 mandate that the County shall adhere to the Executive Order on Written Language Translation, which describes requirements for providing translated materials to audiences with limited English proficiency, as appropriate. R-661b (Chapter 3 Rural Area and Natural Resource Lands) encourages representation of low income and socially disadvantaged farmers in King County agricultural processes such as agricultural advisory bodies.

Housing. Affordable housing is a major focus of new or revised equity policy in the PRD. H-102b (Chapter 4 Housing and Human Services) requires the County to work with partners to reduce barriers to housing that serves a diverse population, especially those with very low- to moderate incomes, older adults, those with developmental disabilities or other disabilities, and people who are homeless. H-102d supports the County's ESJ and transformation plan goals for equitable distribution of low-income and high-quality affordable housing, including mixed-income housing. H-103 mandates that the County shall address the need for housing that is affordable to very-low, low and moderate income households pursuant to Countywide Planning Policy (CPP) targets. H-104 and H-105 note that preservation of affordable housing is a need in areas experiencing redevelopment due to proximity to high capacity transit, or in areas experiencing changing market conditions. H-132 indicates that the County should encourage mandatory and incentive programs for affordable housing with cities, sewer and water districts and other permitting agencies. H-137 mandates that the County shall provide opportunities in unincorporated areas for housing types that provide higher densities and lower cost ownership opportunities than single family homes. H-156 mandates that the County is to give consideration in housing subsidy programs to projects where there is a severe shortage of affordable housing, and where there is access to job opportunities, a healthy community and active transportation.

Health. The health of vulnerable demographics is addressed in a number of new or revised policies. H-204 mandates that the County is to apply principles that support thriving healthy communities in all neighborhoods of the region, and will support investments that help all residents live in prospering communities where they can make healthy choices. H-205 indicates the County will implement policies that address the social determinants of health and the built environment. H-206 provides that the County will encourage increase in the role and influence of residents living in communities with disproportionately lower health outcomes. H-207 recognizes that poverty, affordable

housing and access to economic opportunity are critical public health issues, and will take steps to address these issues through ongoing County plans, programs and funding.

Electronic access. Access to cable service and wireless service for the underserved is addressed by several policies. F-354 encourages cable companies to ensure widespread availability of reasonable services regardless of income, and to ensure diverse information is available to county residents, especially to low income communities. F-358 encourages builders and architects to work with the telecommunications industry to retrofit state-of-the-art cable-ready homes, offices, community centers, social service agencies, community health clinics and other buildings that serve low income citizens. F-359 encourages public and private organizations to create wireless internet connections where the public can access the internet, in community centers, social service agencies, community health clinics, and other buildings that serve low income citizens.

Consistency with adopted policies and plans

No issues identified.

Consistency with Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD. These issues are also reflected in the individual chapter analysis portion of the staff report.

Chapter 5 Environment. The Scoping Motion called for updated and strengthened policy regarding environmental justice and climate justice in Chapter 4 Environment. While there are references to these issues in the introductory text, there are not policies that address this item from the Scoping Motion.

Chapter 11 Community Service Area Planning. The Scoping Motion called for updating and strengthening policies to provide increased attention to ESJ issues and address inequities and disparities in Chapter 11 Community Service Area Planning. The PRD states that using the proposed CSA geographies and planning schedule would help to ensure the entire county receives some level of planning on a regular schedule and to help facilitate a more equitable planning process. However, there is no specific mention of consideration of ESJ principles within the planning process. Including language to provide guidance for community outreach within the new subarea planning process could be an area in which ESJ principles might be appropriate.

Other Issues for Councilmember Consideration

Affordable housing. People of color and low income populations appear to be among those most vulnerable to significantly increasing rental rates and housing prices in King

County. Home ownership in King County differs significantly by race and by income; in 2009 the rate of home ownership among whites, 65 percent, was more than twice the rate of home ownership among African Americans, at 31 percent. Also in 2009, those with household income less than $24,999 had a home ownership rate of 31 percent; those with household income of $150,000 or more had an 88 percent home ownership rate.[8] These differences can have the effect of limiting the ability of such populations to retain long-term residency within the urban core, raising the question of the demographic balance of the population base within central urban areas over time, with access to services such as transit, education, recreation, and other quality of life services. As noted, the PRD includes consideration of opportunities to support affordable housing. Nationally, urban planning professionals have developed analytical materials seeking to evaluate whether there is any relationship between land use management and planning efforts, and housing prices.

Chapter 1 Regional Growth Management Planning

The Introduction and Chapter 1 Regional Growth Management Planning from the 2012 KCCP are proposed to be consolidated into one chapter in the PRD. The policies in this new consolidated Chapter 1 address the King County planning framework,[9] regional partnerships, and planning objectives.

What's new in the Public Review Draft?

Regional partnerships. The PRD adds a new policy, RP-109, directing the County to establish and/or participate in regional and subregional partnerships to advance the objectives of the KCCP, such as the King County Cities Climate Collaboration (K4C), Growing Transit Communities Program, and the Eastside Rail Corridor (ERC).

Elimination of Guiding Principles. The 2012 KCCP was structured with an Introduction and a separate chapter for Regional Planning in Chapter 1. In the adoption of the 2012 KCCP, the Council added "Guiding Principles" policies to the Introduction to guide funding decisions, creation and operation of programs and projects, and how the county interacts with local, state and federal agencies. The PRD proposes to make two changes to the Guiding Principles. First, the Guiding Principles would be moved from the introduction to Chapter 1 Regional Growth Management Planning. Second, the PRD would no longer call these policies "Guiding Principles," but rather "Planning Objectives."

Amendments to Guiding Principles. The PRD proposes a number of amendments to the 2012 Guiding Principles, including:

---

[8] Data from the American Community Survey, as quoted in Performance Strategy and Budget web page http://www.kingcounty.gov/exec/PSB/BenchmarkProgram/AffordableHousing/AH25_HomeOwnershipRate.aspx

[9] Including relationships to Growth Management Act (GMA), the Puget Sound Regional Council's (PSRC) VISION 2040 and Multicounty Planning Policies (MPPs), and the Growth Management Planning Council's (GMPC) Countywide Planning Policies (CPPs); the KCCP, and County functional plans.

- **Benefits of county activities.** In addition to existing Guiding Principle language that calls for promoting sustainable communities, RP-201 is proposed to be expanded to ensure that all County activities provide social, environmental and economic benefits.
- **Preservation of open space lands.** In RP-202, the underlying 2012 Guiding Principle requires King County to pursue economically feasible opportunities to preserve open space lands. The PRD proposes to remove the "economically feasible" qualifier and would add maintenance in addition to preservation. Additionally, while already included in the definition for open space, the PRD proposes to specifically include forest and agriculture lands in addition to open space lands. The policy is also now focused on preservation and maintenance of "remaining high-priority" lands.
- **Existing UGA.** In RP-203, the 2012 Guiding Principle that called for focusing growth in the Urban Growth Area, now explicitly focuses growth in the "existing" UGA, and also now clarifies that growth should occur consistent with adopted growth targets.
- **Reducing impacts of transportation.** The 2012 KCCP included a Guiding Principle that calls for promoting a transportation system that provides a range of transportation choices that respond to community needs and environmental concerns. As amended in RP-204, that policy is proposed to now include an efficient multimodal system, as well as reducing impacts on the natural environment rather than just responding to environmental concerns.
- **ESJ.** The Determinants of Equity[10] is also proposed to be added to the text of the planning objectives section. Significant text is added regarding connecting ESJ issues to land use planning. This includes a statement that addressing ESJ through long-range planning relates to the County's role as a regional service provider; additionally, where the County provides countywide services, such as recreation, transit service, and public health, those will be focused on cities in the contiguous UGA. The PRD goes on to state that while ESJ considerations will remain an important factor in planning across all geographies, the County's unincorporated rural and natural resource areas have much lower concentration of these demographic groups.

  Additionally, the PRD proposes to amend the existing Guiding Principle that calls for addressing ESJ issues. In RP-205, this policy expanded to "proactively" address ESJ issues and now applies this to in implementation of the County's policies, programs, and practices instead of just when evaluating those areas. Similarly, in the Guiding Principle that calls for protecting and enhancing natural resources and the environment, RP-206 calls for consideration of inequities and disparities that may be caused by climate change.
- **Managing performance.** The 2012 KCCP included a Guiding Principle that called for measuring and assessing agency performance and achievement of the CPPs and the KCCP goals. The PRD no longer includes this, or any performance management, policy with the other former Guiding Principles in the

[10] As outlined in Ordinance 16948.

new Planning Objectives section; instead, the PRD proposes to move that policy elsewhere in the chapter as RP-120, which is located in a section related to review and amendment of the KCCP.

Consistency with adopted policies and plans

No issues identified**.**

Consistency with the Scoping Motion

No issues identified.

Other issues for Councilmember consideration

Elimination of Guiding Principles. The 2012 KCCP placed Guiding Principles in the Introduction section of the plan. The intent of locating the policies in the Introduction instead of one of the standalone Chapters was to set the tone for the entire KCCP, ensure applicability to all chapters within the plan, and to apply to both regional and local government planning. The PRD proposes to relocate those polices into the second half of Chapter 1 Regional Growth Management Planning. PRD also proposes to no longer call these policies "Guiding Principles," but rather "Planning Objectives" instead. While it is currently unclear if there are any untended policy and planning impacts of these changes, it does have the potential to at least change the perception of the level of importance of these policies in relation to the remainder of the KCCP.

Amendments to Guiding Principles. The Council may wish to evaluate the impacts of the proposed changes to the former Guiding Principles policies, including:

- **Benefits of county activities.** RP-201 amends a 2012 Guiding Principle to state that the County shall seek to ensure that all County activities provide social, environmental and economic benefits. This proposed language is very broad and is unclear how this is proposed to be defined, measured, or enforced.
- **Preservation of open space lands.** RP-202 amends a 2012 Guiding Principle to remove the "economically feasible" qualifier and add maintenance in addition to preservation as a requirement of the policy. The fiscal impacts of these two changes are currently unknown, but there is potential that it may increase expenditures needed to implement the amended policy. Additionally, it is unknown what the scope of "remaining high-priority" forest, agriculture, and open space lands would include. Through adoption of Motion 14458, the Council has asked the Executive to provide such a list, as well as criteria for preservation, by the end of the first quarter of 2016.
- **Existing UGA.** RP-203 amends a 2012 Guiding Principle that called for focusing growth within the "existing" UGA consistent with adopted growth targets. It appears that this policy change is intended to be consistent with general growth management principles in the GMA, Multicounty Planning Policies (MPPs), Countywide Planning Policies (CPPs), and existing KCCP to focus growth within

the UGA. It is currently unclear whether changing the policy to the focus on the "existing UGA" would further limit consideration of UGA expansions in the future.

- **Reducing impacts of transportation.** RP-204 amends an existing Guiding Principle to require a range of transportation choices now reduce impacts on the natural environment rather than just responding to environmental concerns. While this does not appear to be inconsistent with the County's current approach to multimodal transportation planning, this does appear to be a more explicit regional policy directive to use transportation planning to benefit the environment, such as addressing climate change.
- **ESJ.** The PRD includes text in the Planning Objectives section stating that countywide services, such as recreation, transit service, and public health, will be focused on cities in the contiguous urban growth area. While this directive is not located in policy, it does imply intent for County operations. This statement implies that such services, including recreation and public health, could be less available to:
    - Residents of cities in eastern King County, such as Carnation, Duvall, Enumclaw, North Bend, Skykomish, and Snoqualmie.
    - Urban unincorporated residents, such as those in Fairwood, Highline, Skyway-West Hill, and White Center.
    - Residents in the rural area.
- **Managing performance.** The PRD proposes to relocate a 2012 performance management Guiding Principle, which called for measuring and assessing agency performance and achievement of the CPPs and the KCCP goals, to elsewhere in the chapter. As a result the KCCP would no longer include performance measurement and management as a planning objective.

Chapter 2 Urban Communities

The policies in Chapter 2 address development in urban unincorporated areas; creating healthy and sustainable communities; coordination with cities regarding urban unincorporated areas; and strategies annexations.

<u>What's new in the Public Review Draft?</u>

Bike and pedestrian infrastructure. Chapter 2 includes a variety of new text and policies that expand support for bike and pedestrian infrastructure. Policies U-135, U-154, U-158, U-163, and U-171 speak to providing bike and pedestrian infrastructure for all ages and abilities. This is consistent with existing policy, T-230, in Chapter 8 Transportation. Additionally, policies U-143, U-146, U-168, and U-171 support providing bicycle racks and secure bicycle parking.

UGA capacity. The PRD clarifies policies U-102 and U-115 to state that the capacity to accommodate growth within the UGA is on a countywide basis. Using a countywide analysis of capacity is not a new approach and is consistent with the GMA and existing case law; it is also currently listed in the background text in the 2012 KCCP. However, explicit addition of using a countywide basis to the policy itself is a new approach.

Food access. The PRD includes a new focus on increasing access to healthy retail foods in policies U-107 and U-139, as well as affordable fresh fruits and produce in policy U-159. Policy U-132b also allows for "food innovation districts," which is a district of food-related activities such as food retail, processing, distribution, business incubation, and urban agriculture.

Urban facilities/School siting. Policy R-326 (Chapter 3 Rural Areas and Natural Resource Lands) was added in 2012 to incorporate the recommendations from the School Siting Task Force, which called for locating new schools institutions and community facilities primarily serving urban residents in the UGA, with some exceptions as outlined in R-327. The PRD proposes to integrate that policy direction elsewhere in the KCCP, both here in the Chapter 2 Urban Communities and in Chapter 9 Services, Facilities and Utilities. Policy U-109 in Chapter 2 currently states that the County should concentrate facilities with the UGA. The PRD proposes to expand this policy to state that facilities serving urban development, such as new schools, institutions and commercial development, shall be located in the UGA.

Limiting access to unhealthy substances. The PRD includes language on the importance of limiting access to unhealthy substances – such as tobacco, alcohol, and marijuana – through zoning regulations. Tobacco-free areas are of a specific focus, and policy U-143 states that common facilities for developments should include smoke-free areas. Proposed policy changes in Chapter 4 Housing continue this trend.

Children's health. The PRD proposes to amend policy U-113 to state that the County "shall" promote children's health, rather than "should" as in the 2012 KCCP. This is consistent with the Best Starts for Kids Levy that passed in November. Additionally, U-145 states that recreation spaces within residential developments shall include child's play area, which is in the existing 2012 KCCP, but now requires that it meets recommended national standards; it is unclear what national standards would be used for this requirement.

Annexations. The PRD includes a variety of updates regarding collaboration with cities for urban unincorporated areas and to support annexation of Potential Annexation Areas (PAAs), including:

- **Increased collaboration with cities.** Policy U-119 is amended to include collaboration with cities as part of planning for appropriate levels of urban density in the UGA. Infill development and redevelopment strategies in U-133 are amended to include coordination with incentive programs of cities affiliated to annex the area. Policy U-152 is amended to state that designation of new unincorporated activity centers should include consideration of relationship to adjacent cities.
- **Incentivizing annexations.** Policy U-126 currently states that the County shall work with cities when evaluating rezone requests for increased density when the city's PAA includes the property owner review. The policy is proposed to be amended to say that the County shall work with the city regarding such requests

if a pre-annexation agreement exists, and will only notify the city if there is not such an agreement; the intent of this being to encourage more cities with PAAs to enter into pre-annexation agreements. Similarly, a revised policy, U-208, proposes to have the County consider joint planning for urban unincorporated areas when there is a commitment by the City to annex an area by interlocal agreement. Joint planning could include traditional subarea plans, allowing additional commercial and high-density residential (but no longer industrial) development, or through collaborative and innovative development approaches. The wording of "collaborative and innovative development approaches" is undefined; additional clarification may be appropriate. This revised policy also calls for the County would work with the GMPC on developing a plan for annexing the remaining PAA's into cities.

- **City-level quality of development.** New text on page 2-15 and changes to policies U-142 and U-171 encourage design and construction for residential and commercial sites in urban unincorporated areas that is of the same or better quality as adjacent cities.
- **Encouraging annexations.** The PRD calls for the County to proactively pursue annexations of urban unincorporated areas into the appropriate City. Policies U-202 and U-202 show a strengthening of the language to proactively move urban islands towards annexation.

Multifamily zoning. A new policy, U-122, proposes that the County should limit rezoning multifamily land to nonresidential uses to only when other, new multifamily sites can replace the lost multifamily housing capacity. U-122a, also states that the County should explore zoning tools to increase density and affordable housing opportunities near frequent transit, including up-zoning and form-based code.

Access to transit. U-137 proposes that new urban residential developments should ensure access to transit facilities where they exist or are planned. It is unclear what the breadth of “planned” facilities would entail – whether that is applies to: only facilities that have already begun the permitting process, projects that are included the six-year CIP, or could go as far as considering the planned investments in the Puget Sound Regional Council (PSRC) Transportation 2040 plan or the forthcoming Metro Long Range Plan.

Local improvement districts. Policy U-139b allows for the creation of local improvement districts, such as public realm landscaping and maintenance assessment districts in urban residential neighborhoods. The language calls for the County to create a process for establishing such districts.

Unincorporated activity centers. The PRD proposes to change the scope of unincorporated activity centers, which are defined in the KCCP as the primary locations for commercial and industrial development in urban unincorporated King County. The only designated center of this type is White Center.[11] U-150 proposes to change

[11] Other areas that were previously designated as unincorporated activity centers have been annexed into cities. The White Center Community Action Plan establishes the size and mix of uses allowed in the White Center Unincorporated Activity Center.

unincorporated activity centers from meeting the needs of the regional economy to the local economy. Similarly, U-153 proposes to change from the centers providing for regional shopping needs to only providing for local shopping needs.

Eastside Rail Corridor. The PRD proposes new policies regarding the Eastside Rail Corridor, which was not previously addressed in the 2012 KCCP. Policies U-191 through U-193 are included to support achieving the multi-use vision for the corridor. Specifically, these policies state that the County shall: collaborate with owners, adjacent and neighboring jurisdictions, and other interested and affected parties; identify and implement actions that support development of the corridor; and work with all appropriate planning venues to integrate the corridor into applicable plans.[12]

Housing. The 2012 KCCP included housing policies in this chapter. The PRD proposes to move those polices to a new chapter, Chapter 4, which also includes polices regarding human services.[13]

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Green Building provisions. The Scoping Motion directed the KCCP update to address Regional Code Collaboration[14] opportunities to support Green Building provisions. The 2012 KCCP includes text discussing "heat islands"[15] in cities and dense urban areas and a policy, U-112, directing the County to work with cities, residents, and developers to employ techniques to reduce head islands. The PRD proposes to add a reference in the text leading into policy U-112 to tools in the King County Green Building Handbook that can reduce head island effects; however, that is the only inclusion of Green Building provisions in this chapter. Additionally, policy U-112 only requires collaboration regarding reducing the effects of heat islands; additional collaboration on utilizing Green Building techniques to combat climate change as a whole may be desired. Lastly, it is worth noting that policy R-336a (Chapter 3 Rural Areas and Natural Resource Lands) supports adopting and implementing Green Building codes in the rural unincorporated areas; however, there is not similar language in Chapter 2 for urban unincorporated areas.

---

[12] Including land use plans, transportation system plans, trail system plans, utility plans, and significant capital projects or plans.
[13] Previously in Chapter 8 Services, Facilities and Utilities.
[14] A multi-jurisdictional group of planners and code officials from cities and King County to leverage economies of scale in developing and updating sustainable building and development codes.
[15] Urban air and surface temperatures that are higher than nearby rural areas due to replacement of natural land cover with pavement, buildings, and other infrastructure.

Service delivery issues. The Scoping Motion called for addressing lingering service delivery issues that are likely to remain while the County waits for annexation of unincorporated urban areas. The PRD does not address this. Furthermore, text that is proposed to be added on page 2-35 states that the County taxing authority supports regional and rural service levels. As the County has seen with roads fund revenues, this funding may not adequately support these service levels. This language may need to be clarified.

Transfer of Development Rights (TDRs). The Scoping Motion called for consideration of policies to support urban-to-urban TDRs and incentives for use of TDRs in economically disadvantaged communities. The PRD did not update any of the TDR policies in this chapter. While some TDR policy changes are proposed in Chapter 3 Rural Areas and Natural Resource Lands, those changes also do not address these specific issues that were identified in the Scoping Motion.

Promote timely annexations, including considering using the City's zoning/ development regulations. The Scoping Motion called for an update to the annexation policies to promote timely annexation of the urban unincorporated area, including considering utilizing the development regulations of the city designated for a specific PAA. Language added to U-203 calls for the County to proactively use existing tools to support annexations. Revised policy U-208 describes ways the County can work with cities and what ways the County could improve the land use tools (subarea plans, new zoning, or other innovative development approaches). There are other policies in Chapter 2, such as U-126, U-133, and U-170 that include language regarding consistency of pre-annexation zoning between the City and the County and supporting annexation in generally. However, there is not specific direction in this section that would include the County adopting the City's zoning or development regulations in the PAA.

Additionally, amendments to policy U-208 call for the County to work with GMPC to develop a plan to move the remaining PAAs towards annexation. As the proposed Workplan in Chapter 12 Implementation Amendments and Evaluation notes, this process would likely take two years to complete once it is initiated (presumably after the forthcoming KCCP update is adopted in late 2016). It is unclear what the outcomes of this process would be, nor how much additional time would be needed for implementation.

<u>Other issues for Councilmember consideration</u>

Urban facilities/School siting. Policy U-109 is amended to state that facilities serving urban development, such as new schools, institutions and commercial development, shall be located in the UGA. The reference to new schools and institutions is similar to the school siting policy R-326. However, the updated U-109 would go further than the school siting policies as follows:

- **Serving any urban development.** R-326 uses very specific language, which was subject to a great deal of negotiation, regarding facilities that “primarily serve

urban residents." The PRD uses a broader statement regarding facilities "serving urban development" – which could limit facilities that serve *any* urban development rather than those that *primarily* serve urban development.

- **Exempt schools.** The school siting limitations in R-326 includes some exempted sites that were recommended by the School Siting Task Force and are outlined in policy R-327. The rural sites that are listed in that policy are allowed to develop new schools or conversions of existing schools, even if serving urban residents. The changes in policy U-109 does not seem to acknowledge the potential for exempt sites, and thus has the potential to either confuse or be in conflict with R-327.
- **Commercial development.** The changes in U-109 apply to commercial development, in addition to the schools and institutions. Some commercial development is allowed in the rural area, which is required to be sited and scaled to complement rural character, but the 2012 KCCP does not appear to limit serving urban residents at those facilities.
- **Other urban facilities.** The amendments to U-109 state that facilities serving urban development shall be located in the UGA. As currently written, some examples are given (new schools, institutions and commercial development), however that is not an exhaustive list. As a result, these policy changes could have a broader impact on other types of facilities. More analysis would be needed to evaluate the scope of the potential impacts.

The breadth of the proposed change to U-109 should be evaluated in conjunction with proposed changes to policies R-201 and R-324 in Chapter 3 Rural Areas and Natural Resource Lands and F-230 in Chapter 9 Facilities, Services and Utilities.

Chapter 3 Rural Area and Natural Resource Areas

The policies in Chapter 3 address rural residential, rural commercial, forestry, agricultural, and mineral resource areas. Policies regarding the County's approach to cities in the Rural Area are also included in this chapter.

<u>What's new in the Public Review Draft?</u>

Transfer of Development Rights (TDRs). The PRD includes minor changes to the TDR policies. Changes to Policy R-314 would add language stating that conservation of agricultural lands through TDRs and other land use tools helps to mitigate the impact of urban development on climate change. New Policies R-319a and R-320a would add criteria for removing urban unincorporated areas as eligible receiving sites and would provide funding from the TDR bank for urban amenities for some existing receiving sites in PAA's.

Further, Policy R-309 has been revised to potentially limit the use of TDRs in the RA-2.5 zone. A phrase has been added that "in the existing RA-2.5 zone", the use of TDRs is the only way to achieve a density of one home per 2.5 acres. This may restrict the use

of TDRs to only the areas currently zoned RA-2.5; if an area was rezoned to RA-2.5 in the future, it may not be able to use TDRs.

Local Food Initiative/Food production. The goals of the Initiative are included in the lead in text. These goals include adding 400 net new acres in food production and 25 new food farmers per year over the next ten years. Tall Chief is mentioned, as a site than can be returned to agricultural use (the Council is considering a proposed sale of this property through Proposed Ordinance 2015-0423).

A change to Policy R-661 would focus on food production, rather than agricultural activities in general, would broaden the geographical scope beyond Agricultural Production Districts (APDs), and would add language regarding working with Seattle Tilth and other organizations to assist immigrant and minority farmers to gain access to farmland.

New policies would give support for the County to make farmland accessible to beginning, low-income, and socially-disadvantaged farmers by increasing the leasing of agricultural lands and expanding representation on boards and commissions.

New policies would continue programs aimed at reducing food waste, prioritize the economic development of the food and agriculture industries, allow use of existing buildings in the Rural Neighborhood Commercial Centers for farmers markets, address purchases for farmland preservation, and make public services and utilities supportive of agriculture.

Mineral resource industry. The PRD includes a change to Policy R-604, to remove reference to mining as part of a "diverse, regional and sustainable economy". Instead, a new policy is added: Policy R-604b would state the County's support for designating mineral resource lands of long-term significance, while minimizing conflicts with neighboring uses and minimizing environmental impacts.

Other changes to mining resources-related policies include adding climate change as a potential area to condition and mitigation for environmental impacts of mining operations and adding impacts from transport of mineral resources and climate change impacts from end-use of resources as considerations in the review of mineral resource extraction proposals.

Climate change/Green Building. The PRD calls for new Green Building standards in the Rural Area. Policy R-336a calls for the County to adopt and implement Green Building codes that are appropriate, ambitious and achievable, and that respect and support rural character. The PRD also identifies that solar panels, wind generation turbine or other renewable energy technologies may need to be sited in the Rural Area.

Policy R-639, relating to soil amendments for forest ecosystems, adds language that references carbon capture as a benefit of recycled, organic-based soil amendments. There is also descriptive text added regarding the Strategic Climate Action Plan's

(SCAP's) commitment to management and restoration of forested parks and natural lands. It commits King County Parks to develop and implement stewardship plans for all forested properties 200 acres or larger in size. The County's Department of Natural Resources and Parks (DNRP) would also commit to provide opportunities for planting native trees and shrubs and removing invasive species on County-owned lands, and references the tree planting goals in the SCAP. The language appears to be consistent with the adopted SCAP.

Low Impact Development/Stormwater. A change to Policy R-336 is proposed that would encourage Low Impact Development (LID), where feasible, as a way to manage stormwater onsite in the Rural Area, with specific reference to minimizing impervious surfaces, preserving onsite hydrology, retaining native vegetation, capturing and reusing rainwater, controlling pollution and protecting groundwater. It also removes the exception from this policy for schools. Policy R-636 adds management of stormwater runoff and associated pollutants to forest management goals.

Water/drainage on agricultural lands. The PRD includes changes to policies that would provide incentives and programs that increase soil water holding capacity, improve the available and efficiency of water for agriculture, and continue the Agricultural Drainage Assistance Program, including finding less expensive and easier ways to improve drainage systems.

Nonresidential/Urban uses in the Rural Area. The PRD includes a change to Policy R-324 to limit nonresidential uses in the rural area that provide local products and services for nearby Rural Area residents, rather than nearby residents, and further limits these uses to comply with development standard criteria in Policy R-201. Policy R-201, which establishes the attributes of the Rural Area, includes an additional criteria that rural uses do not include urban or largely urban-serving facilities. This is broader than existing Policy R-326 relating to schools/institutions/community facilities listed in R-326, and including this statement in R-201 may have impacts to other uses besides these listed facilities.

Public spending priorities. The PRD includes a change to Policy R-402 to add a third priority for public spending priorities in the Rural Area. The first two priorities remain unchanged, and include: 1) maintain existing facilities that protect public health and safety, and 2) upgrade facilities to correct level of service without creating additional capacity for new growth. The new, third priority would use public spending to support sustainable economic development appropriate for the Rural Area and that does not foster urbanization. This additional priority is consistent with the Rural Economic Strategies adopted by the Council in 2014.[16]

Industrial development. The PRD includes a change to Policy R-514 to add text to the criteria for development standards for industrial development in the Rural Area so that facilities that generate significant heavy-gross weight truck traffic would be reduced to avoid the need for public funding for infrastructure.

[16] Ordinance 17956

Consistency with adopted policies and plans

Local Food Initiative. The goals of the Local Food Initiative have not been reviewed, or set, by Council. These goals have been set by the Executive. By including the goals for added farmland and new farmers in the Comprehensive Plan, Council would be agreeing to set these goals as the County policy.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Transfer of Development Rights (TDRs). The Scoping Motion called for an update to the TDR policies, including policies that support the use of urban-to-urban TDRs. While the PRD does propose changes in that would clarify the TDR program, the draft plan does not include any policies that would allow urban lands to be used as TDR sending sites.

Farm, Fish, Flood. The PRD does not include specific references to the Farm, Fish, Flood watershed planning process currently in process, as this process is not yet complete.

Landslide hazards. The PRD does not include policies on landslide hazard identification, mapping, and mitigation in this chapter, as called for by the Scoping Motion. However, there are updates to landslide hazard policies in Chapter 5 Environment. The analysis of those changes is in the write up for that chapter.

Housing. The Scoping Motion called for a review of the policies related to housing for aging demographics, such as expanded cottage housing. Additional or revised policies on this topic are not included in this chapter.

Rural Economic Strategies (RES). The PRD includes introductory language in this chapter on the RES, and includes some updates to policies to include home-based businesses as a commercial use in the Rural Area (R-201), and for funding of infrastructure that supports rural economic development (R-402). However, more integration of the RES in Chapter 3 may be necessary. The RES is discussed in the Chapter 10 Economic Development portion of the staff report.

Home-based businesses. The PRD does not include updated or new policies related to home-based business in this chapter. A reference to home-based businesses has been added to Policy R-201, which establishes the attributes of the Rural Area, but no discussion of streamlining home-based businesses is included in this chapter.

Rural densities and water resources. No changes to residential density policies are included in the PRD. The Scoping Motion included a statement to consider matching rural densities to water resources. This has not been included in this chapter.

Other issues for Councilmember consideration

No issues identified.

Chapter 4 Housing and Human Services

Chapter 4 is a new chapter, which addresses King County's role in promoting housing choice and opportunity; strengthening housing linkages with transportation; enforcing housing and land use regulations; coordinating regional affordable housing funding, resources, and programs; supporting housing stability; and coordinating regional health and human services.

What's new in the Public Review Draft?

Unincorporated area housing policies. The newly created Chapter 4 moves the "housing" section of the KCCP out of Chapter 2 Urban Communities. This new chapter acknowledges the County's role as a regional convener to promote addressing the full range of critical housing needs. Additionally, the chapter includes policies related to King County as a local government provider. By moving these local policies out of the Urban Communities Chapter, both the existing and newly proposed housing policies would now apply to both urban and rural unincorporated King County.

Homelessness. The PRD reflects the strategies in the 2015-2019 All Home (formerly Committee to End Homelessness) Strategic Plan,[17] the 2015-2019 King County Consortium Consolidated Housing and Community Development Plan,[18] and the Housing First approach that will be taken in the Best Starts for Kids youth and family homelessness prevention initiative.[19] It includes policy language:

- Requiring the County to work with its partners to ban the criminalization of homelessness and homeless encampments,
- Adding diversion assistance and rapid re-housing to the County's housing and homelessness services,
- Focusing on the importance of housing preservation, and
- Encouraging the development of micro-housing, including "clustered and high density housing that shares common spaces."

Transit-oriented development (TOD). The PRD includes a section on strengthening housing linkages with transportation, with new policy language requiring the County to develop public financing techniques that provide an advantage for mixed-income TOD

[17] Ordinance 18097 (Note that All Home was formerly known as the Committee to End Homelessness in King County)
[18] Ordinance 18070
[19] Ordinance 18088

projects, as well as new policy language requiring the County to work with its partners to reduce and prevent displacement of very-low to moderate-income households from transit-oriented locations.

Housing affordable to all income levels. The PRD includes policy language that asks the County to serve as a regional convener to develop strategies to provide housing affordable to people at all income levels. This convening role is drafted to include County efforts with jurisdictions and partners, based on the GMPC's approval of Motion 15-2 in November 2015, which amended CPP H-8[20] to encourage jurisdictions to consider mandatory and incentive housing programs.

Tenant protections. The PRD includes new policy language requiring the County to actively participate in regional solutions to address tenant protections in unincorporated King County and throughout the region.

Healthy housing. The PRD includes policy language throughout this chapter about strategies to develop a healthy housing code system and to incorporate healthy housing strategies (in particular protection from tobacco smoke) into its housing code.

Thriving and healthy communities. The PRD reflects the King County Board of Health "Planning for Healthy Communities Guidelines," introduced and passed by the board on March 17, 2011.[21] These are intended to inform land use and transportation planners working at regional, county, and city levels of strategies that may improve the health of residents. The PRD includes new policies that King County will support public health investments aligned with these guidelines which include: access to safe and convenient physical activities; access to healthy and affordable foods; protection from exposure to harmful environmental agents and infectious disease; access to transportation systems designed to prevent injury; residential neighborhoods free from violence or fear of violence; reduction of tobacco, nicotine, marijuana and alcohol use to prevent under-age exposure; access to social connectivity and stress reduction through community amenities; and access to a range of health services.

Health equity. The PRD includes several new sections addressing health equity issues. It includes new policy language:

- Requiring the County to support and implement health-related policies and programs that address the social determinants of health and the built environment;
- Requiring the County to encourage significant increases in the role and influence of residents living in communities with disproportionately lower health outcomes;
- Recognizing—and establishing an intent to address—the links between health outcomes and lack of economic opportunity, lack of affordable housing and poverty; and

[20] Legislation proposing adoption of this amended CPP is expected to be transmitted to the Council in early 2016.
[21] G&R 11-01

- Requiring the County explore more equitable distribution of health and human service facilities locations.

Behavioral health. The PRD includes new policies acknowledging and describing the responsibilities of the County as it assumes primary responsibility for the coordination and provision of countywide behavioral health services; this is consistent with the County's chosen path toward Physical and Behavioral Health Integration pursuant to Washington State Senate Bill 6312.[22]

Prevention focus. The PRD highlights priority investment areas that are consistent with regional initiatives and that place an emphasis on prevention-oriented strategies, specifically early intervention, and strategies aimed at strengthening resilience including:

- Job development in business innovation districts and for community-based jobs;
- Affordable housing initiatives;
- Community and economic development activities; and
- Behavioral Health Services.

<u>Consistency with adopted policies and plans</u>

Housing policies. The PRD includes policy language that is inconsistent with currently adopted County policies. Staff expects legislation to be transmitted during 2016 to address these inconsistencies, including:

- **Mandatory and incentive programs.** Legislation will be transmitted in early 2016 for Council adoption of CPP H-8 that was amended by the GMPC in November 2015.
- **Inclusionary zoning.** Staff anticipates legislation to be transmitted to propose amendments to K.C.C. Title 21A to add inclusionary affordable housing requirements for consideration of upzoning near frequent transit and commercial hubs.
- **Tenant protections.** Staff anticipates legislation to be transmitted to propose amendments to K.C.C. Title 16 (Building and Construction Standards) to add tenant protections to the Housing Code, including housing habitability protections and just cause eviction.

Health and human services policies. The PRD's policy language is generally consistent with current adopted policies, plans and initiatives, particularly the "transformation initiatives,"[23] the Consolidated Housing and Community Development Plan, 2015-2019, and the All Home (formerly Committee to End Homeless) Strategic Plan 2015-2019. In the case of initiatives that are underfunded or for which planning is underway, staff expects legislation to be transmitted during 2016 to align with the PRD

[22] The Washington State Legislature passed Senate Bill 6312 in 2014 directing the State Department of Social and Health Services to purchase medical, mental health and substance abuse disorder services through managed care contracts by January 1, 2020.

[23] These are Familiar Faces, Communities of Opportunities, Accountable Communities of Health, and the Best Starts for Kids Levy.

and for work to procure funding to continue the work of underfunded initiatives to continue. Specifically, staff note:

- **Best Starts for Kids Levy implementation.** Legislation will be transmitted in 2015 and 2016 to implement levy-backed strategies and programs.
- **Familiar Faces.** Staff anticipates DCHS will continue to work with the Washington State Legislature to replace eliminated revenue sources for work under this initiative.
- **Mental Illness and Drug Dependency (MIDD) Levy renewal.** Staff anticipates that the MIDD levy renewal planning will be undertaken within the context of maintaining a comprehensive continuum of health and human services programming that spans community needs, including prevention and early intervention.
- **Behavioral health integration.** Once mental health and substance abuse disorder operate under integrated purchasing in 2016, staff anticipates a body of work around physical and behavioral health integration that is consistent with PRD policy.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Youth Action Plan. The Scoping Motion called for updates to the KCCP to reflect the Health and Human Services Transformation Plan, Communities of Opportunity, and Youth Action Plan. The PRD did not acknowledge the Youth Action Plan.

Other issues for Councilmember consideration

Housing policies. The PRD reflects Council-adopted policies related to housing and homelessness. In addition, as noted above, it goes beyond existing policy in several areas. As a result, Councilmembers can expect to address a number of policy issues related to housing and homelessness during 2016, as it is expected that the Executive will transmit legislation to address areas in which PRD policy language is inconsistent with currently adopted County policy.

Health and human services policies. The PRD reflects Council-adopted policies. It also anticipates, based on policy direction and/or state law, a few bodies of work that will be undertaken in 2016. Council can expect to address these policy issues in the coming months.

Chapter 5 Environment

The policies in Chapter 5 address the natural environment, including critical areas, endangered species, water quality, air quality, shorelines, fish and wildlife resources and habitat, non-native plant and animal species, climate change, surface water management, and monitoring and adaptive management.

What's new in the Public Review Draft?

Salmon recovery. The PRD includes several changes to policies related to salmon recovery, including:

- **Coordination.** Reference to participation in and coordination with organizations leading salmon recovery efforts in Snohomish and Pierce Counties (E-113).
- **Salmon recovery monitoring.** The PRD includes a change to the policy regarding the monitoring and adaptive management for salmon recovery. It provides more specificity in the types of information that should be monitored, including salmon populations and habitat status, and trends over time.
- **Tribal treaty rights.** Policies regarding salmon recovery are proposed to be modified to identify tribal treaty rights as a top priority in implementation the salmon recovery plans.

Noxious weeds. The PRD includes a new section and a new policy regarding noxious weed control. While the policy in the plan would be new, this is not actually a policy change for the County, as there is already a Noxious Weed Control Board in King County, and a noxious weed control program organizationally housed in the Department of Natural Resources and Parks (DNRP).

Strategic Climate Action Plan (SCAP). The PRD includes many changes in order to be consistent with the recently adopted 2015 SCAP[24]. These changes include updating the section to reflect the targets and strategies of the SCAP. For example, the PRD includes text that restates the commitments identified in the SCAP that are necessary to achieve King County's operational greenhouse gas (GHG) reduction targets. These include listing the specific targets for growing transit service, alternative fuels in County fleets, and energy use.

King County Cities Climate Collaboration (K4C). The PRD also includes text that restates the countywide climate commitments included in the SCAP that were developed by King County and the King County Cities Climate Collaboration (K4C).[25] These include listing the specific targets for reducing vehicle miles traveled, energy reduction, green building, and recycling.

Carbon neutral operations. E-206a is a new policy that states that DNRP shall achieve net carbon neutrality for its operations by 2017. Additionally, new policy E-206b states that the department's Wastewater Treatment Division and Solid Waste Division shall each independently achieve carbon neutral operations by 2025. This is consistent with Ordinance 17971 and the SCAP.

Cost of carbon. A new policy, E-206c, states that the County shall develop and implement an operational "cost of carbon." Additionally, the cost of carbon should then be used in life-cycle assessments and decision making related to County operations,

[24] Ordinance 14449
[25] Ordinance 17285 adopted the Interlocal Agreement for the County's participation in the K4C.

including for purchase of clean vehicles and alternative fuels, for facility construction and resource efficiency projects, and for related technology investments. The policy also states that the County should also purse using the cost of carbon to inform broader County planning and decision making. This is consistent with a priority action identified by the SCAP.

GHG emissions reductions targets. E-210 is updated to reflect the new State and CPP requirements for reducing GHG emissions by 80 percent by 2050. Additionally, the updated policy includes the new short-term reduction targets that were adopted in the SCAP.[26] These short-term targets are also incorporated into E-206 as it relates to County government operations, consistent with the SCAP.

Equity and Social Justice. The PRD includes a new policy, E-xxx on page 5-30, that requires using the Equity Impact Review process to help prioritize investments in making infrastructure, natural resources, and communities, more resilient to the impacts of climate change. This policy is consistent with the SCAP.

Support of market based price on carbon. The PRD includes a new policy statement E-xxx on page 5-32 in support of comprehensive federal, regional and state science-based limits and a market based price on carbon pollution and other greenhouse gas emissions. This is consistent with policy statements in the SCAP.

This policy replaces E-227, which references support for market based emissions reduction programs and support for renewable energy standard for electricity production and vehicle efficiency performance standards. However, E-xxx on page 5-32 only expresses support for market based price on carbon pollution. According to executive staff, support for renewable energy standards and vehicle efficiency standards were inadvertently left out of E-xxx or other policy statements and will be included in the transmitted 2016 KCCP.

Water quality protection. The PRD includes several changes related to water quality protection and restoration, including:

- **Groundwater protection in Rural Area.** The PRD includes a change to policy regarding protection of groundwater in the Rural Area. This policy change would require risk assessments and monitoring of rural potable water supplies and coordination with local and state government on this monitoring for supplies at high risk and to plan for loss or serious impairment of domestic groundwater supply.
- **Impaired water quality.** Policy E-112 is proposed to be modified to require the County to take actions to moderate impairments to water quality that are caused by human activities. This narrows the focus of this policy so that the County would not take action on impairments caused by other forces (not by humans).
- **Failing septic systems.** The PRD includes a change to a policy regarding failing septic systems and their impact on shoreline environments. The change would

[26] GHG emissions reductions of 25 percent by 2020 and 50 percent by 2030.

be more direct than the existing policy. The existing policies directed the county to develop a strategy for addressing failing septic systems; the proposed change would have the County move beyond developing strategies to actually addressing failing septic systems in these areas.

Wetland impacts. A change to Policy E-483 would clarify where on-site mitigation is appropriate. It adds language that the on-site mitigation must be feasible, and likely to continue providing desired functions in perpetuity. The "in perpetuity" may be too high a standard.

Beavers. A new section is included in the PRD regarding beavers. One policy is also proposed, which would state the County's support for coexistence of beavers and people in rural King County, and calls for a beaver management strategy to address co-existence and where beavers should be excluded or removed.

Flood hazard areas. New policies are proposed regarding implementation of floodplain management program and a continuation of the County's exceeding minimum federal standards through the National Flood Insurance Program. These policies appear to be consistent with the Flood Hazard Management Plan.

Emergency management planning. A new section is added to the section on Geologically Hazardous Areas. This includes information from the King County Emergency Management Planning Model and a new policy that would require the County to incorporate into land use, transportation and economic development planning, and natural resource management, actions that would reduce impacts from natural hazards (earthquakes, flooding and landslide risk).

Landslide hazard planning. New text and policies related to inventorying of landslide hazard areas, and the relationship between landslide hazards and flooding hazards, is included in the PRD. These policies appear to be part of the County's response to better planning around landslide hazard areas resulting from the Oso Landslide in 2014.

<u>Consistency with adopted policies and plans</u>

Support of market based price on carbon. The new policy supporting a market based price on carbon pollution is consistent with the SCAP. However, such a policy has not been included in King County’s recent state or federal legislative agendas.

Salmon recovery. The Puget Sound Partnership is updating the salmon recovery Action Agenda for 2016, and will focus on three Strategic Initiatives: protecting and restoring habitat, preventing pollution from stormwater, and recovering shellfish beds. The County does not officially adopt this plan, although many Councilmembers and the Executive participate in the Action Agenda preparation and implementation through the Water Resource Inventory Area (WRIA) forums. Introductory text in this chapter references these Strategic Initiatives and the Action Agenda. The Council may want to

take a closer look at policies and text that reference this Action Agenda or Initiatives to ensure it is consistent with other adopted County policies.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD

Low income communities/People of color. The Scoping Motion called for updated and strengthened policy regarding environmental justice and climate justice. While there are references to these issues in the introductory text, there are not policies that address this item from the Scoping Motion.

Other issues for Councilmember consideration

Incorporating implementation plans. The introductory text for the Climate Change section of PRD includes much more detail on the SCAP when compared to references to other implementation plans in the KCCP. For example, as noted above, the PRD lists the specific operational and countywide targets included in the SCAP. Additionally, both in Chapter 5 and throughout other chapters, the PRD includes a wide variety of policy changes and new policies that mirror those that are in the SCAP. Councilmembers may wish to consider the level of detail that is appropriate when incorporating implementation plans, such as the SCAP, into the KCCP.

Conserving land and water resources. With the Council's adoption of Motion 14458 on November 16, 2015, the Executive has been requested to prepare a work plan for implementing a preservation and conservation program to identify, protect and conserve water and land resources, including farmland and forest lands, ecological lands, river and stream corridors, trail corridors and historic resources on farmlands, consistent with the purposes of this motion. After this work plan is developed and transmitted, it should be reflected in the Executive's transmittal of the 2016 KCCP in Chapter 5 and Chapter 7. The policies in that section address conservation and biodiversity of fish and wildlife resources and habitat, stormwater quality, upland areas, aquatic resources, salmon recovery, flood hazards and hazardous waste. These policies could be impacted by the work plan prepared with Motion 14458.

Chapter 6 Shoreline Master Program

The policies in Chapter 6 comprise King County's Shoreline Master Program (SMP), which addresses the management and conservation of the shoreline jurisdiction in the county as required by RCW 90.58.

What's new in the Public Review Draft?

King County's Shoreline Master Program as included in Chapter 6 was approved by the Department of Ecology in 2014. As a result, the PRD does not make any substantive changes to the SMP.

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

Public outreach and education. As transmitted by the Executive, the adopted Scoping Motion called for an update to policies to reflect an emphasis on the importance of outreach and education to shoreline property owners. The PRD did not address this; however, this may be due to the pre-existing Department of Ecology approval.

Other issues for Councilmember consideration

No issues identified.

Chapter 7 Parks, Open Space and Cultural Resources

The policies in Chapter 7 address King County's parks, recreation and open space system, as well as the County's cultural resources.

What's new in the Public Review Draft?

Eastside Rail Corridor (ERC). The PRD includes a new section on the ERC, with policies that:

- Require King County to plan for and develop a regional trail in the ERC to enhance regional recreation and non-motorized mobility in support of the multi-use goals for the corridor and in coordination with the other owners, as well as with the Department of Transportation and other state and local agencies.

- Identify the ERC in the Regional Trails Needs Report (RTNR), which is an Appendix to the PRD, as a priority capital facility.

- Require the ERC regional trail to be developed to enhance non-motorized connectivity between communities and transit.

- Require the ERC regional trail to be developed to regional trail standards,

Management plans. The PRD includes a new policy requiring the County to develop management plans (such as master plans, forest stewardship plans, etc.) for open space sites as appropriate and as budget and staffing resources allow.

Public participation. The PRD includes a new section on public participation that indicates the County's intent to involve and seek input from a wide array of stakeholders, consistent with the County's ESJ policies.

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

No issues identified.

Other issues for Councilmember consideration

Conserving land and water resources: With the Council's adoption of Motion 14458 on November 16, 2015, the Executive has been requested to prepare a work plan for implementing a preservation and conservation program to identify, protect and conserve water and land resources, including farmland and forest lands, ecological lands, river and stream corridors, trail corridors and historic resources on farmlands, consistent with the purposes of this motion. After this work plan is developed and transmitted, it should be reflected in the Executive's transmittal of the 2016 KCCP, in Chapters 5 and 7. The policies in that section address priorities, criteria, managing the system, and coordination and partnerships, all of which could be affected by the Executive's work plan.

Chapter 8 Transportation

The policies in Chapter 8 address transportation, including unincorporated area roads, Metro Transit services, operation of Sound Transit light rail and some express buses, operation of Seattle streetcars, passenger ferries, and the King County International Airport (KCIA). For the unincorporated area, policies set Level of Service (LOS) standards and define components of the Transportation Concurrency Program and Mitigation Payment System, which are further defined in the King County Code.

What's new in the Public Review Draft?

Metro Transit Long Range Plan. The PRD adds references to the Metro Transit Long Range Plan, required by Strategy 6.1.2 of the Strategic Plan for Public Transportation 2011-2021, and now under development in collaboration with King County cities and other transit agencies. Policy T-101, concerning public transportation policy, and T-205,

supporting high capacity transit, are amended to refer to the Long Range Plan.[27] The Transit Long Range Plan is likely to be approved in late 2016; the timing of action on this Plan would not affect the references in the KCCP.

Marine Division. The PRD updates policies for passenger-only ferry service to reflect the Marine Division's assumption of the King County Ferry District. New policy T-101a provides that the 2014 Ferry District Strategic Plan or its successor shall provide policy guidance for the Marine Division. Policies T-205 and T-302 are amended to refer to the 2014 Strategic Plan. Policy T-214, expressing general support for development of passenger-only ferry service, is deleted as it is now obsolete; instead, a new policy, T-301a, states that the Marine Division should be a leader in regional mobility through provision of safe, reliable, high-quality passenger ferry service.

Equity impacts and benefits of transportation. The PRD adds references to the Equity and Social Justice initiative. New policy T-104a calls for consideration of equity impacts and benefits of transportation programs, policies, and services. In policies T-104, T-237, and T-308, references to "people with limited English proficiency" are replaced with references to "immigrant and refugee populations."

Alternative Services Program delivery. The PRD amends Policy T-202, concerning compatible rural transportation, to add a reference to working with partners to develop alternative transit service in areas not well suited to fixed-route transit service.

Land use and growth strategy. Policy T-203 adds "and infrastructure investments" to the list of partnership opportunities to support alternatives to single occupant vehicles.

Non-Motorized program. Policy T-233 adds "safe routes to transit" to the list of needs to be given highest priority for nonmotorized improvement. The PRD revises Policy T-234, relating to nonmotorized improvements in urban areas, to state that urban and rural nonmotorized improvements should increase access to transit and urban centers. The addition of rural connectivity to urban centers expands the policy's scope. Policy T-235 calls for the Regional Trails System to enhance access to transit, especially park and rides and transit centers.

Transportation Demand Management. New policy T-248a expresses support for employee transportation programs that encourage trip reduction and calls for the County to lead by example through a program for its own employees. The term "congestion pricing" replaces "variable tolling" in several policies: Policy T-250 is amended to include this change and to delete a sentence concerning toll collection systems, presumably because the Washington State Department of Transportation

[27] Countywide transit policies are generally within the jurisdiction of the Regional Transit Committee as provided by the Charter. These policies are contained in the Strategic Plan for Public Transportation 2011-2021, the King County Metro Service Guidelines and in the near future the Transit Long Range Plan. To clarify how these countywide transit policies are addressed, Policy T-101 states that these transit policy documents shall guide the planning, development and implementation of King County Metro services.

(WSDOT) has set tolling collection policy by implementing the Good to Go system. Policy T-251 and Policy T-252 replace the term "variable tolling" with "congestion pricing" strategies and are otherwise unchanged.[28]

Road closures and abandonments. Policy T-304 is reworded to clarify that a decision framework for prioritizing road investments has been implemented and should be used. A new policy, T-306a, states that road closures and abandonments should reflect public safety, technical/engineering standards, and Strategic Plan for Road Services policy, and states that affected residents and businesses should be notified of closures in a timely manner.

Climate change. The PRD adds a new policy, T-324a, directing the County to reduce greenhouse gas (GHG) emissions from its off-road vehicles and equipment. Policy T-322 is amended to add references to low-carbon fuels and GHG emissions. Policy T-323 is amended to include zero-emission vehicle acquisition as a strategy to reduce GHG emissions.

Revenue shortfall. Policy T-405 is amended to state that a shortfall gap will be calculated based on the costs needed to "preserve and maintain" infrastructure and services levels, instead of based on costs of "needed improvements."

Eastside Rail Corridor (ERC). Under "Regional Coordination," the PRD proposes new policy T-507a directing the County to participate with other agencies to plan for the ERC in ways that enhance multimodal mobility.

Freight mobility. New policy T-510a calls on the County to work with partners to develop adequate truck parking along the county's Truck Freight Economic Corridors.[29]

<u>Consistency with adopted policies and plans</u>

No issues identified.

<u>Consistency with the Scoping Motion</u>

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Concurrency. The Scoping Motion called for: 1) revisions to policies and programs relating to the level of service (LOS) and impact mitigation, 2) updates of the Concurrency Program and Mitigation Payment System to address insufficient road

[28]The draft text includes a definition of "congestion pricing" that incorporates the existing variable tolling components but expands the policy scope by adding "express toll lanes" and "vehicle miles traveled charges."

[29] The draft text states that truck parking is needed adjacent to highways and mentions that WSDOT Truck Parking Studies identify the state's greatest needs are on I-5 and SR 167 in central Puget Sound and I-90 near North Bend.

funding to address capacity projects, and 3) efforts to address collaboration with other jurisdictions to address unfunded city and state projects and the impacts of traffic from outside the unincorporated area. The PRD does not propose changes to the LOS, the Transportation Concurrency Program nor the Mitigation Payment System. Some changes to concurrency and mitigation payments could be advanced through amendments to the King County Code, which would have to be consistent with the KCCP policies. The LOS standards can only be changed by amending the KCCP during a major update.

Public-private partnerships for transportation. The Scoping Motion calls for review and potential expansion of policies for public-private transportation partnerships. Other than a reference to working with partners in amended Policy T-202, the PRD does not appear to contain expanded partnership language. For public transportation, this topic is addressed in the Strategic Plan for Public Transportation, the King County Metro Service Guidelines, and will probably be included in the Transit Long Range Plan.

Active transportation. The Scoping Motion calls for review and updating of policies that promote active transportation. Chapter 4 Housing and Human Services includes relevant policies H-121, H-156, H-204.

Stormwater management, culverts, and fish passage. The Scoping Motion calls for consideration of adding policies for stormwater management and culvert replacements to allow for fish passage. According to Roads Services Division (RSD) staff, stormwater management is being addressed through ongoing discussions with the Water and Land Resources Division (WLRD) and additional culvert replacement project information will be included in the Transportation Needs Report narrative in the Executive transmittal.

Housing near transit stations. The Scoping Motion calls for addressing the importance of high quality/healthy housing, including affordable housing, near transit stations. Chapter 4 Housing and Human Services, includes relevant policies H-102, H-104, H-105, H-121, H-122, H-123, H-124, H-130, H-139, and H-157.

Air transportation. The Scoping Motion called for updating policies to support the King County International Airport (KCIA) master plan. The PRD does not propose updates to Air Transportation policies (T-317, T-318, T-319, and T-504).

<u>Other issues for Councilmember consideration</u>

No issues identified.

Chapter 9 Services, Facilities and Utilities

The policies in Chapter 9 address services required by new and existing residents (in their homes and businesses) as growth occurs. Needed services include many that are not provided by the County, such as water supply, local sanitary sewers, fire protection, schools, energy facilities, and telecommunications. The County does provide services

including regional wastewater treatment, regional solid waste management and local stormwater management.

What's new in the Public Review Draft?

Housing and human services. The 2012 KCCP included housing and regional human services policies in this chapter. The PRD proposes to move those polices to the newly created Chapter 4.

Environmental justice and ESJ. The Scoping Motion called for a review and update of policies to reflect environmental justice, equity and social justice. The PRD policies F-101a, F-101b and 108 have been added general policies on Regional Services reflecting equity and cultural sensitivity goals. There are numerous added or amended policies to address equity issues around siting and outreach, including policies F-202, 210a, 221a, 225a, 228, 230, 338, 243a, 271b, 287, 325 and 332a. Additionally, policies F-101b and 328 require adherence to an Executive order on written language translation.

Green Building. The PRD calls for encouraging service providers to use green or 'sustainable' building standards including now (Policy F-203) achieving net zero GHG emissions in new building by 2030. New Policy F-206a also calls for King County to make its public facilities and properties available for renewable energy production. Policies F-215a, 215b, 217, 217a, 217b, 217c, 217d go into more detail about goals for sustainable and energy-neutral residential and commercial facilities, including new schools. This is consistent with the targets in the 2015 SCAP.

School facilities. Policy F-214 requires that school siting and capital facility plans must be consistent not only with the GMA and King County Code – but also the Countywide Planning Policies (CPPs).

Siting of all new public facilities: In addition to the ESJ amendments to Policy F-230[30] noted above, the policy is also amended to make a cross-reference to policy R-326, which addresses siting criteria specifically for schools, institutions, and other community facilities in the Rural Area. This integrates the policy direction of the school siting policies into this chapter, in addition to the related facility siting policy changes in Chapter 2 Urban Communities.

Water supply planning. Policy F-231 directs that coordination of regional water supply planning should support King County's goals of focusing growth in the Urban Growth Area.

Group A water providers. Policy F-235 is amended to clarify that is not King County's responsibility to ensure connections to new water systems; specifically that it is the responsibility of the homeowner or association for ensuring the connection is made in a timely manner.

[30] Which addresses siting of essential public facilities.

Wastewater systems. Policy F-261 is amended to state that financial assistance from King County for failing septic systems will be considered only as a last resort in Rural and Natural Resource Lands. Policy F-264, which lists the limited instances when public sewer service may be expanded to the Rural Area or Natural Resource Lands, is also proposed to be amended; in instances when sewer is needed to address specific health and safety problems, the language now states that sewer expansion would only be allowed if use of septic or other onsite wastewater systems has been determined to be not feasible. Additionally, there is a new policy, F-282a, which suggests coordination between landowners and many agencies regarding effective strategies and additional resources managing onsite septic systems and failing systems.

Stormwater. There are a series of small policy amendments for clarity in policies F-272 through 285 regarding stormwater management. These range from clarifying that planning and management shall be done by basin and sub-basin, incorporation of Low Impact Development (LID), and the policies also reference surface waters and groundwater resources. Specifically, policy F-272 proposes to tie stormwater management to promoting the goals of the GMA. Additionally, F-275 is amended to state that the analysis and mitigation required in the underlying policy must now be "adequate" to protect surface water from significant adverse impacts, which now also includes groundwater.

Flood District. The PRD includes amendments to two polices related to the King County Flood Control District. First, policy F-287 would now require, rather than just consider, inclusion of ESJ principles in the planning and implementation of the Flood Hazard Management Plan. Second, policy F-296 is amended to include promoting the goals of the GMA as part of the implementation of the Flood Hazard Management Plan. Given that the District also adopts the Flood Hazard Management Plan and that the County only implements floodplain management as a contractor on behalf of the District, these changes would have a direct impact on the policy considerations of the District.

Energy and the SCAP. The PRD makes changes to be consistent with the recently adopted 2015 Strategic Climate Action Plan (SCAP)[31]. The changes include:

- Replacing all references to the Energy Plan with references to the 2015 SCAP since the SCAP now includes the Energy Plan as an appendix.
- Adding references to the County's Fund to Reduce Energy Demand loan program.

Renewable energy. In F-306, the renewable energy target for producing, using, or procuring, has been deleted and is limited now to maximizing production of renewable energy with no set target.

[31] Ordinance 14449

Fleet energy use. Additionally, in policy F 308 relating to fleet energy use, the reference to the use of renewable fuel has been deleted, as well as the phrase "where cost effective and environmentally sustainable." The term "greenhouse gas reducing fuels" has been inserted.

Cable and wireless internet. Policy F-358 encouraging cable ready homes and offices is expanded in the PRD to include "community centers, social service agencies, community health clinics, and other buildings that serve low-income citizens." Policy F-359 encouraging public and private organizations to create wireless internet connections where the public can access the Internet is expanded in the PRD to include references to "community centers, social service agencies, community health clinics, and other buildings that serve low-income citizens."

Consistency with adopted policies and plans

Solid waste policies. There are numerous amended and new solid waste policies (F-267, 269a, 269b, 271, 271a, 271b) that reflect current discussions regarding zero waste of resources, recycling, demand management strategies at transfer stations, and curbside collection goals that are largely consistent with current Solid Waste Comprehensive Management Plan policies and the Solid Waste Transfer and Management Plan – but also *lead* in some cases on draft policies being considered for adoption in the updated plan with regard to recycling goals, development of markets for recyclable materials, demand management strategies that maximize the efficiency of the transfer system and encourage curbside collection services, energy recovery for select solid waste materials.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Wastewater Treatment Division (WTD) planning horizons: The Scoping Motion called for a review of policies to reflect that the WTD uses planning horizons that exceed the 20-year planning/growth targets. There is no change in policy to reflect this.

Other issues for Councilmember consideration

No issues identified.

Chapter 10 Economic Development

The policies in Chapter 10 on economic development address general policies, business development, workforce development, infrastructure, sustainable development in the private sector, and the rural economy.

What's new in the Public Review Draft?

Addressing inequities and disparities. The Scoping Motion called for updating and strengthening policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities. This is largely addressed in policy amendments and new policies in the Workforce Development section (ED-302, 303, new policies ED-303a, 303b and 307) which also cross reference other efforts in health and human services. Additionally, in the Business Development section, there is a new policy ED-211b also calling for development of business innovation districts in lower income communities.

Partnerships. The PRD includes several new policies that encourage partnering with a variety of stakeholders, including:

- **Trade policies.** Policy ED-210 is amended to add more specificity regarding working with the newly formed Northwest Seaport Alliance and Port of Seattle and also suggests working with regional trade groups to promote "assistance, opportunities and partnerships to connect current and potential exporters with international markets."
- **Community-based businesses.** New policy ED-211a calls for supporting community-based efforts to retain small, existing businesses and revitalizing business districts in need of assistance.
- **Business innovation districts.** New policy ED-211b calls for the County to coordinate with a broad range of stakeholders to support the development of Business Innovation Districts and related programming in lower income communities with an emphasis on food innovation districts.
- **Workforce development alignment.** New Policy ED-307 directs the County to work with regional workforce development organizations and educational institutions to promote greater alignment between educational programs and workforce needs.

Infrastructure. The PRD adds new direction on infrastructure needs and benefits. Amended policy ED-404 speaks to capitalizing on economic benefits of infrastructure projects. New policy ED-405 speaks to the County ensuring adequate transportation infrastructure (primarily transit) to meet SCAP goals and forecasted demand. Additionally, ED-406 is a new policy that calls for supporting the development of adequate technology infrastructure to meet the demands of the regional economy.

Green development. New policy ED-501a speaks to promoting green and smart building practices throughout private, public and residential uses.

Open and green space. New policy ED-605 connects social and economic health and wellness with the value of open and green space. The policy speaks to continuing to invest in public lands and partnering with organizations that support and strengthen linkages between rural and urban communities.

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Advancing the Rural Economic Strategies (RES) Plan. The existing and amended policies in the PRD are not inconsistent with the 2013 Rural Economic Strategies Plan (RES)[32] policies. However, the Scoping Motion called for advancing the RES strategies and policy direction in the 2016 KCCP. While the PRD includes new language in ED-603 about the importance of food and forest processing in the regional economy, the remainder of the existing policies potentially do not go far enough to reflect some of the new policy direction in the 2013 RES.[33]

Fragmented economic development activities. The Scoping Motion called for assessing fragment activities and updating the policies to improve regional coordination and achieve agreed-upon results in job and wage growth and economic diversity. There does not appear to be new or amended policy addressing this directly.

Other issues for Councilmember consideration

No issues identified.

Chapter 11 Community Service Area Planning

The policies in Chapter 11 address unincorporated area community plans that have been incorporated into the KCCP.

What's new in the Public Review Draft?

Subarea planning. The PRD proposes a new eight-year planning schedule to review and update existing subarea and community plans, and to address overall local land use planning needs within specific geographies. Since 1994, there have been minor updates to a few existing subarea and community plans, and there have been no new plans or community planning processes. Given the growth and annexations that have occurred, the aging nature of plans, and the creation of a new subarea planner position in the Department of Permitting and Environmental Review (DPER) as part of the 2015-

[32] Ordinance 17956, adopted by the Council in 2014.

[33] Such as additional revenues and/or resources to support infrastructure (ranging from roads to data transmission technology), economic development in rural and resource, and emphasis on potential home based business development.

2016 Budget,[34] the PRD proposes to re-initiate the subarea planning program in unincorporated King County.

Community Service Areas. Under the new proposed subarea planning model, the PRD integrates the Community Service Area (CSA) geographies[35] to identify the communities in which subarea planning would occur. King County would facilitate local subarea planning in each of the CSA geographies over an eight-year schedule, which is proposed in the following table. The PRD states that using the proposed CSA geographies and planning schedule would help to ensure that the entire county receives some level of planning on a regular schedule and to help facilitate a more equitable planning process.

Table 1. Subarea Planning Schedule

Year	Community Service Area
2016	West King County CSA – Skyway West Hill, and Vashon/Maury Island CSA
2017	West King County CSA – North Highline
2018	Snoqualmie Valley/NE King County CSA
2019	Greater Maple Valley/Cedar River CSA
2020	West King County CSA
2021	Bear Creek/Sammamish CSA
2022	SE King County CSA
2023	Four Creeks/Tiger Mountain CSA

Community plans cleanup. The PRD proposes to remove polices from existing community plans in the KCCP for plans that either have obsolete policies or that have geographies that have been annexed. The chapter is also now restructured to follow the CSA geographies; as a result, some Community Plans have been relocated and/or consolidated in the chapter.

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

[34] Ordinance 17941

[35] Created by Ordinance 17139 and 17415 as a framework for public engagement with unincorporated area residents. The CSA geographies are: Bear Creek/Sammamish, Four Creeks/Tiger Mountain, Greater Maple Valley/Cedar River, SE King County, Snoqualmie Valley/NE King County, Vashon/Maury Island, and West King County (unincorporated urban).

Equity and Social Justice. The Scoping Motion called for updating and strengthening policies to provide increased attention to ESJ issues and address inequities and disparities. The PRD states that using the proposed CSA geographies and planning schedule would help to ensure the entire county receives some level of planning on a regular schedule and to help facilitate a more equitable planning process. However, there is no specific mention of consideration of ESJ principles within the planning process. Including language to provide guidance for community outreach within the new subarea planning process could be an area in which ESJ principles might be appropriate.

Other issues for Councilmember consideration

CSA subarea planning. The PRD proposes to facilitate local subarea planning in each of the CSA geographies over an eight-year schedule. Executive staff have indicated that the order was selected based on: existing planning that is already occurring or planned to occur in the near future and timeliness of land use issues for the area (such as annexation considerations). The Council may wish to consider whether the proposed order within the schedule is appropriate.

Community plans cleanup. The PRD proposes to remove and/or consolidate some policies in the Community Plans. While Executive staff have indicated that the changes were specific to areas that have been annexed or polices that are now obsolete, it is currently unclear if there are any unintended consequences of the proposed changes. The Council may wish to consider whether any amendments to the Community Plans should wait for the subarea planning process for each of the geographies to be complete. Additionally, the Council Clerk is in the midst of work with DPER to evaluate the current legislative standing of each of the plans, which may also have an impact on the planning process.

Chapter 12 Implementation, Amendments and Evaluation

The policies in Chapter 12 outline how the policies of the KCCP should be implemented and monitored; how and when to amend the KCCP; and the role of land use zoning in the planning process.

What's new in the Public Review Draft?

Mining site conversion demonstration project. The PRD removes the option for KCCP policy and/or land use changes related to a mining site conversion demonstration project as part of the annual KCCP amendment cycle in policy I-203.

Benchmark Program. The PRD removes references to the King County Benchmark Program[36] in the text leading into existing policy I-301, which requires monitoring and

[36] The Benchmark Program collects and reviews information relating to and including, but not limited to: urban densities; remaining land capacity; growth and development assumptions, targets, and objectives;

benchmarking the progress of the CPPs and the KCCP towards achieving their objectives.[37] The text now only states that the counties and the cities work together to monitor the plans.

Workplan. In previous years, the Council has included workplan tasks to accompany the adoption of the KCCP; these have historically been added to the underlying ordinance that adopts the plan. These workplan items are direction to the Executive to complete further work or study on particular issues. The PRD proposes to formally include these workplan items in the KCCP itself as a new section in Chapter 12, with a summary, timeline and anticipated outcomes for each item.

The proposed Workplan for the 2016 KCCP includes:

1) Initiation of the CSA Subarea Planning Program per the proposed schedule in Chapter 11.
2) Work with the GMPC to develop a plan for annexation of urban unincorporated areas, which is likely to be a two year process. This is consistent with the aforementioned change to policy U-208 in Chapter 2.
3) Implementation of the new performance measures program for the KCCP, with the first performance report due in 2018 in order to inform the 2020 KCCP update.

Buildable Lands Program. The PRD updates the plan to reflect the most recent Buildable Lands Report, which was completed in 2014. The new language includes a reference to the fact that urban unincorporated King County has a shortfall of capacity for job growth. The PRD does not proposed to address this, as the plan assumes that the urban unincorporated areas will eventually be annexed into the cities, which have excess capacity for job growth.

<u>Consistency with adopted policies and plans</u>

Benchmark Program. As noted above, references to the Benchmark Program have been removed. As a result, there is no longer a clear mechanism in the KCCP for how implementation of policy I-301 will occur. Additionally, the CPPs have a similar policy, G-2, which requires monitoring and benchmarking the progress of the CPPs toward achieving the Regional Growth Strategy. Both I-301 and G-2 state that the results of the benchmarking will be used to take corrective actions and make policy revisions in order to achieve the planning objectives in the KCCP, CPPs, and Regional Growth Strategy. Executive staff have indicated that they plan to include a new performance measure program in the March 1 KCCP transmittal, but it is unclear what the breadth of the new program will be.

---

residential, commercial, and industrial development; transportation; affordable housing; economic development; and environmental quality.

[37] Including relating to the environment, development patterns, housing, the economy, transportation, and the provision of public services.

Consistency with the Scoping Motion

The Scoping Motion included a number of items to include in the 2016 KCCP for this chapter. Staff notes here the items that do not appear to be addressed in the PRD.

Benchmark Program. As noted above, the Benchmark Program is in need of updates. In addition to the requirements in KCCP Policy I-301 and CPP G-2, the Scoping Motion also calls for several additional performance measurement updates, including:

- Strengthening the link between the KCCP and the King County Strategic Plan through a set of metrics that will be based on measurable goal statements to be added to each chapter.
- Reviewing and updating metrics to monitor progress of the KCCP toward reaching the Regional Growth Strategy.[38]
- Consider adding metrics to monitor the performance of the KCCP in meeting the goals of the Growth Management Act.[39]

Executive staff have indicated that they plan to include a new performance measure program in the March 1 plan transmittal, but it is unclear what the breadth of the new program will be.

Buildable Lands Program. The Scoping Motion called for consideration of possible changes to the Buildable Lands Reports, including possible changes to establish measurable targets for each type of residential housing (e.g. single family, multifamily, and affordable housing) and ensuring accuracy by considering all factors that may prevent achieving growth targets (e.g. taking into consideration whether environmental constraints limit the ability to develop individual parcels when calculating a jurisdiction's buildable land capacity). The PRD does not address either of these items.

Other issues for Councilmember consideration

Mining site conversion demonstration project. The allowance for policy and/or land use changes related to a mining site conversion demonstration project as part of the annual KCCP amendment cycle was added by the Council in 2012. Since 2012, no ordinance for such a demonstration project has either been transmitted by the Executive or introduced by the Council. Council staff is not aware of whether affected property owners are interested in pursuing the option for a demonstration project at this time.

Area Zoning Studies

The Scoping Motion called for the Executive to evaluate 16 land use proposals in unincorporated King County. The PRD includes an area zoning study for each of these

[38] KCCP I-301 does not currently call out the Regional Growth Strategy explicitly; though it is implied through the current reference to the CPPs.
[39] RCW 36.70A.020

proposals. Additionally, the PRD includes area zoning studies for three additional Executive proposed land use proposals.

The following is a summary of the proposals included in the PRD and the Executive's recommendations for each. The Scoping Motion called for the Executive to identify where policy changes would be necessary to adopt any proposed UGA change. The PRD identifies where existing policies would prohibit changing the UGA, but does not propose any policy changes.

1. **West Hill**

   Proposal: Consistent with Motion 14221, this proposal calls for incorporating an updated subarea plan, which should include zoning and regulations that: address the historic wide gaps in equity of infrastructure investments and services; facilitate the revitalization of its neighborhoods, local economy, and quality of life of its residents; and have included outreach with the local community in their development.

   As part of the community process to review the 1994 subarea plan,[40] a Skyway – West Hill Action Plan (SWAP) was developed with the intent of being considered for approval as an addendum to the existing subarea plan. The County received the SWAP in June 2015 and has been working with the community to evaluate the implementation section, including prioritizing the proposed capital projects. The proposed SWAP is also included in the PRD and, as such, is open for additional public comment[41] through January 6, 2016.

   Executive recommendation: Adopt the final SWAP, to be transmitted in March 2016, as an addendum to the existing subarea plan, within the West King County CSA and reflect this in Chapter 11. No zoning changes are proposed to be adopted at this time.

2. **Fairwood A**

   Proposal: Consistent with Motion 14276, this proposal calls for review of the land use designations and implementing zoning on four parcels[42] and the surrounding area and evaluation for re-designation to a higher density residential land use category, for the purpose of potential development of a continuing care retirement community.

   Executive recommendation: Change the zoning only on the northern parcel, 3423059035, to R-18 (eighteen dwelling units per acre) and the land use designation to UH (urban residential high; urban residential greater than twelve dwelling units per

[40] West Hill Community Plan
[41] This is in addition to the development of the SWAP, which included a citizen steering committee, collection of 1,500+ surveys, five open houses, and distribution of over 5,000 information flyers.
[42] Parcels are currently: R-6 zoning (six dwelling units per acre); with a combination of CB (community business), UH (urban residential high), and UM (urban residential medium, 4-14 dwelling units per acre) land use designations.

acre). This would allow for potential senior citizen assisted housing (including apartments and townhomes), consistent with existing adjacent land uses. Retain the existing R-6 (six dwelling units per acre)[43] zoning and land use designation on the other three parcels, which would continue to allow for apartments, townhomes,[44] and single family detached residences (including cottage housing as a conditional use).

3. **Federal Way**

Proposal: Consistent with Motion 14376, this proposal calls for review of the land use designations and implementing zoning on parcel 2821049171[45] and the surrounding area and evaluation for re-designation to a higher density land use category, for potential development of mixed-use development (residential and retail).

Executive recommendation: Complete a subarea plan for the area to assess re-designation. The subarea plan would be complete by March 1, 2016, which would allow for Council consideration as part of the 2016 KCCP review. In order to achieve mixed-use development in this area, a land use designation of NB (Neighborhood Business) would be required. Under existing KCCP policies, new neighborhood business centers may only be established with a subarea planning process.

4. **Allison Docket Request**

Proposal: A 2014 docket request from Robert Allison would remove a special district overlay (SDO) from parcel 3224079134.[46] The SDO is intended to limit density within floodplains, and limits the density to one home per 10 acres and requires development to be clustered outside of the sensitive areas. The 2014 docket report recommended the County review this issue as part of the 2016 KCCP, and it was added as an item in the Scoping Motion.

Executive recommendation: Remove the SDO from the Allison property, and from three other adjacent parcels that also have the SDO. Maintain the RA-5 zoning on these parcels. The PRD notes there should not be additional impacts from development of the parcels (including flooding, erosion, and drainage impacts) if the SDO is removed.

5. **Timmerman Docket Request**

Proposal: A 2012 and 2014 docket request from Joel Timmerman would revise the zoning for parcel 2625069041 from R-1-P to R-4. This parcel is located within a PAA for the City of Sammamish, and the City was expected to complete a review of the land use designations and zoning for this property as part of its 2015

[43] With the potential for a maximum density of 9 dwelling units per acre using density incentives.
[44] May be subject to a conditional use permit.
[45] Parcel is currently: R-4 zoning (four dwelling units per acre); and a land use designation of UM (urban residential medium, 4-14 dwelling units per acre).
[46] Parcel is currently: a split of RA-5 zoning (one dwelling unit per 5 acres) with a SDO, and RA-10 (one dwelling unit per 10 acres); and a land use designation of RA (Rural Area).

Comprehensive Plan update. The 2014 docket report recommended the County adopt the City's upcoming analysis and recommended potential zoning within its PAA, which could be considered in 2016. The proposal was also added as an item in the Scoping Motion.

Executive recommendation: The Timmermans have since sold the property, and the new owners have constructed a home on the property. DPER determined that the 2014 docket request is now considered withdrawn and the PRD provided no analysis or recommendation on the proposal.

6. **Snoqualmie Interchange**

Proposal: The Scoping Motion included this item, which would review the land use designations and zoning for the area north of the I-90/SR-18 interchange,[47] including consideration of including this area within the UGA, and whether the conversion should be done with dedication of open space/farmland equal to or better than the Four-to-One program.

The City of Snoqualmie also submitted a 2015 docket request regarding this area. The City's docket request includes the same land area as the Scoping Motion, with a slightly more specific scope: Amend zoning map to allow urban business, commercial and retail, as well as making necessary amendments to King County CPPs, the KCCP, and Development Regulations

Executive Recommendation: Do not expand the UGA to include this area within the City of Snoqualmie's PAA. The PRD states that it does not meet the existing CPP and KCCP criteria for UGA expansion, that the City of Snoqualmie has capacity for forecasted employment targets through at least 2031, and that there is sufficient countywide capacity for employment and residential targets. Further, the PRD notes that area does not qualify for the Four-to-One program because it is not contiguous with the 1994 UGA, and the program does not allow for non-residential development.

7. **Duthie Hill Notch**

Proposal: The Scoping Motion included this item, which would review the land use designations and zoning for the "Duthie Hill Notch", an area surrounded on three sides by the City of Sammamish, including consideration of including this area within the UGA.

Two property owners also submitted a 2015 docket request regarding this same request. The City of Sammamish has also requested a change to the CPPs through the GMPC that would amend the CPPs to allow for the expansion of the UGA for this area.

[47] This area is currently: RA-5 zoning (one dwelling unit per five acres); and a land use designation of RA (Rural Area).

Executive Recommendation: Do not expand the UGA to include this area within the City of Sammamish's PAA. The PRD states that it does not meet the existing CPP and KCCP criteria for UGA expansion, and that the City of Sammamish has capacity for forecasted housing targets. The PRD states that a Four-to-One proposal would be evaluated if developed through the GMPC process or an application was submitted.

8. **Fall City**

Proposal: The Scoping Motion included this item, which would update the Fall City Subarea Plan, including reviewing the land use designations and zoning for three parcels[48], including considering including these parcels in the Fall City Business District and SDO, and updating policies to facilitate a local alternative wastewater system.

Executive Recommendation: Do not make changes to the Fall City Business District or SDO. The PRD states that the Wastewater Treatment Division (WTD) will work to facilitate the wastewater system starting in late 2015/2016.

9. **Snoqualmie Pass Subarea Plan**

Proposal: The Scoping Motion included this item, which would initiate a subarea plan for the Snoqualmie Pass Rural Town and ski area,[49] in collaboration with Kittitas County, and address housing and economic development needs.

Executive Recommendation: As part of the proposed CSA subarea planning schedule, this subarea plan would be initiated in 2018.

10. **Vashon Subarea Plan**

Proposal: The Scoping Motion included this item, which would initiate a subarea plan update for the Vashon Town Plan,[50] to address community and business needs, economic vitality, quality of life, and include outreach to the community.

Executive Recommendation: As part of the proposed CSA subarea planning schedule, this subarea plan would be initiated in 2016.

11. **Highline Subarea Plan**

Proposal: The Scoping Motion included this item, which would initiate a subarea plan update for the Highline Community Plan,[51] to address gaps in equity of infrastructure investments and services, revitalization of neighborhoods, local economy, quality of life, and include outreach to the community.

---

[48] These parcels are currently: R-4 (four dwelling units per acre) and Industrial zoning; and a land use designation of RT (Rural Town).

[49] This area is currently: R-4 (four dwelling units per acre), R-18 (eighteen dwelling units per acre) and CB (community business) zoning; and a land use designation of RT (Rural Town).

[50] This area is currently: a combination of commercial, industrial and residential zoning; and a land use designation of RT (Rural Town).

[51] This area is currently: a combination of urban commercial, industrial and residential zoning land use designations.

Executive Recommendation: As part of the proposed CSA subarea planning schedule, this subarea plan would be initiated in 2017.

12. <u>Carnation UGA Amendment</u>

Proposal: The Scoping Motion included this item, which would review the land use designations and zoning for three parcels[52] and the surrounding area outside the City of Carnation, including consideration of including this area within the UGA in conjunction with dedication of open space or farm lands that is four times the acreage added to the UGA.

Executive Recommendation: Do not expand the UGA to include this area within the City of Carnation's PAA. The PRD states that it does not meet the existing CPP and KCCP criteria for UGA expansion, and that the City of Carnation has capacity for forecasted housing targets through 2031. The PRD states that a Four-to-One proposal would be evaluated if an application was submitted.

13. <u>North Bend UGA Amendment</u>

Proposal: The Scoping Motion included this item, which would review the land use designations and zoning for fourteen parcels[53] and the surrounding area outside the City of North Bend, including consideration of including this area within the UGA.

Executive Recommendation: Do not expand the UGA to include this area within the City of North Bend's PAA. The PRD states that a Four-to-One proposal would be evaluated if an application was submitted.

14. <u>Cedar Hills/Maple Valley Subarea Plan</u>

Proposal: The Scoping Motion included this item, which would initiate a subarea plan for the Cedar Hills/Maple Valley area,[54] including potential long-term land uses, in coordination with the County's future closure of the Cedar Hills landfill, and including consideration of residential and non-residential uses.

Executive Recommendation: As part of the proposed CSA subarea planning schedule, this subarea plan would be initiated in 2023, or when there is certainty about the closure of the Cedar Hills landfill.

---

[52] These parcels are currently: RA-10 zoning (one dwelling unit per ten acres); and a land use designation of RA (Rural Area).

[53] This area is currently: RA-2.5 zoning (one dwelling unit per 2.5 acres); and a land use designation of RA (Rural Area).

[54] This area is currently: RA-5 (one dwelling unit per five acres) and M (mineral) zoning; and a land use designation of RA (Rural Area) and M (Mining).

15. <u>Maple Valley Industrial</u>

Proposal: The Scoping Motion included this item, which would include reviewing the land use designations and zoning for three parcels[55] and the surrounding area, including consideration of changing the zoning and eliminating the development condition established in 1997.[56]

Executive Recommendation: Complete a subarea plan for the area to assess re-designation, including consideration that this area be removed from the UGA. The subarea plan would be complete by March 1, 2016, which would allow for Council consideration as part of the 2016 KCCP review.

16. <u>Fairwood B</u>

Proposal: The Scoping Motion included this item, which would include reviewing the land use designations and zoning for eleven parcels[57] and the surrounding area, including consideration for potential redevelopment, consistency of the designation and zoning, and incentives for redevelopment.

Executive Recommendation: Complete a subarea plan for the area to assess re-designation. The subarea plan would be complete by March 1, 2016, which would allow for Council consideration as part of the 2016 KCCP review. Under existing KCCP policies, community business centers may only be rezoned after a subarea planning process.

17. <u>Taylor Mountain</u>

Proposal: This item was initiated by the Executive at the request of King County Parks. It would rezone Parks property at Taylor Mountain from RA-10[58] to Forest zoning, and include those parcels into the Forest Production District.

Executive Recommendation: Rezone eleven parcels, totaling 1,362 acres, from RA-10 to F, include them in the Forest Production District, and modify the land use designation for three parcels to OS (Open Space system). The PRD states that all parcels are owned by King County, and the Washington State Department of Natural Resources holds a permanent conservation easement on most of the parcels in the Taylor Mountain Forest, which restricts development and requires working forest conservation and passive recreation uses.

---

[55] These parcels are currently: I (industrial) zoning and land use designation

56 The P-suffix condition limits future development to uses that do not require a conditional use permit, and requires a limited scope master drainage plan to address groundwater concerns.

[57] This area is currently: O (office) and R-48 (forty eight units per acre) zoning; and a land use designation of CB (Community Business) and UH (Urban residential high).

[58] The summary states that one parcel is zoned RA-5, but this is not reflected in the analysis on the maps.

18. Tall Chief

Proposal: This item was initiated by the Executive to rezone the former Tall Chief golf course from rural to agricultural and to add it to the Agricultural Production District.

Executive Recommendation: Redesignate three parcels, totaling 191 acres, from Rural Area to Agriculture, and rezone one parcel to A-35 (one unit per 35 acres) and two parcels to A-10 (one unit per 10 acres). The PRD states that the County purchased the property with the intent to return it to agricultural use, and has a conservation easement that limits use of the site to agricultural, forestry, and open space uses, and that limits future development to three dwelling units. (Note that at the time of this writing, the Council is considering Proposed Ordinance 2015-0423 to sell the Tall Chief property to a local dairy.)

19. UGA Technical Corrections

Proposal: This item was initiated by the Executive to make technical corrections to the UGA for the cities of Covington and Enumclaw.

Executive Recommendation: Adjust the UGA on SE 240th Street (City of Covington), and on 248th Avenue SE (City of Enumclaw), so that the entire road right-of-way is within the UGA. This will clarify long-term maintenance activities for these roadways,[59] and allow the cities to incorporate the right-of-way into the city limits.

Development Code Amendments

The Scoping Motion called for the Executive to evaluate six development code proposals. The PRD addresses only four of these proposals, and also includes a proposal for one additional Executive initiated development code amendment.

The PRD does not include ordinance-ready code amendment language, and only discusses the recommended changes in concept. The follow is a summary of the proposals included in the PRD and the Executive's recommendations for each.

1. Agricultural Production Districts

Proposal: The Scoping Motion included this item, which would look at code amendments and KCCP policies for agricultural supportive and dependent uses to support viable and sustainable agricultural production districts.

Executive Recommendation: Update the zoning code by redefining agriculture and including all agricultural uses and supportive or dependent uses in the Resource permitted use table. The uses referenced include farm worker housing; agricultural

[59] Consistent with KCCP policy T-211

repair; farm product warehousing, refrigeration and storage; agricultural product sales; food and kindred products; agricultural supportive facilities.

The specific changes to code are not included for these items. Further, no mention of wineries, breweries or distilleries is made.

2. **Alternative Temporary Lodging**
   Proposal: The Scoping Motion included this item, which would consider code flexibility for alternative temporary lodgings, such as treehouses and structures associated with re-creations of historic communities.

   Executive Recommendation: The PRD does not address this item.

3. **Alternative Housing Models**
   Proposal: The Scoping Motion included this item, which would consider code flexibility for alternative housing models, such as micro housing.

   Executive Recommendation: For micro-housing, include a definition, allow micro-housing in the Urban Residential and/or Commercial/Industrial zones, at a minimum density of 12 units per acre, and subject to development conditions on maximum number of occupants, communal kitchens, setbacks, landscaping, transit access, illumination, community meetings, code of conduct, and site and neighborhood issues. The Building Code would need to be updated to improve review times for these types of housing. The Fire Code would need to be updated to address issues of fire separation and fire sprinklers.

   The PRD also mentions tiny houses, RV's, and apodments as other types of alternative housing that should be addressed.

   The specific changes to code are not included for these items.

4. **Ingress/Egress for Plats**
   Proposal: The Scoping Motion included this item, which would consider code changes for ingress/egress for new plat proposals, including space needed for traffic queuing.

   Executive Recommendation: The PRD does not address this item.

5. **Agricultural Lands Policies**
   Proposal: The Scoping Motion included this item, which would update and consolidate code sections related to agricultural lands, including K.C.C. 20.54.

   Executive Recommendation: Decodify K.C.C. 20.54, as it is no longer relevant and has been replaced by other sections of the code and KCCP policies. Memorialize the relevant findings and policies as an appendix to the KCCP. Repeal K.C.C. 26.08,

as it is no longer relevant. Modify K.C.C. Title 21A to make the agriculture use tables more consistent with the agricultural lands policies.

The specific changes to code are not included for these items.

6. **Extension of Plat Approvals**
   Proposal: The Scoping Motion included this item, which would consider code changes to allow extensions of time for plat approvals.

   Executive Recommendation: No changes to the code are recommended. The PRD states that, if the Council determines a code amendment is necessary, the extension should be limited to one year and one time per plat.

7. **Amendments Related to Proposed Comprehensive Plan Policy Changes**
   Proposal: This is an Executive initiated code amendment that would make code amendments based on other policy changes proposed in the PRD.

   Executive recommendation: Make code changes regarding:
   - Updating human services framework policies (Title 2),
   - Modifying transportation concurrency methodology (Title 14),
   - Updating non-motorized transportation program to reflect integration into applicable planning documents, instead of in its own standalone planning document (Title 14),
   - Include additional tenant protections (Title 16),
   - Adding inclusionary affordable housing requirements for upzoning near frequent transit and commercial hubs (Title 21A),
   - Authorizing residential local improvement districts, such as “food innovation districts” (Title 21A), and
   - Clarifying existing allowance for TDRs used for commercial projects (Title 21A).

   The specific changes to code are not included for these items.

Technical Appendix A
Capital Facilities

The GMA requires that comprehensive plans include a capital facilities plan element. This is addressed in the KCCP through in two parts: 1) in Chapter 9 Facilities, Services and Utilities, which addresses the policy direction for planning and financing facilities to serve the needs of existing and new residents; and 2) in Technical Appendix A, which consists of a review of the current status of that planning and financing. This section of the staff report addresses Technical Appendix A.

What's new in the Public Review Draft?

Technical corrections. The PRD proposes a variety of technical corrections to the appendix, most notably related to water and sewer utilities.

Consistency with adopted policies and plans

Real Property Asset Management Plan. The King County Code[60] requires the King County Real Property Asset Management Plan (RAMP)[61] to update the RAMP as part of Technical Appendix A to the KCCP. The update is required to happen on the four-year KCCP update cycle,[62] and must include an update to the current and future space needs and implementation plans of the RAMP. This requirement was added in 2014,[63] when the RAMP was last updated, which replaced the previous requirement to update the plan every other year. An update to the RAMP has not been included in the PRD.

Consistency with the Scoping Motion

Real Property Asset Management Plan. The Scoping Motion called for updating the Technical Appendices as needed. In April 2015, during the Council's consideration of the legislation that adopts the Scoping Motion,[64] Council staff communicated with Facilities Management Division staff regarding the code requirements for the RAMP. As noted above, an update to the RAMP has not been included in the PRD.

Other issues for Councilmember consideration

No issues identified.

Technical Appendix C
Transportation Needs Report and Arterial Functional Classification

TRANSPORTATION NEEDS REPORT

The Transportation Needs Report (TNR) is a long-term, comprehensive list of recommended improvements for unincorporated King County. King County uses this list, together with its six-year Capital Improvement Program (CIP) and biennial operating budget, to serve as the transportation capital facilities plan element of the KCCP required by the GMA (RCW 36.70A.070). The TNR also serves as the basis for the

[60] K.C.C. 20.12.100
[61] Formally known as the County Space Plan, and governs development of all facility master plans, facility program plans and the capital improvement program and lease requests for space housing county agency operations.
[62] Any proposed policy changes occurring in between the four-year period shall be included in the annual Comprehensive Plan updates in accordance with K.C.C. 20.18.030.B.7.
[63] Ordinance 17839
[64] Motion 14351

County's Mitigation Payment System to identify growth-related projects for the impact fee system.

What's new in the Public Review Draft?

Restructures. Assets are organized by Line of Business Plan "product families" instead of the product types used in the 2012 TNR.

Removed projects. The 2016 TNR does not include 180 projects that were in the 2012 TNR. Of these, about a third (56) have been completed or are in construction. Another third (59) are nonmotorized projects that Road Services Division staff removed following a re-evaluation based on KCCP policy guidance and assessment of current conditions. Most of the others were annexed or incorporated (17), replaced, or combined with an alternate project (18). Table 2 summarizes the rationale for removal for removal of the projects:

Table 2. 2012 TNR Projects Not Included in 2016 TNR – Reason for Removal

Reason for Removal	Number of Projects
Completed or in construction	56
Annexed/Incorporated	17
Replaced with or combined with an alternate project	18
Present facilities adequate for setting	59
No longer meets signal warrants or not identified as a need after reassessment	20
Other	10
TOTAL	**180**

New projects. The proposed 2016 TNR includes 86 new projects, 77 of which total $205,630,000 (costs are not provided for nine of the 13 nonmotorized projects. The nine projects were identified through the recent Skyway-West Hill subarea planning process but not in time for the Road Services Division to prepare cost estimates for the TNR PRD. Those cost estimates will be included if the projects are included in the Executive Recommended TNR). The 2016 TNR does not document the Division's project selection processes, previously included as Appendix C in the 2012 TNR. The criteria and considerations included in Appendix C of the 2012 TNR were identified during the 2015/2016 biennial budget development process as the basis upon which the Road Services Division would prioritize expenditures within programs, including capacity and non-capacity projects. The 2016 TNR states that capital funds will be directed to safety, regulatory and preservation projects consistent with the Roads Strategic Plan and Line of Business Plan.[65] Table 3 identifies the number of the new projects by category and as a percent of the increased TNR cost.

[65] RSD report that they anticipate including Appendix C (and the other three appendices included with the 2012 TNR) with the transmitted Comprehensive Plan.

Table 3. New 2016 TNR Projects by Category and Percent of Total TNR Cost

Category	Number	Cost ($000s)	Percent of Increased TNR Cost[66]
Capacity projects	8	$166,630	81%
Drainage projects	12	$13,330	6%
Guardrail projects	42	$7,040	3%
Intersection Priority Array (intersection improvements) and HAL/HARS (high accident locations and segments)	11	$14,900	7%
Nonmotorized projects	13	$3,730[67]	2%
Total	**86**	**$205,630**	

2016 ARTERIAL FUNCTIONAL CLASSIFICATION

King County's arterial functional classification system classifies roadways based on the degree to which a roadway serves the movement of traffic or provides access to adjacent land uses. Arterial classifications can be used to guide transportation planning, roadway design and allocation of road improvement funds. King County designates three types of arterial roadways: principal arterials that mostly serve "through traffic" across and between large subareas, with minimum direct service to abutting land uses; minor arterials that provide for movement within the subareas and provide more direct access to abutting land uses than do principal arterials; and collector arterials that link local neighborhood streets and larger arterials.

<u>What's new in the Public Review Draft?</u>

Classification changes. The proposed 2016 TNR includes two classification changes as shown below in Table 4.

[66] Total does not add up to 100% due to rounding
[67] The proposed TNR did not include costs for 9 of the 13 nonmotorized projects.

Table 4. Arterial Functional Classification Changes

Location	Change	Rationale
204th Ave NE/Paradise Lake Rd (NE Woodinville-Duvall Road to County line)	collector to minor arterial	Average daily traffic increased to 3,300, due to development in the area; serves as major route into Snohomish County
424th Ave SE (North Bend City limits, south to SE 140th St, 432nd Av SE, to SE North Bend Road)	collector arterial to neighborhood collector (local)	Residential roadways serve neighborhoods; posted at 25 mph; not striped

Removed arterial segments. Twenty arterial segments have been removed from the classification map due to annexations.

Other Issues for Councilmember consideration

Rural Regional Corridors. These four corridors (segments of Woodinville Duvall Road, Novelty Hill Road, Issaquah Hobart Road and Avondale Road) pass through rural lands and primarily connect urban areas. The Road Services Division has not updated the Average Daily Trips reported for the corridors since the 2012 TNR, which may result in underreporting the traffic volume and congestion in these locations.

Vulnerable Road Segments. A vulnerable road segment is one that is abnormally expensive to maintain and/or that requires frequent repair, as identified in a 2005 Vulnerable Road Segments Study. These segments typically involve failing retaining walls or seawalls, roads with chronic settlement problems, or roadways close to rivers with repetitive erosion problems. The road is most often considered vulnerable because of the failing infrastructure around or beneath it. The 2016 TNR does not include any new vulnerable road segments, as the Road Services Division has not completed any new studies since the 2005 study. This may result in underreporting the magnitude of vulnerable road segments.

ATTACHMENTS

1. Crosswalk of Scoping Motion and Public Review Draft
2. Scoping Motion (Motion 14351)
3. 2012-2014 Docket Summary

LINKS

All components of the Public Review Draft can be found at:

http://www.kingcounty.gov/depts/executive/psb/regional-planning/king-county-comprehensive-plan/2016-KCCP-Update.aspx

These components include:

- Public Review Draft 2016 King County Comprehensive Plan
- Area Zoning Studies
- Skyway-West Hill Action Plan
- Proposed Code Changes
- Technical Appendix A: Capital Facilities
- Technical Appendix C1: Transportation Needs Report & Arterial Function Classification
- Technical Appendix C2: Regional Trails Needs Report

INVITED

- Ivan Miller, Comprehensive Plan Manager, Performance, Strategy and Budget

[Blank Page]

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
ALL CHAPTERS			
1	Ensure consistency w/Growth Management Act (GMA), Multicounty Planning Policies (MPPs), and Countywide Planning Policies (CPPs)	yes	
2	**Strengthen links to Strategic Plan with metrics for each chapter**	**NO**	**New benchmark program is anticipated to be included in March transmittal**
3	Consider references to implementation plans and initiatives	yes	
4	Strengthen integration of land use and transportation	yes	
5	Support Low Impact Development (LID) and National Pollution Discharge Elimination System (NPDES) permit requirements	yes	
6	Address inequities and disparities related to health, housing, prosperity	yes	
7	Address inequities and disparities related to environmental and climate justice	yes	
8	Advance 14 Determinants of Equity	yes	
9	**Consider updating 4:1 policies, including flexibility for smaller parcels**	**NO**	
10	Consider creation of separate health and equity chapter	yes	
11	Clarify "rural areas" definitions and usage	yes	
12	**Reflect current court rulings, case law, and federal regulations**	**Partial**	**KCCP appears to be consistent, but there is no mention of code updates**
13	Update demographic and economic information	yes	
CHAPTER 1 - REGIONAL GROWTH MANAGEMENT PLANNING			
14	Address inequities and disparities	yes	
15	Strengthen commitments to regional partnerships	yes	
16	Express support for Eastside Rail Corridor and multi-use vision	yes	

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
CHAPTER 2 - URBAN COMMUNITIES			
17	Address inequities and disparities	yes	
18	Advance Communities of Opportunity (COO) initiative	yes	Addressed in Chapter 4 (Housing/Human Services)
19	Identify prospects for partnerships with cities, including re: Potential Annexation Areas (PAAs)	yes	
20	**Update to promote timely annexation, including consideration of utilizing zoning/development regulations of cities with PAAs**	**Partial**	**Updates encourage joint planning and interlocal agreements, but there is no provision specifically allowing city zoning/regulations. Also relies on GMPC process to promote annexations.**
21	Update PAA map	yes	
22	**Address urban service delivery issues**	**NO**	
23	**Address Regional Code Collaboration opportunities to support Green Building**	**NO**	
24	Support healthy, affordable housing	yes	Updates in both Chapter 2 (Urban) and Chapter 4 (Housing/Human Services)
25	**Consider policies for affordable housing targets**	**NO**	
26	Support appropriate housing for aging demographics, including cottage housing	yes	Addressed in Chapter 4 (Housing/Human Services)
27	Consider addressing historic distribution of benefits and burdens of infrastructure and services	yes	Updates in both Chapter 2 (Urban) and Chapter 4 (Housing/Human Services)
28	Extend 20-year growth targets	yes	
29	Update data consistent with 2014 Buildable Lands Report and address any shortfalls	yes	See Chapter 12 (Implementation)

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
30	Update policies for public/community benefits	yes	
31	Update data in housing section	yes	
32	Ensure innovative new housing models can move forward, including homeless housing	yes	Addressed in Chapter 4 (Housing/Human Services)
33	Address needs for transit-oriented communities and quality/healthy affordable housing	yes	Updates in both Chapter 2 (Urban) and Chapter 4 (Housing/Human Services)
34	Explore multifamily tax exemption and other affordable housing strategies	yes	Addressed in Chapter 4 (Housing/Human Services)
35	**Consider Transfer of Development Rights (TDRs) policies for urban-to-urban and use in economically disadvantaged communities**	**NO**	
CHAPTER 3 - RURAL AREA AND NATURAL RESOURCE LANDS			
36	Address inequities and disparities	yes	
37	Consider incorporating Local Food Economy Initiative recommendations	yes	
38	**Update TDR policies, including urban-to-urban, rural-to-rural, and use in economically disadvantaged communities**	**NO**	
39	Strengthen policies to improve farmland productivity, including drainage, flooding, and irrigation needs	yes	
40	**Consider Farm, Fish, Flood findings in updating related policies**	**NO**	**Task force has not yet completed its work**
41	Promote Green Building and energy reduction	yes	
42	Update landslide policies	yes	Addressed in Chapter 5 (Environment)
43	**Support appropriate housing for aging demographics, including cottage housing**	**NO**	

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
44	**Evaluate whether policies address needs of rural residents**	**-**	**Council staff will review after March transmittal**
45	**Advance Rural Economic Strategies (RES) plan**	**Partial**	**Some updates included, but more integration may be needed**
46	**Address resource-based home businesses**	**NO**	
47	**Address impacts of resource-based businesses**	**Partial**	**Some mining policies were updated, but other resource based uses were not addressed**
48	**Evaluate streamlining home-based businesses**	**NO**	
49	**Consider matching rural densities with water resources**	**NO**	**Some updates included in Chapter 9 (Facilities)**
50	Update Agriculture and Forest Lands map	yes	
51	Update Mineral Resources map	yes	
CHAPTER 4 - ENVIRONMENT (Chapter 5 in PRD)			
52	**Address inequities and disparities related to environmental and climate justice**	**NO**	**Updates in text only**
53	Update climate change policies consistent with federal/state requirements, CPPs, and joint work with cities	yes	
54	Update emissions reductions targets for consistent with state and CPP targets	yes	
55	**Strengthen relationship between climate impacts and solutions with health, equity, and social justice**	**NO**	**Updates in text only**
56	Update policies regarding regional plans, such as salmon recovery	yes	
57	Consider policies regarding beaver management	yes	
58	Support a more integrated approach to achieve improved water quality, health, and habitat outcomes	yes	
59	Reflect Puget Sound Action Agenda	yes	

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
60	Address new requirements for municipal stormwater discharge permits	yes	
CHAPTER 5 - SHORELINE MASTER PROGRAM (Chapter 6 in PRD)			
61	**Emphasize importance of outreach/education to shoreline property owners**	**NO**	**No proposed changes as SMP approved by the Department of Ecology in 2014**
CHAPTER 6 - PARKS, OPEN SPACE AND CULTURAL RESOURCES (Chapter 7 in PRD)			
62	Address inequities and disparities	yes	
63	Facilitate multi-use vision for Eastside Rail Corridor	yes	
64	Update policies related to climate change/sustainability, forest stewardship, and public engagement/partnerships	yes	
65	Create Regional Trails System policies	yes	
66	Update Regional Trail Needs Report and map	yes	Moved to Appendix C
67	Update Open Space System Map	yes	
CHAPTER 7 - TRANSPORATION (Chapter 8 in PRD)			
68	Address inequities and disparities	yes	
69	Reflect adopted functional plans	yes	
70	**Update Concurrency program and policies**	**NO**	**New Concurrency program is anticipated to be included in March transmittal**
71	Address unmet rural roadway infrastructure needs	yes	
72	Facilitate multi-use vision for Eastside Rail Corridor	yes	
73	**Update policies regarding public/private partnerships to advance regional transportation services**	**Partial**	**Some updates included, but more integration may be needed**
74	Update policies regarding regional transportation funding, pricing, and demand management	yes	

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
75	Promote active transportation	yes	Addressed in Chapter 4 (Housing/Human Services)
76	Promote sustainability issues, such greenhouse gas emissions reductions goals and HOV/HOT lane efficiencies for transit	yes	
77	Strengthen coordinated planning and increase connectivity between transportation modes	yes	
78	**Facilitate maintenance and preservation of infrastructure and response to emergencies, and consider prioritizing replacement of fish barrier culverts**	**NO**	**New projects are anticipated to be included in the Transportation Needs Report (TNR) in the March transmittal**
79	Address high quality/healthy/affordable housing near transit stations	yes	
80	Consider incorporating health and equity assessments in transportation planning and project analysis	yes	
81	Address regional collaboration to provide and site freight mobility infrastructure, including truck stops	yes	
82	Support and advance the KC International Airport Master Plan	yes	
CHAPTER 8 - SERVICES, FACILITIES, AND UTILITIES (Chapter 9 in PRD)			
83	Reflect environmental justice, equity, and social justice, and consider trends in distribution of benefits and burdens	yes	
84	Facilitate multi-use vision for Eastside Rail Corridor	yes	
85	**Reflect that Wastewater Treatment Division (WTD) planning horizons exceed 20-year growth targets**	**NO**	
86	Reflect WTD Envision Sustainable Infrastructure Rating System (alternative to LEED)	yes	
87	Reflect Consent Decree requirements for completion of Combined Sewer Overflow projects by 2030	yes	
88	Ensure compliance with requirements for failing onsite septic systems	yes	

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
89	Reflect updates to Solid Waste Division facilities/transfer plans, and reflect zero waste and 70% recycling rates goals	yes	
90	**Reflect new regional services plans: Health and Human Services Transformation Plan, Communities of Opportunity, and Youth Action Plan**	**Partial**	**The Youth Action Plan has not been addressed. The remainder is addressed in Chapter 4 (Housing/Human Services).**
CHAPTER 9 - ECONOMIC DEVELOPMENT (Chapter 10 in PRD)			
91	Address inequities and disparities	yes	
92	**Advance RES plan**	**Partial**	**Some updates included, but more integration may be needed**
93	Explore addressing growing income inequality	yes	
94	Consider place-based workforce training strategies	yes	
95	Promote economies and industries of opportunity for low and moderate income residents in places of opportunity	yes	
96	**Improve regional coordination and achieve agreed-upon results in job and wage growth and in economic diversity**	**NO**	
CHAPTER 10 - COMMUNITY PLANS (Chapter 11 in PRD)			
97	**Address inequities and disparities**	**NO**	
98	Remove site specific references to areas that have been annexed	yes	
99	**Consider incorporating policies in other chapters that have broader applicability**	**NO**	**Comprehensive review of the policies in the Community Plans will occur through the new subarea planning process**

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
CHAPTER 11 - IMPLEMENTATION, AMENDMENTS AND EVALUATION (Chapter 12 in PRD)			
100	Address inequities and disparities	yes	
101	**Update metrics to monitor progress toward achieving the Regional Growth Strategy**	**NO**	**New benchmark program is anticipated to be included in March transmittal**
102	**Consider metrics to monitor performance in meeting GMA goals**	**NO**	**New benchmark program is anticipated to be included in March transmittal**
103	**Work with partners on possible changes to BLRs, including establishing targets for each type of residential housing (single, multi, and affordable housing)**	**NO**	
104	**Work with partners to ensure accuracy of BLRs by considering all factors that may prevent achieving growth targets**	**NO**	
GLOSSARY			
105	Update "rural areas" definitions	yes	
LAND USE PROPOSALS			
			EXECUTIVE RECOMMENDATION:
106	West Hill subarea plan (Motion 14221)	yes	Approve
107	Fairwood area rezone request (Motion 14276)	yes	Partial approval
108	Federal Way area rezone request (Motion 14276)	yes	Recommendation is expected be included in March transmittal
109	Allison Docket request	yes	Approve
110	Timmerman Docket request	yes	Exec considers this to be withdrawn, and thus did not analyze
111	Snoqualmie Interchange	yes	Deny

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
112	Duthie Hill Notch	yes	Deny UGA change; but will consider a 4:1 proposal if submitted, or a recommended solution from the GMPC
113	Fall City Business District expansion, and wastewater policy change regarding assistance from King County	yes	Deny; but will increase staff facilitation of local wastewater system
114	Snoqualmie Pass subarea plan	yes	Will complete a subarea plan in 2018
115	Vashon Town Plan update	yes	Will complete a subarea plan in 2016
116	Highline Community Plan update	yes	Will complete a subarea plan in 2017
117	Carnation area rezone request	yes	Deny UGA change; but will consider a 4:1 proposal if submitted
118	North Bend area rezone request	yes	Deny UGA change; but will consider e 4:1 proposal if submitted
119	Cedar Hills/Maple Valley subarea plan	yes	Will complete a subarea plan in 2023
120	Maple Valley Industrial rezone request	yes	Recommendation is expected be included in March transmittal
121	Fairwood area rezone request	yes	Recommendation is expected be included in March transmittal
TECHNICAL APPENDICES			
122	**Update as needed**	**Partial**	**Updated RAMP was not included**

#	Direction from Scoping Motion	Addressed in PRD?	Council staff comments
	DEVELOPMENT CODE		
123	**Consider code and KCCP amendments for agricultural supportive and dependent uses to support APDs**	**Partial**	**Some updates recommended, but does not address wineries, breweries, or distilleries. No specific code language is included.**
124	**Consider flexibility for alternative temporary lodging, including treehouses and re-creations of historic communities**	**NO**	
125	Consider flexibility for alternative housing models, including micro housing	yes	No specific code language is included
126	**Consider changes regarding ingress/egress for new plat proposals, including space for traffic queuing**	**NO**	
127	Update/consolidate codes regarding agriculture lands	yes	No specific code language is included
128	Consider expanding use of and/or timelines for extensions of plat approvals	yes	Exec recommends NOT to make changes

King County

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

May 12, 2015

Motion 14351

Proposed No. 2015-0104.3 **Sponsors** Dembowski

1 A MOTION relating to comprehensive planning, specifying
2 the scope of work for the proposed amendment to the King
3 County Comprehensive Plan in 2016 in accordance with
4 K.C.C. 20.18.060.

5 WHEREAS, King County enacted the 1994 King County Comprehensive Plan to
6 meet the requirements of the Washington State Growth Management Act ("GMA"), and

7 WHEREAS, in RCW 36.70A.130, the GMA requires cities and counties to update
8 their comprehensive plans once every eight years. The GMA authorizes, but does not
9 require, cities and counties to amend their comprehensive plans annually. For King
10 County, the next required GMA deadlines are in 2015 and 2023, and

11 WHEREAS, King County Comprehensive Plan policies and K.C.C. chapter 20.18
12 establish a process for amending the plan and a program for public participation. King
13 County authorizes limited Comprehensive Plan changes annually and a more
14 comprehensive review every four years, and

15 WHEREAS, in 2012, King County updated its Comprehensive Plan via
16 Ordinance 17485 and thereby satisfied the GMA requirement to update its
17 Comprehensive Plan by 2015, and

18 WHEREAS, 2016 marks the fifth four-year review of the Comprehensive Plan.
19 Under the county's policies and regulations, the 2016 review consitutes a four-year
20 amendment, and
21 WHEREAS, under GMA requirements, the county's 2016 review is subject to the
22 rules applicable to an annual amendment. The GMA does not require the county to
23 complete another comprehensive update until 2023. Under the county's current policies
24 and code, the county will complete this update in 2020, and
25 WHEREAS, K.C.C. 20.18.060 states that the executive must transmit a motion
26 specifying the scope of work proposed for a four-year amendment to the Comprehensive
27 Plan and the council has until April 30 to approve the motion either as transmitted or
28 amended. In the absence of council approval, the executive shall proceed to implement
29 the work program as proposed, and
30 WHEREAS, as in 2012, the council is approving the scope of work motion after
31 April 30; however, the executive has agreed to treat the scope as timely and proceed with
32 the work progam as established in the council-approved version of the motion, and
33 WHEREAS, King County and cities within the county have successfully focused
34 the vast majority of new residential growth into the Urban Growth Area, proceeding from
35 eighty-eight percent in 1994 to more than ninety-eight percent urban in 2013, and
36 WHEREAS, King County has worked hard to protect critical areas and
37 endangered species such as salmon, has promoted affordable housing and has committed
38 resources to enrich its less advantaged communities, and
39 WHEREAS, King County must build on these successes and ensure that they
40 continue into the future;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The scope of work for the 2016 King County Comprehensive Plan Update in Attachment A to this motion and the work program for public involvement in Attachment B to this motion are hereby approved as the basis for developing the amendments for the

King County Comprehensive Plan to be transmitted to the council by March 1, 2016, and for performing the associated environmental analysis.

Motion 14351 was introduced on 3/9/2015 and passed as amended by the Metropolitan King County Council on 5/11/2015, by the following vote:

Yes: 6 - Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. Dunn and Mr. Dembowski
No: 2 - Mr. Phillips and Mr. Upthegrove
Excused: 1 - Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

Attachments: A. 2016 King County Comprehensive Plan Update Topical Areas dated May 11, 2015, B. 2016 King County Comprehensive Plan Update Public Outreach Plan and SEPA Analysis dated May 5, 2015

2016 King County Comprehensive Plan
Topical Areas

In accordance with King County Code 20.18.060(A.1)

Updates related to All Chapters:

All chapters of the King County Comprehensive Plan (KCCP) will be reviewed and updated to advance the County's adopted Goals and Vision:[1] mobility; health and human services; economic vitality; safety and justice; accessible, affordable housing; healthy environment; and efficient, accountable regional and local government. Further, since the King County Countywide Planning Policies were substantially revised in the past four years, all chapters will be reviewed and updated to ensure consistency.

- Review and update the KCCP for consistency with current State, regional, and countywide growth management policy documents, such as the Growth Management Act, Vision 2040 and the multicounty planning policies (MPPs), Transportation 2040, and the Countywide Planning Policies (CPPs).
- Strengthen the link between the KCCP and the King County Strategic Plan through a set of metrics that will be based on measurable goal statements to be added to each chapter.
- Consider references, where appropriate, to adopted implementation plans and initiatives, such as the King County Health and Human Services Transformation Plan, King County Strategic Climate Action Plan, King County Cities Climate Collaboration (K4C), Youth Action Plan, and Rural Economic Strategies plan.
- Update and strengthen policies that call for better integration of land use and transportation to create sustainable communities by promoting walking and bicycling, greater transit use, access to a healthy food system, access to quality and affordable homes, reduced greenhouse gas emissions and improved environmental, health and economic outcomes.
- Review and update policies to support Low Impact Development (LID) and ensure language related to LID and stormwater management reflects current National Pollution Discharge Elimination System (NPDES) permit requirements.
- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities related to health, housing, and prosperity.
- Review and update policies to address inequities and disparities related to environmental justice and climate justice impacts.

[1] Motion 14317

- Review and update policies to advance the 14 Determinants of Equity in each chapter, and especially regarding the built environment, transportation, parks, housing, food systems, and economic development.
- Review four-to-one policies, including consideration of: the efficacy of the program to encourage permanent conservation of open space along the Urban Growth Boundary, potential policy changes to allow flexibility for smaller parcels while still achieving similar conservation goals, and identification of possible associated CPP changes.
- Consider consolidating health and equity policies into a new, stand-alone chapter.
- Update rural areas definitions (e.g. rural area, rural land, rural zoning, and rural cities) and usage in plan for clarity and consistency.
- Update policies and related code sections to reflect court rulings, current case law, and federal regulations.
- Update demographic and economic information.

Chapter One – Regional Growth Management Planning

Our region's prosperity and sustainability rely on local governments working in partnership to plan for the future. The 2016 update to the Regional Growth Management Planning chapter will seek to strengthen the county's commitment to regional partnerships and public engagement in order to support efficient and effective use of public funds and a high quality of life for all residents in King County.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Review and update policies to strengthen the County's commitment to regional partnerships – including examples such as the Growing Transit Communities Compact, Regional Code Collaboration, and the King County Cities Climate Collaboration (K4C) – and public engagement.
- Review policies to express support for the multi-use vision for the public asset currently known as the "Eastside Rail Corridor" and associated multi-jurisdictional collaboration.

Chapter Two – Urban Communities

The 2016 update to the Urban Communities chapter will focus on sustainability and health, racial, economic and social equity of all King County's unincorporated urban communities by strengthening the nexus of land use and housing with health, public transportation, jobs, education, and social services.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Advance the Communities of Opportunity initiative. Consider vehicles for communities to engage in innovative healthy place-making work.
- Identify prospects for partnerships with cities, especially within identified Potential Annexation Areas (PAAs).

- Review and update annexation policies to promote timely annexation of the remaining urban unincorporated area, including consideration of utilizing zoning and/or development regulations of the city identified for the PAA.
- Update PAA map, as needed.
- Address lingering service delivery issues in urban unincorporated areas likely to remain in King County governance for the foreseeable future.
- Address the Regional Code Collaboration for opportunities to support Green Building provisions.
- Review and update policies to support healthy, affordable housing, including additional strategies to incentivize increased affordable housing and development.
- Consider adding policies that identify regional and/or unincorporated county targets for affordable housing.
- Review and update policies to support appropriate housing for aging demographics, including expanded use of cottage housing.
- Consider adding policies that address the historic distribution of benefits and burdens of infrastructure and services.
- Extend the growth targets that were adopted in the 2012 CPPs to provide a 20-year planning horizon.
- Update data consistent with the 2014 Buildable Lands Report and address any identified shortfall in employment capacity in urban unincorporated King County.
- Review and update policies to ensure that there is robust provision for public/community benefits and consider whether there should be heightened public/community benefits requirements in new developments, especially in areas that may be susceptible to displacement of lower income people and community-based businesses.
- Update the data in the housing section and consider streamlining and/or moving to an appendix.
- Evaluate Housing and Land Use Section to ensure that potential innovative new housing models in urban unincorporated King County, in consideration of land uses in adjacent jurisdictions, can be permitted and move forward, including homeless housing models.
- Address land use/zoning needs in urban unincorporated King County, in consideration of land uses in adjacent jurisdictions, for transit-oriented communities that will include high quality/healthy affordable housing at high capacity transit stations and access areas.
- Explore addition of multifamily tax exemption and other affordable housing strategies.
- Consider inclusion of policies to support urban to urban TDRs and incentives for use of TDRs in economically disadvantaged communities.

Chapter Three – Rural Area and Natural Resource Lands

Rural and resource lands in King County contribute to the region's economic and environmental prosperity. The 2016 update to the Rural Area and Natural Resource Lands chapter will incorporate new information regarding the Local Food Economy Initiative and the Farm, Fish, Flood watershed planning process, as well as ongoing sustainability.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Review the King County Local Food Economy Initiative recommendations for policy implications and consider incorporating into policies, as appropriate.
- Review and update the Transfer of Development Rights (TDR) policies, including consideration of policies to support urban to urban TDRs, incentives for use of TDRs in economically disadvantaged communities, and expanded options for rural to rural TDRs.
- Strengthen policies related to improving productivity of farmland by addressing drainage, flood impacts, irrigation needs and other farmland issues to facilitate farming in King County.
- Update policies related to farm, fish, and flood conflicts, including consideration of the findings of the Farm, Fish, Flood watershed planning process, which is scheduled to conclude in Spring 2015.
- Evaluate and add policies to promote Green Building and energy reduction, where feasible, in rural unincorporated areas.
- Update policies on landslide hazard identification, mapping, and mitigation countywide.
- Review and update policies to support appropriate housing for aging demographics, including expanded use of cottage housing.
- Evaluate policies to the extent they address the needs of residents living in unincorporated rural King County.
- Review and update policies to advance the Rural Economic Strategies plan and promote rural economic development.
- Address issues related to resource-based home businesses.
- Address impacts related to resource-based businesses.
- Evaluate possibilities for streamlining home-based businesses.
- Consider adding policies to match rural densities with water resources.
- Update 2012 Agriculture and Forest Lands map, as needed.
- Update 2012 Mineral Resources map and property information, and ensure resources within unincorporated King County meet Growth Management Act planning requirements.

Chapter Four – Environment

The sustainability of King County's natural environment requires a long-term commitment to environmental monitoring and adaptive management that highlights changing environmental conditions, evaluates the effectiveness of county actions, and influences policy decisions and investments. Since the 2012 update, the Strategic Climate Action Plan was adopted and is currently under review to be updated in 2015 and the K4C was formed to collaborate on reducing greenhouse gas emissions. The 2016 update to the Environment chapter will advance King County's commitment to environmental protection and further address climate change.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities, specifically including those related to environmental justice and climate justice impacts.

- Review and update climate policies to reflect changes in federal and state requirements, climate inventories, the 2012 CPPs, and joint work with other cities and counties to reduce greenhouse gas emissions and prepare for climate change impacts.
- Review and revise emissions reductions targets for consistency with State requirements and adopted updates to the CPPs, including establishing short term goals to achieve the 2050 goal.
- Review and update policies to strengthen relationship between climate impacts and solutions with health, equity, and social justice.
- Review and update policies concerning regional plans, such as those related to salmon recovery, to better reflect the county's expectations for the effective life of the plan, the relative significance of such plans for the region, and/or priority for implementation.
- Consider adding new policies regarding beaver management in King County to explore the benefit to maximize stream restoration efforts, climate change benefits, and reduce flood risk associated with beaver dams.
- Review and update policies to encourage and support a more integrated approach to achieving improved outcomes for water quality, health, and habitat.
- Review and update policies as needed to reflect most recent Puget Sound Action Agenda and its focus on habitat, stormwater, and shellfish beds.
- Update policies as needed for consistency with new requirements for municipal stormwater discharge permits.

Chapter Five – Shoreline Master Program
This chapter is adopted in accordance with RCW 90.58.020.

- Update policies to reflect an emphasis on the importance of outreach/education to shoreline property owners.

Chapter Six– Parks, Open Space and Cultural Resources
The 2016 update to the Parks, Open Space and Cultural Resources chapter will further reflect the priority for developing and maintaining regional and local parks, open space, and the regional trails based on the voter-approved 2013 Parks, Trails & Open Space Replacement Levy.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Review and update policies to facilitate the recreation element of the multi-use vision for the public asset currently known as the "Eastside Rail Corridor."
- Review and update policies relating to climate change/sustainability, forest stewardship, and public engagement/partnerships.
- Create a brief policy subsection for the Regional Trails System (RTS).
- Update the Regional Trails Needs Report (RTNR) and the RTNR Map.
- Update the 2012 King County's Open Space System Map.

Chapter Seven – Transportation

The 2016 update to the Transportation chapter will further refine the policy framework that guides efficient provision of vital transportation infrastructure and services that support thriving communities and the county's participation in critical regional transportation issues. The 2016 update will also reflect the county's continuing transition to becoming a road service provider for a primarily rural roads system.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Review and update policies to reflect adopted transportation functional plans such as agency strategic plans, service guidelines, long-range plans, and master plans.
- Review and update policies and programs related to transportation level of service and impact mitigation. Update the Transportation Concurrency Management program and Mitigation Payment System to reflect insufficient funding to address roadway capacity improvements for the foreseeable future. The Concurrency program update should address collaboration with other jurisdictions regarding infrastructure improvement strategies to help prevent travel shed failure caused by unfunded city and state projects and traffic generated outside the unincorporated area.
- Review and update policies to address unmet roadway infrastructure needs in the rural area.
- Review and update policies to facilitate the transportation element of the multi-use vision for the public asset currently known as the "Eastside Rail Corridor."
- Review and update policies to guide and potentially expand public and private partnerships to advance regional transportation services.
- Review and update policies related to local and regional transportation funding, pricing, and demand management.
- Review and update policies to promote active transportation, as appropriate.
- Review and update transportation policies promoting sustainability issues, such as greenhouse gas emissions reduction goals and performance and operation of the HOV/HOT lane system to support efficiencies for transit and other vehicles.
- Review and update policies to strengthen coordinated planning to increase connectivity between transportation modes.
- Review and update environmental and stormwater management policies to facilitate efficient and cost-effective maintenance and preservation of transportation infrastructure and respond to emergency situations. Consider adding policies to prioritize replacement of culverts that function as fish barriers on county roadways.
- Address the importance of high quality/healthy housing, including sufficient housing that is affordable, near transit stations as part of a strategy to increase the use of public transportation, reduce vehicle trips and vehicle miles traveled, and improve equity outcomes.
- Consider policies to incorporate health and equity assessments as part of transportation planning and project analysis.
- Review and update policies to address the importance of regional collaboration to provide and site infrastructure supportive of freight mobility, including truck stops.

- Review and update policies to support and advance the King County International Airport Master Plan.

Chapter Eight – Services, Facilities and Utilities

The 2016 update to the Services, Facilities and Utilities chapter will focus on strengthening regional cooperation and coordination around critical community infrastructure including water supply, wastewater treatment, flood management, and solid waste. Policies will be updated to reflect new and innovative approaches to energy efficiency, green building and environmental sustainability, and will reinforce the important social and economic role King County's facilities, services, and utilities play in the region.

- Review and update policies to reflect environmental justice, equity, and social justice, including consideration of historic trends in the distribution of benefits and burdens.
- Review and update policies to facilitate the utilities element of the multi-use vision for the public asset currently known as the "Eastside Rail Corridor."
- Review policies to reflect that the Wastewater Treatment Division (WTD) uses planning horizons that exceed the 20-year growth target and land use plan when developing capital facility plans.
- Update policies in the Capital Facility Planning section to reflect that WTD uses an alternative to LEED, Envision Sustainable Infrastructure Rating System, to rate WTD infrastructure.
- Update policies to reflect Consent Decree requiring completion of Combined Sewer Overflow projects by 2030.
- Review and update policies as needed to ensure compliance with state and federal laws and treaty obligations related to monitoring, inspection, and correction of failing onsite septic systems.
- Review policies for consistency with adopted updates to Solid Waste Division facilities/transfer plans. Update policies to reflect goals for zero waste/70% recycling rates.
- Review and update the Regional Services section to reflect the Health and Human Services Transformation Plan , Communities of Opportunity, and Youth Action Plan.

Chapter Nine – Economic Development

The 2016 update to the Economic Development chapter will recognize that sustainable economic development benefiting all people in King County requires visionary policies and strong partnerships to grow and attract businesses, educate and train workers, and maintain and expand infrastructure while supporting the health of the natural and built environment.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Update economic data.
- Review and update policies to advance the Rural Economic Strategies plan.
- Explore including policies to address growing income inequality.

- Consider including policies for place-based workforce training strategies in communities with education and opportunity challenges.
- Review and update policies to promote economies and industries of opportunity for low and moderate income residents in "places of opportunity," including in transit-served job centers and in communities with high concentrations of unemployment and poverty.
- Review the King County Local Food Economy Initiative recommendations for policy implications and incorporate into policies as appropriate.
- Assess current fragmented economic development activities across the county and update policies to improve regional coordination and achieve agreed-upon results in job and wage growth and in economic diversity.

Chapter Ten – Community Plans

The 2016 updates to Community Plans will enhance the applicability of the community plan policies by focusing on specific community issues and eliminating those policies that relate to areas that have annexed to cities.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Update policies to remove site specific references to areas that have been annexed to cities.
- Review policies for broader applicability and consider incorporating into other chapters of the Comprehensive plan rather than being site specific.

Chapter Eleven – Implementation, Amendments and Evaluation

The 2016 update to the Implementation, Amendments and Evaluation chapter will strengthen the link between the KCCP and the King County Strategic Plan through a set of metrics that will be based on measurable goal statements to be added to each chapter.

- Update and strengthen policies to provide increased attention to areas with low income communities and people of color to address inequities and disparities.
- Review and update metrics to monitor the progress of the KCCP toward achieving the Regional Growth Strategy.
- Consider adding metrics to monitor the performance of the KCCP in meeting the goals of the Growth Management Act.[2]
- Work with the State Department of Commerce and, as necessary, the Growth Management Planning Council (GMPC) on possible changes to Buildable Lands Reports, including establishing measurable targets for each type of residential housing (e.g. single family, multifamily, and affordable housing).
- Work with the State Department of Commerce and, as necessary, the GMPC to ensure accuracy of Buildable Lands Reports by considering all factors that may prevent achieving growth targets.

[2] RCW 36.70A.020

Glossary

- Update rural areas definitions (e.g. rural area, rural land, rural zoning, and rural cities).

Area Zoning and Land Use Proposals

- **West Hill** (Motion 14221): Incorporate the updated subarea plan (expected to be completed by June 30, 2015), which should include zoning and regulations that: address the historic wide gaps in equity of infrastructure investments and services; facilitate the revitalization of its neighborhoods, local economy, and quality of life of its residents; and have included outreach with the local community in their development.
- **Fairwood** (Motion 14276): Review land use designations and implementing zoning on parcels 3423059035, 3423059061, 3423059031, and 3423059034 and the surrounding area.
- **Federal Way** (Motion 14276): Review land use designations and implementing zoning on parcel 2821049171 and the surrounding area.
- **Allison Docket request:** Review land use designation and implementing zoning on parcel 3224079134 and the surrounding area, and consider whether to remove Special District Overlay.
- **Timmerman Docket request:** Review land use designation and implementing zoning on parcel 2625069041 and the surrounding area, and consider whether to change designation and/or zoning, pending the outcome of a review by the City of Sammamish in their 2015 Comprehensive Plan update.
- **Snoqualmie Interchange:** Review land use designations and implementing zoning on the north side of I-90 and SR-18 interchange, and consider whether to convert land from rural to urban. Consider whether any conversion from rural to urban should be done in conjunction with a dedication of lands as open space and/or farmland, on terms and conditions equal to or better than the County's four-to-one program.
- **Duthie Hill:** Review land use designations and implementing zoning within the Duthie Hill Notch in unincorporated Sammamish and the surrounding area, and consider whether to convert land from rural to urban.
- **Fall City:** Review and update the Fall City Subarea Plan including: review land use designations and implementing zoning on parcels 0943100020, 2475900865, and 1524079003 and the surrounding area, and consider including the parcels in the Fall City Business District and the Special District Overlay; and update policies to facilitate increased assistance from King County, as the local government provider, in the formation and management of a local alternative wastewater system.
- **Snoqualmie Pass:** Initiate a subarea plan for Snoqualmie Pass rural town and ski area. The subarea plan should developed in collaboration with Kittitas County and should evaluate and address the current and future housing and economic development needs of this growing community.
- **Vashon:** Initiate an update to the Vashon Town Plan, and incorporate the updated subarea plan into the Comprehensive Plan. The updated subarea plan should include zoning and regulations that: address community and business needs, improve economic

vitality and quality of life of its residents, and have included the outreach with the local community in their development.

- **Highline:** Initiate an update to the Highline Community Plan, and incorporate the updated subarea plan into the Comprehensive Plan. The updated subarea plan should include zoning and regulations that: address the historic wide gaps in equity of infrastructure investments and services; facilitate the revitalization of its neighborhoods, local economy, and quality of life of its residents; and have included outreach with the local community in their development.
- **Carnation:** Review land use designations and implementing zoning on parcels 1525079049, 1525079005, and 1525079010 and the surrounding area, and consider whether to convert the parcels from rural to urban. The proposal should be evaluated in conjunction with dedication of lands as open space and/or farmland preservation that is four times the acreage of the land added to the Urban Growth Area.
- **North Bend:** Review land use designations and implementing zoning on parcels 2223089049, 2223089019, 2223089002, 2223089026, 2223089055, 1523089018, 1523089147, 1523089039, 1523089132, 1523089194, 1523089170, 1523089019, 1523089124, and 1523089133 and the surrounding area, and consider whether to convert the parcels from rural to urban. The proposal should be evaluated in conjunction with dedication of lands as open space that is four times the acreage of the land added to the Urban Growth Area.
- **Cedar Hills/Maple Valley:** Initiate a subarea plan for the "Cedar Hills/Maple Valley" area. Review land use designations and implementing zoning on parcels 2823069009, 2923069019, 2923069080, 2923069082, 2923069083, 2923069084, 3223069001, 3223069003, 3223069068, 3323069027, 3323069030, and 3323069042 and the surrounding area, which has long-standing industrial and resource material processing uses. Study and make recommendations on the potential long-term land uses for this area, including coordination with the County's planning on future closure of the adjacent Cedar Hills landfill. Include evaluation of options for land uses other than mining, including residential uses, non-residential uses, and whether a four-to-one proposal is appropriate for this area.
- **Maple Valley Industrial:** Review land use designations and implementing zoning on parcels 1622069091, 1522069034, and 1522069036 and the surrounding area, and consider whether to change designation and/or zoning, including whether to revise or eliminate the development conditions placed by Ordinance 12824 in 1997.
- **Fairwood**: Review land use designations and implementing zoning on parcels 2473300010, 2473300020, 2473300030, 2473300040, 2473300070, 2473300080, 2473300090, 2473300100, 2473300110, 2473300120, and 5479300000, and the surrounding area, and consider whether to change the designation and/or zoning. Consider the current uses, potential for redevelopment, consistency between the comprehensive plan designation and the zoning classification. Consider including incentives to encourage redevelopment of these parcels, such as only allowing realization of any new zoning when the parcels are redeveloped.

Identify any changes to generally applicable policies and codes that would be necessary to adopt any proposed UGA change.

Technical Appendices

- Update technical appendices as needed.

Development Code

- Consider code amendments and comprehensive plan policies for agriculture supportive and dependent uses to support viable and sustainable agricultural production districts.
- Consider code flexibility for alternative temporary lodging, such as treehouses and structures associated with re-creations of historic communities.
- Consider code flexibility for alternative housing models, such as micro housing.
- Consider code changes to regarding ingress/egress for new plat proposals, including space needed for traffic queuing.
- Update and consolidate code sections related to agriculture lands, including KCC 20.54, while still maintaining and/or memorializing relevant policy statements and findings.
- Evaluate and consider code changes to expand use of and/or timelines for extensions of plat approvals.

[Blank Page]

2016 King County Comprehensive Plan
Public Outreach Plan and SEPA Analysis

In accordance with King County Code 20.18.060(A.1)

I. Public Outreach Plan

King County Regional Planning staff, along with staff from the Executive Departments, will conduct a two-phased approach to public outreach for the 2016 King County Comprehensive Plan. The first phase will take place during the spring and summer to get input into the issues to be addressed in the update. King County staff will have information on the update process at the Community Service Area open houses during the period April through June. The 2nd phase will take place in the fall and early winter once the Public Review Draft has been released. Throughout the entire process, the 2016 King County Comprehensive Plan website will be updated and the email address for comments will be monitored. The following community and stakeholder groups will be notified of the update process and will receive an invitation for Regional Planning staff to meet with communities and organizations to gather feedback.

A. Community Councils
- Four Creeks Unincorporated Area Council (UAC)
- Greater Maple Valley Area Council
- North Highline UAC
- Upper Bear Creek Community Council
- Vashon-Murray Island Community Council
- West Hill Community Association
- White Center Community Development Association
- Skyway Solutions
- Fall City Community Association
- Green Valley Lake Holm Association

B. King County Commissions and Advisory Committees
- Agriculture Commission
- Rural Forestry Commission
- Historic Preservation Commission
- Transportation Concurrency Expert Review Panel

C. Stakeholder Groups *(partial list)*
- Master Builders Association of King and Snohomish Counties
- Seattle-King County Realtors
- Futurewise
- Housing Development Consortium
- Puget Sound Sage
- Transportation Choices Collation
- Sound Cities Association
- King Conservation District

- Seattle Tilth
- Tulalip Tribe
- Snoqualmie Tribe
- Muckleshoot Tribe
- Forterra
- Mountains to Sound Greenway
- Stewardship Partners
- Audubon Society
- Wild Fish Conservancy
- Partnership for Rural King County
- King County Flood District
- El centro de la raza
- Eastside Community Network
- Hopelink
- Cascade Bicycle Club
- School Districts
- Port of Seattle
- Healthy King County Coalition
- Got Green

Outreach activities will include particular attention to low income and traditionally disadvantaged groups and communities, including engagement with community-based groups and offering interpretation services and translation of materials. Outreach efforts will include Regional Planning staff:

- being on hand to attend community meetings,
- inquiring into the best ways communities would like to be engaged, and
- requesting names of additional organizations and communities that should be included in the outreach process.

II. SEPA Analysis

SEPA analysis for the 2016 King County Comprehensive Plan amendment will commence with the release of the public review draft in the fall, 2015 and continue through review by the King County Council committee. SEPA will be concluded in advance of action by the full King County Council, expected in the fall of 2016.

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
2012 DOCKET					
A	2012 - 1	Emma Amiad	8	Change zoning from urban residential R-12-P to Neighborhood Business (NB) for parcel 2923039133 within the Town of Vashon.	Directed resident to Hearing Examiner rezone process.
B	2012 - 2	Lawrence Costich	2	Remove two parcels (1223049068 and 1223049178) from West Hill Special District Overlay (SDO).	Will initiate a subarea plan to review the overall West Hill SDO.
C	2012 - 3	Joel Timmerman	3	Change land use designation of parcel 2625069041 near Sammamish from Urban Residential, Low Density (one home per acre) to Urban Residential, Medium Density (four to twelve homes per acre). Also remove ES-P20 development condition, which requires lot clustering with at least 50% of the site to remain in permanent open space.	Property is in City of Sammamish Potential Annexation Area (PAA). Encouraged applicant to work with the city on annexation and future land use and zoning designation.
D	2012 - 4	Dennis and Deborah Dobrowolski	9	Remove SDO 180 from parcel 3623059013 near Lake Desire.	Do not support.

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
2013 DOCKET					
E	2013 - 1	Lawrence Costich	2	Remove two parcels (1223049068 and 1223049178) from West Hill SDO.	Support. Recommend removal of the SDO and replace with two "P" (property specific) conditions.
F	2013 - 2	M. Jamie Durkan	9	Modify Urban Growth Area (UGA) using Four-to-One program for parcel 1531000010 near Black Diamond.	Support. (Now complete)
2014 DOCKET					
G	2014 – 1	Robert Allison	3	Remove SDO from parcel 3224079134 near Preston.	Will initiate a review of the SDO for possible consideration in 2016 Comp Plan update.
H	2014 - 2	Loren Meyer	3	Rezone parcel 2225069006 near Sammamish from rural residential RA-5 (one home per five acres) to urban residential R-4 to 12 (four to twelve homes per acre).	Do not support.
I	2014 - 3	Joel Timmerman	3	Rezone parcel 2625069041 near Sammamish from urban residential R-1 (one home per acre) to urban residential R-4 (four homes per acre).	Property is in City of Sammamish PAA. The City will be evaluating the change in their 2015 Comp Plan update. Recommend adopting the outcome of the City's analysis and zoning (if any changes) in 2016 KC Comp Plan update.

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
J	2014 - 4	Thomas Carpenter	All	Postpone proposed KC Department of Transportation concurrency changes (modifying Level of Service/LOS standards for urban unincorporated areas, and removing urban unincorporated areas adjacent to incorporated areas from travel sheds) until 2016 update, when substantive policy changes are allowed to be considered.	Will review proposed concurrency changes, and will reintroduce (if necessary) any substantive policy amendments in 2016.
2015 DOCKET **Executive's Recommendations on the 2015 Docket will be transmitted in December 2015**					
K	2015 - 1	Jerrold and Jill Hennes	7	Change the land use designation and zoning of Parcel 5515600040 near Federal Way from R-18 (18 homes per acre) to NB (Neighborhood Business).	TBD
L	2015 - 2	Palmer Coking Coal Company, LLC	9	Rezone twenty parcels totaling 321 acres generally west of the Enumclaw-Franklin Road (near 36300 SE Enumclaw-Franklin Road) near Black Diamond from RA-5 (one home per five acres) to M (Mineral).	TBD

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
M	2015 - 3	Charles H. and Rosaline O'Connor	8	Rezone parcel 5357200076 near Burien from R-6 (six homes per acre) to R-12 (twelve homes per acre).	TBD
N	2015 - 4	Skyway Solutions	2	Submitted Skyway-West Hill Action Plan for possible adoption.	TBD
O	2015 - 5	Peter H. Eberle	9	Reduce the UGA on the East Renton Plateau from the currently location to the Renton City Limits. Or, disallow small annexations until entire PAA chooses to annex.	TBD
P	2015 - 6	JCLP, LLC (Squak Mountain Materials)	9	Rezone parcels 0623069032 and 0623069079 near Issaquah from RA-5 (one home per five acres) to M (Mineral).	TBD
Q	2015 - 7	City of Snoqualmie	3	Include parcels north of the I-90/SR-18 interchange near Snoqualmie in the UGA and allow zoning for urban business, commercial, and retail. Make necessary amendments to the Countywide Planning Policies, King County Comprehensive Plan, and development regulations.	TBD

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
R	2015 - 8	Paul and Julie Brenna	3	Include the Duthie Hill Notch near Sammamish in the UGA.	TBD
S	2015 - 9	Mike Noelke	3	Rezone parcel 2425069014 near Ames Lake from RA-5 (one home per five acres) to RA-2.5 (one home per two and a half acres).	TBD
T	2015 - 10	Chandur and Wendy Wadhwani	3	Rezone parcel 2425069075 near Ames Lake from (one home per five acres) to RA-2.5 (one home per two and a half acres).	TBD
U	2015 - 11	Union Shares, LLC/Gordon Hoening	3	Include 15 rural parcels near Redmond into the UGA.	TBD
V	2015 - 12	Venlin Joseph Chan	3	Recognize 140th Pl NE near Woodinville as a continuation of SR 202 and a traffic corridor linking multiple cities. Improve road infrastructure and capacity to match its current and future traffic loads. Add a sidewalk on the east side of 140th Pl SE.	TBD

2012-2015 Docket Summary

	Docket #	Name of Requestor	Council District	Request	Executive's Recommendation
W	2015 - 13	John E. Evans	6	Include parcel 1026059030 near Woodinville in the UGA and remove it from the Sammamish Valley Agriculture Production District (APD).	TBD
X	2015 - 14	Craig B. Pierce	3	Rezone parcel 1126059020 near Woodinville from RA-2.5 (one home per two and a half acres) to R-1 (one home per acre).	TBD
Y	2015 - 15	Tom Carpenter	9	Eliminate Comp Plan policy T-224, which allows the purchase of Transfer of Development Rights (TDRs) to satisfy transportation Concurrency requirements.	TBD
Z	2015 - 16	Venlin Joseph Chan	9	Extend public sewer service into the rural unincorporated area adjacent to the UGA. (Policy change).	TBD

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	17	**Name:**	Greg Doss & Clifton Curry
Proposed No.:	2015-0379	**Date:**	December 1, 2015

SUBJECT

Proposed Motion 2015-0379 requiring that the Executive prepare a report evaluating the feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 for the enforcement of speed limits in school zones in unincorporated King County.

SUMMARY

This is the committee's second meeting considering Proposed Motion 2015-0379, which would require that the Executive examine the feasibility of using automated cameras to enforce speed limits in school zones in the unincorporated parts of the county. At the committee's November 3rd meeting, staff briefed members on road and pedestrian safety, the use of automated school zone speed enforcement cameras, and also described the proposed motion. At this meeting, staff received direction to incorporate changes to the motion recommended by the Department of Transportation, the agency which would lead the study effort. Staff have prepared an amendment that maintains the basic requirement for a report from the Executive that provides information on the feasibility of the potential use of school zone speed enforcement cameras, but restructures how the Executive will develop the report.

BACKGROUND

According to data developed by the King County Department of Transportation's Road Services Division, more than one million trips are taken on King County's unincorporated 1,500 mile road network each day. In addition to unincorporated residents, more than a quarter of a million other people use the same roads to commute to school and work, recreational activities, to move goods from farm to market, and as routes for freight and businesses.

Several county agencies have responsibilities for the safety of drivers and pedestrians using the county's unincorporated roads. The King County Department of Transportation's Road Services Division is responsible for the safety and maintenance of the county's roads; the King County Sheriff's Office is responsible for enforcement of traffic laws on these roads; the King County District Court is responsible for adjudicating and processing traffic enforcement citations; and, the Public Health-Seattle & King

County is responsible for monitoring safety and public health risks including those related to traffic safety on county roads.

The federal Centers for Disease Control and Prevention reports that in 2012, 4,743 pedestrians were killed in traffic crashes in the United States, and another 76,000 pedestrians were injured. According to the federal data, this averages to one crash-related pedestrian death every two hours, and a pedestrian injury every seven minutes. The federal government also reports that pedestrians are one and one-half times more likely than passenger vehicle occupants to be killed in a car crash on each trip. In 2012, more than one in every five children between the ages of five and fifteen who were killed in traffic crashes were pedestrians.[1]

The Public Health-Seattle & King County reports that traffic crashes are a significant source of injury burden in King County each year, noting that from 2008 to 2012, 424 people died in King County in motor vehicle-related crashes (average about 85 people per year) and an additional 3,182 people were seriously injured (about 636 people per year). The Public Health also reports that speeding is one of the main causes of traffic crashes. "Exceeding reasonable safe speed" was one of the leading contributing causes reported by law enforcement officers for all traffic collisions in Washington State in 2012, and accounted for 7,261 collisions in King County.[2]

The King County Department of Transportation reported in its 2013 Collision Data Report a total of 1,693 collisions on King County maintained roadways in the unincorporated area with total societal and economic costs of these collisions estimated at $71 million dollars. The County found that speeding was a primary contributing factor in 36 percent of all fatalities and 15 percent of all injuries.[3] Further, a recent summary study of speeding complaints from homeowners living on residential streets in unincorporated King County showed that the average speed was 35 to 45 percent higher than posted limits.[4]

In terms of speeding in school zones, a national survey found two-thirds of drivers exceed the posted speed limit in school zones during the 30-minute periods before and after classes, resulting in injury accidents and fatalities for school age youth.[5]

Automated School Zone Speed Cameras. Automated camera enforcement systems use a variety of systems to enforce speed limits. The system can be “fixed” using an in-ground sensing loop or radar coupled to automated cameras that digitally photograph vehicles and their license plates when these vehicles exceed a set limit (usually established by the jurisdiction implementing the cameras). Some vendors also have developed mobile sensors that allow the equipment to be moved from site to site. The

---

[1] Centers for Disease Control and Prevention. “Injury Prevention and Control: Motor Vehicle Safety Pedestrian Safety,” http://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html.
[2] Seattle/King County Department of Public Health. Traffic Safety http://www.kingcounty.gov/healthservices/health/injury/traffic.aspx.
[3] King County Department of Transportation, Road Services Division. “2013 Collision Data Report,” http://www.kingcounty.gov/~/media/depts/transportation/roads/traffic/2013KingCountyCollisionDataReport.ashx?la=en.
[4] King County Department of Transportation, Road Services Division, Traffic safety http://kingcounty.gov/depts/transportation/roads/traffic.aspx.
[5] Centers for Disease Control and Prevention. “School Health Guidelines to Prevent Unintentional Injuries and Violence,” December 7, 2001. http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5022a1.htm

Centers for Disease Control and Prevention[6] (CDC) and the National Highway Traffic Safety Administration[7] have identified automated speed enforcement cameras as an evidence-based best practice for reducing speed and speeding-related crashes, along with related property damage, injuries, and fatalities. The CDC notes in its summary of safety impact studies that automated speed cameras, including studies of camera systems in school zones, demonstrated "positive safety benefits" including significant reductions in injury crashes and property damage.

According to the National Committee on Uniform Traffic Laws and Ordinances, the objective of automated traffic law enforcement, such as automated school zone cameras, is reduced traffic crashes and improved adherence to traffic laws through the use of photographic and electronic technology as a supplement for traditional traffic law enforcement. According to the committee, this type of enforcement should be used at high crash sites, at other high-risk locations, or in situations where traffic law enforcement personnel cannot be utilized, either due to the pressing needs of other law enforcement activities or where inherent on-site problems make traditional law enforcement difficult. Further, the committee notes that automated traffic law enforcement is not intended to replace traditional law enforcement personnel nor to mitigate safety problems caused by deficient road design, construction or maintenance. Rather, it provides enforcement at times and locations when police manpower is unavailable or its use raises safety concerns.[8]

The Washington State Legislature enacted legislation in 2009 that created RCW 46.63.170, which allows local jurisdictions to use automated traffic safety cameras to detect school speed zone violations. The state statute makes these violations punishable as civil infractions where the local jurisdiction can establish a fine of up to $250, but are considered a non-moving violation and do not affect an individual's driving records or become part of a criminal record. The failure to pay a fine can, however, result in collection activity that would affect the person's ability to obtain credit.

While the City of Seattle is consistently recognized as one of the safest cities in the country, more than 10,000 traffic collisions occur there each year. In 2014, 3,449 injury collisions were reported to the Seattle Police Department. Fifteen people died in traffic crashes, including five who were walking or riding a bike. To address these safety issues, the city has created a policy effort entitled "Vision Zero," with the goal of eliminating traffic fatalities and serious injuries by 2030. The effort includes a variety of safety efforts including a significant expansion of the city's use of school zone safety camera zones to improve safety for students as they make their way to and from school.[9] In addition to Seattle, automated school zone speed enforcement systems are currently used in at least eight other King County cities, including Bellevue, Federal

---

[6] Centers for Disease Control and Prevention. Injury Prevention and Control: Motor Vehicle Safety "Intervention Fact Sheets: Automated Speed-Camera Enforcement," http://www.cdc.gov/motorvehiclesafety/calculator/factsheet/speed.html.

[7] National Highway Traffic Safety Administration, "Automated Enforcement: A Compendium of Worldwide Evaluation of Results," September 2007, www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/HS810763.pdf

[8] National Committee on Uniform Traffic Laws and Ordinances. "Automated Traffic Law Enforcement Model Law," http://www.ncutlo.org/autoenforce622.htm.

[9] City of Seattle "A Vision for Safer Streets," http://www.seattle.gov/visionzero.

Way, Des Moines, Issaquah, Kent, Lake Forest Park, and Renton, to improve school safety and generate revenue for safety or enforcement projects.

King County has more than 80 school sites in its unincorporated area. The Roads Services Division is responsible for ensuring the safety of students, other pedestrians, and drivers in these school zones. However, because of fiscal constraints, the Department of Transportation reports that the "division will not be able to respond to every request or concern that is raised. Conditions on the road system will worsen and resources must be focused on immediate critical safety needs."[10]

Revenues from citations in the school zones resulting from an automated camera program would, after program expenses are covered, go to the county's General Fund. The National Committee on Uniform Traffic Laws and Ordinances recommends dedicating infraction revenue from automated traffic law enforcement to road safety projects. If the county were to implement speed zone cameras, it appears that the Council could direct the use of excess citation revenues to school or other pedestrian safety projects.

ANALYSIS

This proposed motion would require that the Executive develop and submit to the council a report on the feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 in school zones in unincorporated King County.

The proposed motion would require that the report summarize the findings, options, and recommendations identified by a School Traffic Safety Work Group. This work group would include, but not be limited to, representatives of the following agencies and entities:

- The Executive's Office;
- The Department of Transportation;
- The Sheriff's Office;
- The District Court;
- The Department of Public Health;
- Representatives of school districts with school sites in unincorporated King County;
- The Washington state Department of Transportation (if it chooses to participate);
- Community representatives, including representatives from King County's Community Service Areas; and,
- Council staff.

In this version of the motion, the work group would be tasked with conducting data gathering and analysis, including reviewing the county's current data on traffic volumes, numbers of pedestrians, vehicle collisions, traffic violations, and other data related to traffic safety at or near school sites in unincorporated King County. In addition, the motion requires that the group identify best and promising practices in other jurisdictions

[10] King County Department of Transportation "Strategic Plan for Road Services, July 2014 Update." http://www.kingcounty.gov/~/media/transportation/kcdot/roads/SPRS/ExecSummarySPRSUpdateJuly2014.ashx?la=en

as models for the use of automated traffic cameras for county sites, to include identifying options for types of cameras, camera locations, and preferred camera operations (such as times of operation). Finally the group is required to review procurement options for the acquisition of automated traffic cameras and camera services, along with developing cost estimates based on best practices for the installation of automated traffic safety cameras and associated equipment.

Based on this information, the group is asked to report on the estimates on the county costs to operate an automated traffic safety camera system and developing estimates of the potential number of citations that might be issued and fine revenue generated.

The motion asks that, using this data, the Executive make recommendations for how best to implement a pilot or test program for evaluating the use of automated traffic safety cameras at selected school sites in the county. The motion does not require that the Executive develop legislation to either implement the pilot project, if one is proposed, or any other changes to county code that would be needed to implement the use of automated traffic camera enforcement. The decision to develop this legislation would be based on the Council review of the Executive's report and the working group's recommendations.

PROPOSED AMENDMENT

The Proposed Amendment was authored based on Department of Transportation input. It differs from the original motion in four ways. Each is discussed below:

1) **The Amendment requires that the report identify alternate traffic safety options for use in School Zones; including best engineering practices for traffic safety and alternative technical solutions for school zone safety and associated costs.**

   The Department has stated that it is interested in ensuring that engineering principles are applied to individual sites to determine the best safety responses. Transportation staff have indicated that parents often seek a "One Size Fits All" approach using technology to address problems when other solutions could be more appropriate. Staff have also indicated that without studying individual issues and sites, and installing technology regardless of warrants, the County may not achieve the measure of safety desired.

2) **The Amendment establishes a technical work group to support the efforts of the Traffic Safety Work Group**.

   The Department has suggested that Traffic Safety Workgroup (TSW) members will not have the capacity or technical knowledge necessary to gather or develop the data that is required under Section B1. Therefore, a technical committee comprised of road engineers and subject matter experts will perform the necessary leg work and brief the TSW as appropriate.

3) **The Amendment changes the report's due date from June 1 to Sept 30**.

The change in the report's due date may have a somewhat significant effect on the County's ability to implment a school zone camera pilot in the short term; should it be the desire of the Council to move forward with such a program. The experience of neighboring jurisdictions suggests that it may take up to a year before a camera system could become operational. This delay becomes significant if the Council cannot take up the required enacting legislation before January of 2017.

Once potential sites are identified, the granting of permits, identification of power sources and construction of point-to-point speed loops can take many months to complete. This work could not begin until the Council has adopted an ordinance authorizing the use of school zone cameras and radifying site selection choices through a specific legislative analysis.[11]

A September 30 transmittal due date will result in the report being transmitted during the Council's budget session, a time when the committees traditionally defer non-budget legislation to the until the end of the fiscal biennium. If this happens and the Council does not authorize the program until early 2017, it would be unlikely that the County could implment a pilot program before the first quarter of 2018 or the 2018-19 school year.

4) **The Amendment does not require that the report contain the Cost-Benefit provision that were specified in the original motion**.

The underlying motion calls for "an analysis of the estimated costs and benefits associated with implementing and utilizing automated traffic safety cameras." This approach would require the weighing of the total expected costs of available options against the total expected benefits, to see whether the benefits outweigh the costs, and by how much. In contrast, the proposed motion requires the Executive to gather only the costs of implementation. This does not provide the full range of analysis that is requested in the underlying motion.

INVITED:

- Brenda Bauer, Director, Road Services Division, Department of Transportation
- Rick Brater, County Road Engineer, Road Services Division, Department of Transportation

ATTACHMENTS:

1. Proposed Motion 2015-0379
2. Amendment 1.

[11] See requirements of RCW 46.63.170

KING COUNTY

Signature Report

November 30, 2015

Motion

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0379.1 **Sponsors** Dembowski

A MOTION requiring that the executive prepare a report evaluating the feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 for the enforcement of speed limits in school zones in unincorporated King County.

WHEREAS, more than one million trips are taken on King County's unincorporated one-thousand-five-hundred-mile road network each day. In addition to unincorporated residents, more than a quarter-million other people use the same roads to commute to school and work, recreational activities, to move goods from farm to market and as routes for freight and businesses, and

WHEREAS, several county agencies have responsibilities for the safety of drivers and pedestrians using the county's unincorporated roads. The King County department of transportation is responsible for the safety and maintenance of the county's roads, the King County sheriff's office is responsible for enforcement of traffic laws on these roads, the King County district court is responsible for adjudicating and processing traffic enforcement citations and the King County department of public health is responsible for monitoring safety and public health risks including those related to traffic safety, and

WHEREAS, the Centers for Disease Control and Prevention reports that in 2012, four thousand seven hundred forty-three pedestrians were killed in traffic crashes in the

United States, and another seventy-six thousand pedestrians were injured. According to the federal data, this averages to one crash-related pedestrian death every two hours and a pedestrian injury every seven minutes. The federal government also reports that pedestrians are one and one-half times more likely than passenger vehicle occupants to be killed in a car crash on each trip. In 2012, more than one in every five children between five and fifteen years old who were killed in traffic crashes were pedestrians, and

WHEREAS, the department of public health reports that traffic crashes are a significant source of injury burden in King County each year, noting that from 2008 to 2012, four hundred twenty-four people died in King County in a motor vehicle-related crashes, which is an average of about eighty-five people per year, and an additional three thousand one hundred eighty-two people were seriously injured, which is about six hundred thirty-six people per year, and

WHEREAS, the department of public health also reports that speeding is one of the main causes of traffic crashes. "Exceeding reasonable safe speed" was one of the leading contributing causes reported by law enforcement officers for all traffic collisions in Washington state in 2012, and accounted for seven thousand two hundred sixty-one collisions in King County, and

WHEREAS, the department of transportation reported in its 2013 Collision Data Report a total of one thousand six hundred ninety-three collisions on King County maintained roadways in the unincorporated area with total societal and economic costs of these collisions estimated at seventy-one million dollars. The county found that speeding was a primary contributing factor in thirty-six percent of all fatalities and fifteen percent of all injuries, and

WHEREAS, a recent summary study of speeding complaints from homeowners living on residential streets in unincorporated King County showed that the average speed was thirty-five to forty-five percent higher than posted limits, and

WHEREAS, speeding is a deadly and costly problem in school zones. A national survey found two-thirds of drivers exceed the posted speed limit in school zones during the thirty-minute periods before and after classes resulting in injury accidents and fatalities for school age youth, and

WHEREAS, the Centers for Disease Control and Prevention and the National Traffic Safety Institute have identified automated speed enforcement cameras as an evidence-based best practice for reducing speed and speeding-related crashes, along with related property damage, injuries and fatalities, and

WHEREAS, the Washington state Legislature enacted legislation in 2009 that created RCW 46.63.170, which allows local jurisdictions to use automated traffic safety cameras to detect school speed zone violations, and

WHEREAS, state statute makes these violations punishable as civil infractions subject to a fine of up to two hundred fifty dollars, but they are considered nonmoving violations and do not affect an individual's driving record or become part of a criminal record, and

WHEREAS, King County has eighty-two schools in its unincorporated area with significant numbers of school-age children, and

WHEREAS, school zone speed safety cameras can provide a constant enforcement presence that changes driver behavior for improved community road safety and are currently used in nine King County cities, including Bellevue, Federal Way, Des

Moines, Issaquah, Kent, Lake Forest Park, Renton and Seattle, to improve school safety, and

WHEREAS, while Seattle is consistently recognized as one of the safest cities in the country, more than ten thousand traffic collisions occur each year. In 2014, three thousand four hundred forty-nine injury collisions were reported to the Seattle Police Department. Fifteen people died in traffic crashes, including five who were walking or riding a bike. To address these safety issues, the city has created a policy effort entitled "Vision Zero," with the goal of eliminating traffic fatalities and serious injuries by 2030. The effort includes a variety of safety efforts including a significant expansion of the city's use of school zone safety camera zones to improve safety for students as they make their way to and from school, and

WHEREAS, the National Committee on Uniform Traffic Laws and Ordinances recommends dedicating infraction revenue from automated traffic law enforcement to road safety projects;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The executive shall develop and submit to the council for review and acceptance, a report on feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 in school zones in unincorporated King County. The report should summarize the recommendations, findings and options identified by a school traffic safety work group.

B. The executive is requested establish a school traffic safety work group to include, but not be limited to, representatives of the following agencies and entities:

1. The executive's office;

2. The department of transportation;

3. The sheriff's office;

4. The district court;

5. The department of public health;

6. Representatives of school districts with school sites in unincorporated King County, if they choose to participate;

7. The Washington state Department of Transportation, if it chooses to participate;

8. Community representatives, including representatives from King County's Community Service Areas; and

9. Council staff.

C.1. The work group shall conduct data gathering and analysis to develop recommendations and options to be summarized in the report required in subsection A. of this motion, including:

a. reviewing the county's current data on traffic volumes, numbers of pedestrians, vehicle collisions, traffic violations and other data related to traffic safety at or near school sites in unincorporated King County;

b. gathering and identifying best and promising practices in other jurisdictions as models for the use of automated traffic cameras for county sites, to include identifying options for types of cameras, including fixed loop or mobile cameras, options for locating cameras, the preferred times for camera operations and potential vendors of camera services;

c. reviewing procurement options for the acquisition of automated traffic cameras and camera services;

d. developing cost estimates based on best practices for the installation of automated traffic safety cameras and associated equipment;

e. developing estimates of the potential number of citations that might be issued and fine revenue generated;

f. developing estimates on the county costs to operate an automated traffic safety camera system, to include the costs of: camera equipment installation; camera vendor operations; sheriff deputy citation review; district court processing, collections and appeals hearings; and data collection; and

g. developing recommendations for whether or not a pilot or test program should first be implemented, and if so, how best to implement a pilot or test program for evaluating the use of automated traffic safety cameras at selected school sites in the county.

2. The group may choose to work with school zone camera vendors in the development of the required data and recommendations.

C. The executive is requested to develop and transmit to the council as part of its report on the feasibility of utilizing automated traffic safety cameras an analysis of the estimated costs and benefits associated with implementing and utilizing automated traffic safety cameras and a work plan for implementing the pilot camera project as described in subsection A. of this motion.

D. The executive should file the report by June 1, 2016, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original

and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the the transportation, economy, and environment committee and the law, justice and emergency management committee, or their successors.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

[Blank Page]

11/4/15 draft

1

11/4/15

Sponsor: Rod Dembowski

Cjc/gd

Proposed No.: 2015-0379

AMENDMENT TO PROPOSED MOTION 2015-0379, VERSION 1

On page 4, beginning on line 80, strike lines 80 through 137, and insert:

"NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The executive shall develop and submit to the council for review and acceptance, a report on feasibility of utilizing automated traffic safety cameras as authorized by RCW 46.63.170 in school zones in unincorporated King County. The report should summarize the recommendations, findings and options for the use of automated traffic safety cameras on a pilot basis at certain school sites in unincorporated King County. The executive shall complete a technical report as required in section B. of this motion. The completed technical report shall be reviewed by a school traffic safety work group as required in section C. of this motion. A combined technical report with the school traffic safety work group recommendations shall be transmitted to the council as required in section E. of this motion.

B. The technical report shall, where available, include information on:

1. The county's current data on traffic volumes, numbers of pedestrians, vehicle collisions, traffic violations and other data related to traffic safety at or near school sites in unincorporated King County;

2. Practices in relevant sample jurisdictions that have experience utilizing automated traffic cameras;

3. Options for types of cameras, including fixed loop or mobile cameras, options for locating cameras, the preferred times for camera operations and potential vendors of camera services;

4. Procurement options for the acquisition of automated traffic cameras and camera services;

5. Cost estimates based on best practices for the installation of automated traffic safety cameras and associated equipment;

6. Estimates of the potential number of citations that might be issued and fine revenue generated;

7. Estimates on the county costs to operate an automated traffic safety camera system, to include the costs of: camera equipment installation; camera vendor operations; sheriff deputy citation review; district court processing, collections and appeals hearings; and data collection;

8. Recommendations for whether or not a pilot or test program should first be implemented, and if so, how best to implement a pilot or test program for evaluating the use of automated traffic safety cameras at selected school sites in the county; and

9. A review of best engineering practices for traffic safety in school zones and alternative technical solutions for school zone safety and associated costs.

C. The executive shall establish a school traffic safety work group to include, but not be limited to, representatives of the following agencies and entities:

1. The executive's office;

2. The department of transportation;

3. The sheriff's office;

4. The district court;

5. The department of public health;

6. Representatives of school districts with school sites in unincorporated King County, if they choose to participate;

7. The Washington state Department of Transportation, if it chooses to participate;

8. Community representatives, including representatives from King County's Community Service Areas; and

9. Council staff.

D. The school traffic safety work group shall review the technical report and evaluate the proposed recommendations and options with the goal of providing policy recommendations to the executive.

E. The executive shall should file a final report containing the technical report and materials containing the options and recommendations of the school traffic safety work group by September 30, 2016, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee and the law, justice and emergency management committee, or their successors."

EFFECT: The Amendment incorporates the suggestions of Department of Transportation staff.

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	18	**Name:**	Erin Auzins
Proposed No.:	2015-0503	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0503 authorizes the executive to enter into an interlocal agreement between King County and the King County Flood Control District, for the county to provide services to the District's operations and capital program.

BACKGROUND

In April 2007, the King County Flood Control District was created to provide a comprehensive and countywide approach to flood protection. The District is authorized to adopt a property tax levy in order to implement an adopted annual budget with both capital projects and work programs for enhanced flood protection.

The District has no employees to implement its work program, and has relied on an interlocal agreement with King County[1] for the experience and expertise to implement the District's work programs. The Water and Land Resources Division of the Department of Natural Resources and Parks completes this work for the District under a full-cost recovery agreement.

ANALYSIS

The agreement continues to be worked on by the District and WLRD. The final agreement is anticipated to be ready by the December 7, 2015, full Council meeting.

ATTACHMENTS

1. Proposed Ordinance 2015-0503 (no attachment)

INVITED

- Kjristine Lund, Executive Director, King County Flood Control Zone District
- Mark Isaacson, Division Director, WLRD

[1] The current interlocal agreement was approved with Ordinance 16341, and has been amended 7 times.

[Blank Page]

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Ordinance

Proposed No. 2015-0503.1 **Sponsors** Dunn

AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the King County flood control zone district to provide service to the district.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. In 2007, the King County flood control zone district was formed to provide a comprehensive regional approach to flood protection in King County.

B. The district desires to carry out its mission to provide flood protection projects and services throughout the county as efficiently and effectively as possible.

C. The county has a long history of implementing flood protection projects and services in King County.

D. The county, through its department of natural resources and parks, provides a full range of flood protection projects and services, as well as related services, such as public outreach and public information, budget preparation, legislative support, project management and other support services.

E. The county's flood protection projects, services and activities have earned the highest Federal Emergency Management Agency flood protection rating of any county in the country, saving businesses and residents hundreds of thousands of dollars annually on flood insurance premiums.

F. The district has the financial resources to provide significantly enhanced flood protection projects and services for the benefit of the citizens of the county.

G. The county and the district, although separate legal entities, share the common goal of helping to protect the citizens of the county from the ravages of flooding.

H. The current interlocal agreement between the district and the county, which became effective on January 1, 2009, has been amended seven times and recently was extended to December 31, 2015.

I. The district and the county desire to continue the provision of flood protection projects and services by the county to the district.

SECTION 2. The county executive is hereby authorized to execute an interlocal

agreement, substantially in the form of Attachment A to this ordinance, with the King County flood control zone district for the provision of services.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: None

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	19	**Name:**	Erin Auzins
Proposed No.:	2015-0475	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0475 would revise the legal description for a previously approved annexation of a 0.29 acre parcel into King County Fire District 27.

SUMMARY

Council adopted Ordinance 18042 in May 2015, which approved the annexation of approximately 0.29 acres of land into fire district 27. After the Council approved the annexation, the Department of Assessments determined that the legal description was incorrect. The Fire District filed a new Notice of Intention with the Boundary Review Board in October 2015, with a revised legal description.

Amendment 1 would attach the correct legal description to the Ordinance.

BACKGROUND

Fire District 27 provides fire suppression and emergency services to the Fall City area, within Council District 3. Sometime in 2009, the Fire District determined that a single-family residential parcel owned by the Harkleroad's was located outside of the District boundaries and informed the Harkleroad's that if there was a service call, the District would respond to the emergency, but that they as the property owners could be billed for services.

When the Harkleroad's insurance company determined that their property was outside of the District's boundaries, the company increased their insurance premiums substantially. This led to the Harkleroad's petitioning to annex into the Fire District.

Council previously approved the annexation as part of Ordinance 18042. Council adopted a revised legal description for the annexation with Ordinance 18065. After these ordinance were adopted, the Department of Assessments determined that the revised legal description was incorrect. Because the annexation process was already complete, the District had to file a new Notice of Intention with the Boundary Review Board, which they did in October 2015.

ANALYSIS

For the annexation to be in effect, the legal description for the annexation area must be correct.

AMENDMENTS

Amendment 1 would attach the correct legal description to the ordinance, and add sections to the ordinance that are required by the state statute[1] regarding suitability of the district to serve the property, assumption of district indebtedness, and lack of approval or disapproval of other requirements for service.

ATTACHMENTS

1. Proposed Ordinance 2015-0475 with attachments
2. Amendment 1, with attachment

[1] Chapter 52.04 RCW regulates annexations by Fire Protection Districts.

KING COUNTY

ATTACHMENT 1

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

November 30, 2015

Ordinance

Proposed No. 2015-0475.1 **Sponsors** Lambert

AN ORDINANCE revising the legal description of the annexation of approximately 0.29 acres of land into fire district 27, known as Harkleroad Annexation, for the purpose of providing fire suppression and emergency medical services; and repealing Ordinance 18042, Section 1, as amended, Ordinance 18042, Section 2, Ordinance 18042, Section 3, and Ordinance 18042, Section 4.

STATEMENT OF FACTS:

1. Ordinance 18042, which approved the annexation of approximately 0.29 acres of land into fire district 27, was adopted by the council on May 18, 2015, and approved by the executive on May 27, 2015.

2. Because the legal description contained in Ordinance 18042 was later deemed incorrect, Ordinance 18065, with a revised legal description, was adopted by the council on June 15, 2015, and approved by the executive on June 25, 2015.

3. After Ordinance 18065 was enacted it was determined that the revised legal description of the annexation area was also incorrect.

4. On October 21, 2015, a Notice of Intention was filed with the Washington state Boundary Review Board for King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The annexation of approximately 0.29 acres of land into fire district 27, known as Harkleroad Annexation, for the purpose of providing

fire suppression and emergency medical services described in Attachment A to this ordinance is approved. Approval of this proposed annexation is consistent with chapter 52.04 RCW.

SECTION 2. The following are each hereby repealed:

A. Ordinance 18042, Section 1, as amended;

B. Ordinance 18042, Section 2;

C. Ordinance 18042, Section 3; and

D. Ordinance 18042, Section 4.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Legal Description

[Blank Page]

ATTACHMENT A

RECEIVED

OCT 21 2015

WA State Boundary Review Board For King Co.

KING COUNTY FIRE PROTECTION DISTRICT NO. 27

ANNEXATION PETITION

EXHIBIT A

LEGAL DESCRIPTION OF ANNEXATION AREA

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER LYING SOUTHWEST AND NORTHWEST OF THE WEST MARGIN OF 356TH DRIVE SOUTHEAST (FORMERLY KNOWN AS LAKE MARIE ROAD), IN SECTION 13, TOWNSHIP 24 NORTH, RANGE 7 EAST, W.M., IN KING COUNTY, WASHINGTON.

[Blank Page]

1

12/1/15

Sponsor: Lambert

ea

Proposed No.: 2015-0475

AMENDMENT TO PROPOSED ORDINANCE 2015-0475, VERSION 1

On page 2, beginning on line 25, strike everything through page 3, line 29, and insert:

"SECTION 2. Fire district 27 is the appropriate entity to serve the area proposed to be annexed.

SECTION 3. The county council finds that the property owners of the annexation area are obligated to assume responsibility for any preexisting finances or indebtedness of the district.

SECTION 4. Completion of this annexation does not constitute county approval or disapproval of any other permits, certifications or actions necessary to provide service to this annexation area.

SECTION 5. The following are each hereby repealed:

A. Ordinance 18042, Section 1, as amended;

B. Ordinance 18042, Section 2;

C. Ordinance 18042, Section 3; and

D. Ordinance 18042, Section 4."

Delete Attachment A. Legal Description, and insert Attachment A. Legal Description updated December 1, 2015

EFFECT: Includes statutory-required information for fire district annexations, and attaches the correct legal description to the ordinance.

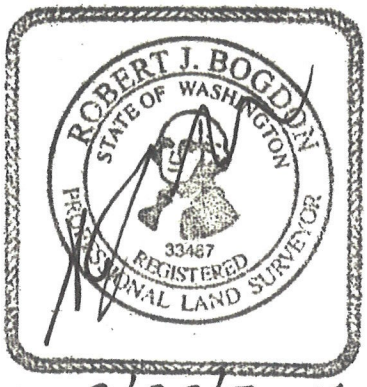
Attachment A
Updated December 21, 2015

EASTSIDE CONSULTANTS, INC. ENGINEERS-SURVEYORS
www.eastsideconsultants.com

RECEIVED
OCT 21 2015
WA State Boundary Review Board For King Co.

EXHIBIT 5A
LEGAL DESCRIPTION OF ANNEXATION AREA

That portion of the west half of the northwest quarter of the northwest quarter lying southwest and northwest of the west margin of 356th Drive Southeast (formerly known as Lake Marie Road), in Section 13, Township 24N, Range 7E, W.M.; Situate in County of King, State of Washington and lying adjacent to Lot 7, in the Plat of Rutherford Estates as recorded in Plat Volume 164, pages 41-42.



9/29/2015

1320 N.W. MALL STREET, SUITE B, ISSAQUAH, WASHINGTON 98027 PHONE: (425) 392-5351 FAX: (425) 392-4676

[Blank Page]

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	20	**Name:**	Mary Bourguignon
Proposed No.:	2015-0432	**Date:**	December 1, 2015

SUBJECT

Proposed Ordinance 2015-0432 would authorize the Executive to amend a 2007 interlocal agreement (ILA) that implemented a Transfer of Development Rights (TDR) program between King County and the City of Issaquah.

SUMMARY

In 2007, the Council approved Ordinance 15693, which allowed the Executive to enter into a seven-year ILA (see Attachment 3) between King County and the City of Issaquah. The ILA committed $200,000 in funding from the Conservation Futures Tax (CFT) fund to allow the City to purchase and preserve privately-owned open space in the Issaquah Creek Basin and then to use up to 75 development rights (Rural TDRs) from that open space to increase residential and commercial density within the city.

Since the ILA was signed, King County has helped to protect 387 acres of rural land in the Issaquah Creek Basin by purchasing 70 Rural TDRs, but only one TDR has been transferred to the City. For its part, the City has completed a rezone plan for the Central Issaquah Plan area, which allows the use of Rural TDRs as a density incentive, with the expectation of accommodating 7,000 new housing units and 19,000 new jobs by 2031.[1]

In 2014, in recognition of the work that was underway, the County and City agreed to extend the ILA for another five years, until 2019. (See Attachment 4)

The proposed amendment to the ILA would allow Issaquah to purchase and use Rural TDRs from both the Issaquah Creek Basin and portions of Squak Mountain, and would increase the number of Rural TDRs to be used from 75 to 125. It would also extend the term of the ILA until Issaquah has used all 125 Rural TDRs, rather than setting a specific expiration date.

Striking Amendment S1 would correct a typographical error in the proposed ordinance and add a reference to the 2014 ILA extension in the ordinance's Statement of Facts.

[1] The Central Issaquah Plan area has been designated a Regional Growth Center by the Puget Sound Regional Council.

BACKGROUND

Transfer of Development Rights Program. The King County Transfer of Development Rights (TDR) program is a voluntary land use program that provides financial incentives for landowners to sell development rights in exchange for a permanent conservation easement. The program was designed to preserve land in the rural area and direct growth into the urban area. TDRs are sold by owners of rural and resource lands ("sending" sites) and purchased by owners of land in urban areas ("receiving" sites), who are able to use the TDRs to gain additional density on their property.

The TDR program, which has been recognized both regionally and nationally, has preserved more than 140,000 acres to date. It is regulated by KCC 21A.37.

City/County 2007 TDR Agreement. During the early 2000s, County TDR program staff worked with Issaquah staff to develop a new TDR program for the city. As part of this new program, the Issaquah City Council amended the Issaquah Land Use Code to:

- Establish new base and maximum densities for residential and commercial "receiving" sites,[2] and
- Provide increased building heights and other incentives for higher density development.

The resulting interlocal agreement (ILA)[3] for the new TDR program between the City and County was finalized in 2007 and had a seven-year term, until July 1, 2014. (See Attachment 3)

Under the terms of the ILA, the city of Issaquah agreed to accept 75 development rights (Rural TDRs) from the adjacent rural watershed of the Issaquah Creek Basin.

In exchange, the County pledged to grant $200,000 in Conservation Futures Tax (CFT) funds to the City to purchase property in the Issaquah Creek Basin. These funds were originally appropriated in the adopted 2005 County budget[4] and had been recommended by the CFT Citizens Oversight Committee. The intention at the time was to bundle the CFT funds with other City and grant funding to acquire 2.4 acres of in-city open space on Issaquah Creek located within the city limits.

In addition, the approved ILA included the following provisions:

- **Priority Sites:** "Sending" sites[2] within the Issaquah Creek Watershed Basin would be priority sites for purchase of development rights by the County's TDR bank.

---

[2] TDR receiving sites are located in urban areas or where additional density is permitted. Under a TDR program, the purchased development rights are used to gain additional density at a receiving site. TDR sending sites are located in rural or resource areas, and are sold in return for the granting of a conservation easement on the property.

[3] The City approved the ILA and new TDR development regulations in the Issaquah Land Use Code via City Ordinance 2324. The County approved the ILA via Ordinance 15693.

[4] Ordinance 15083, CIP 315177 (Suburban City TDR Incentive Open Space Acquisition Project)

- **Notification:** The City agreed to develop a process to notify the County when it has accepted the use of Rural TDRs in a specific project within the city.

- **Funding of Future Amenities:** In addition to the $200,000 in CFT funds, the County agreed to determine if any future amenity funds would be appropriate. Such future amenity funding:

  - Was not to exceed the amount of Rural TDRs purchased from the King County TDR Bank or private parties to be used inside the city,
  - Was to be consistent with County revenue statutory restrictions and based on a written scope of work, budget, and schedule provided by the City, and
  - Was to be expended within five years of the receipt of the funds by the City or returned to the County with interest.

- **Evaluation and Monitoring:** The County and City agreed to periodically publish a joint report evaluating the progress of the program.

- **Duration of Agreement:** As noted above, the ILA was to last until July 1, 2014, unless terminated. The ILA provided for an extension of up to five years if the parties agreed in writing prior to July 1, 2014.

Action since 2007. Since the ILA was signed, King County has helped to protect 387 acres of rural land in the Issaquah Creek Basin by purchasing 70 Rural TDRs. However, the City has only accepted one TDR for use within the city.

During this time, however, the City has conducted a planning process for an 1,100-acre area it has designated as the Central Issaquah Plan area. As the adopted Central Issaquah Plan notes, "The goal of the Central Issaquah Plan is to guide the evolution of Central Issaquah from a collection of strip malls and office buildings into a more livable, sustainable and balanced mixed use urban area serving everyday essentials to residents, employees and visitors."[5]

Earlier this year, the Puget Sound Regional Council designated the Central Issaquah Plan Area a Regional Growth Center.[6]

The rezoning included in the Plan is anticipated to accommodate 7,000 new housing units and 19,000 new jobs in the Central Issaquah area by 2031. The Plan includes the use of Rural TDRs as a density incentive, with the expectation of.

In June 2014, in recognition of the fact that the Central Issaquah Plan would provide Issaquah with a mechanism to accept the Rural TDRs contemplated in the 2007 ILA, the City and County agreed in writing to extend the ILA for five years. (See Attachment 4)

---

[5] The Central Issaquah Plan was adopted on December 17, 2012, amended on October 19, 2015, and was effective beginning November 3, 2015, through City Ordinance 2746. (http://issaquahwa.gov/DocumentCenter/View/1139)

[6] http://blog.psrc.org/2015/06/issaquahs-urban-core-becomes-29th-regional-growth-center/

Proposed Amendment to ILA. Proposed Ordinance 2015-0432 would amend the ILA to reflect the development of the Central Issaquah Plan and to permit a greater number of Rural TDRs to be used in the Central Issaquah Plan area than originally called for in the 2007 ILA.

Proposed changes to the ILA include:

- Allowing sending sites to be located in portions of Squak Mountain, in addition to the Issaquah Creek Basin;

- Allowing Issaquah to use up to 125 Rural TDRs (rather than 75) at receiving sites in the city; and

- Extending the term of the ILA until Issaquah is able to use all 125 TDRs, rather than ending the ILA at a time certain.

ANALYSIS

The proposed amendment to the 2007 ILA is consistent with the original intention of the ILA and reflects the development of the Central Issaquah Plan during the time since the 2007 ILA was first signed. It would permit continued preservation of resource lands within Issaquah, while providing for the use of Rural TDRs to increase density within the center of Issaquah, consistent with the provisions made in the Central Issaquah Plan.

AMENDMENT

Striking Amendment S1 would correct a typographical error in the proposed ordinance and add a reference to the 2014 ILA extension in the ordinance's Statement of Facts.

LINKS

- King County Transfer of Development Rights program: http://www.kingcounty.gov/environment/stewardship/sustainable-building/transfer-development-rights.aspx

- Central Issaquah Plan: http://www.issaquahwa.gov/index.aspx?nid=1156

- Issaquah Creek Basin Plan: http://www.kingcounty.gov/environment/watersheds/sammamish/issaquah-creek-basin-plan.aspx

- Cougar-Squak Corridor: http://www.kingcounty.gov/services/parks-recreation/parks/trails/backcountry-trails/CougarSquak.aspx

ATTACHMENTS

1. Proposed Ordinance 2015-0432 and Attachment A
2. Amendment S1 (Attachment A is unchanged from original transmittal)
3. 2007 ILA, as signed
4. 2014 ILA extension letters
5. Fiscal Note
6. Transmittal Letter

INVITED

- Mark Isaacson, Director, Water and Land Resources Division, Department of Natural Resources and Parks

[Blank Page]

KING COUNTY

Signature Report

November 30, 2015

Ordinance

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0432.1 **Sponsors** Phillips

AN ORDINANCE authorizing the executive to amend the 2007 interlocal agreement implementing a transfer of development rights program between King County and the city of Issaquah.

STATEMENT OF FACTS:

1. The Washington state Growth Management Act, codified at chapter 36.70A RCW, establishes a policy of directing growth and development into urban areas, protecting rural and resource land, and encouraging the use of innovative tools like transfer of development rights to accomplish these outcomes.

2. The Growth Management Act encourages the conservation of productive agricultural and forest lands and the retention of rural open space to conserve fish and wildlife habitat and enhance recreational opportunities.

3. King County adopted a transfer of development rights program in 2001 to permanently preserve rural and resource lands by transferring rural development potential into existing urban areas. Since 2001, the King County transfer of development rights program has helped to protect

142,586,500 acres of rural and resource lands in unincorporated King County.

4. In 2007, King County and the city of Issaquah entered into a transfer of development rights interlocal agreement to permanently protect salmon habitat and open space in the rural portions of the Issaquah creek watershed. This interlocal agreement was authorized through Ordinance 15693 and city of Issaquah Ordinance 2434. The interlocal agreement allows the transfer of seventy-five rural development rights from the rural portions of the Issaquah creek basin for increased residential and commercial density within designated transfer of development right receiving areas within the Issaquah city limits. In exchange for the city accepting additional density via transfers of rural development rights, King County provided the city with two hundred thousand dollars of conservation futures tax funds to acquire 2.4 acres of in-city open space along Issaquah creek, as authorized by Ordinance 15083.

5. Since 2007, King County has protected three hundred eighty-seven acres of rural land in the Issaquah creek basin through purchase of seventy rural development rights, yet only one rural development right has been transferred to the city.

6. Since 2011, King County has worked with the city to include rural transfer of development rights into the city's eleven-hundred-acre Central Issaquah Plan Area and simultaneously strengthen the transfer of development rights interlocal agreement to increase the likelihood of in-

city developers purchasing rural development rights from the rural portions of the Issaquah creek watershed.

7. In 2012, the city of Issaquah rezoned the Central Issaquah Plan Area in order to accommodate seven thousand new housing units and nineteen thousand new jobs by the year 2031. Rural transfer of development rights was included as density incentive in the development regulations in the Central Issaquah Plan Area.

8. On June 25, 2015, the Puget Sound Regional Council officially designated the city's Central Issaquah Plan Area a Puget Sound Regional Council regional growth center.

9. On July 6, 2015, the Issaquah city council passed Ordinance 6904 authorizing the mayor of Issaquah to amend the transfer of development right interlocal agreement as provided in Attachment A to this ordinance.

10. King County and the city are authorized to enter into an interlocal agreement pursuant to chapter 39.34 RCW, the Interlocal Cooperation Act.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The executive is hereby authorized to amend the interlocal agreement with the city of Issaquah, containing language substantially similar to that provided in Attachment A to this ordinance, to thereby establish a more effective

program to transfer development rights from lands in King County's designated rural areas into the city of Issaquah.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. First Amendment to the Interlocal Agreement Implementing a Transfer of Development Rights Program Between Unincorporated King County and the City of Issaquah

ATTACHMENT A

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT IMPLEMENTING A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM BETWEEN UNINCORPORATED KING COUNTY AND THE CITY OF ISSAQUAH

RECITALS

A. In 2007, King County and the city of Issaquah ("City"), jointly referred to as the "Parties," entered into a Transfer of Development Rights ("TDR") Interlocal Agreement ("Agreement") to permanently protect salmon habitat and open space in the Rural portions of the Issaquah Creek watershed. This Agreement was authorized through King County Ordinance 15693 and city of Issaquah Ordinance 2434.

B. The Agreement allows the transfer of 75 rural development rights from the Rural portions of the Issaquah Creek basin for increased residential and commercial density within designated TDR receiving areas within the Issaquah city limits. In exchange for the City accepting additional density via Rural TDR, King County provided the City with $200,000 of Conservation Futures Tax (CFT) funds to acquire 2.4 acres of in-city open space along Issaquah Creek, as authorized by King County Ordinance 14797.

C. Since 2007, King County has protected 387 acres of rural land in the Issaquah Creek basin through the purchase of 70 rural development rights, yet only 1 rural development right has been transferred into the City.

D. Since 2011, King County has been working with the City to include Rural TDR in the City's 1,100 acre "Central Issaquah Plan Area" and simultaneously strengthen the Agreement to increase the likelihood of in-city developers purchasing rural development rights from the rural portions of the Issaquah Creek watershed.

E. In 2012, the City re-zoned the Central Issaquah Plan Area to accommodate 7,000 new housing units and 19,000 new jobs by the year 2031; Rural TDR was included as density incentive in the development regulations in the Central Issaquah Plan Area.

F. On June 25, 2015, the Puget Sound Regional Council (PSRC) officially designated the City's Central Issaquah Plan Area a PSRC "Regional Growth Center."

NOW, THEREFORE, pursuant to Section VII. E of the Agreement, the Parties agree to amend the Agreement as follows:

1. The 8th, 11th, and 12th recitals are deleted in their entirety and replaced by the following with deleted language appearing in strikethrough type ~~like this~~ and new language appearing in bold underlined text **like this**.

WHEREAS, the City ~~is in the process of establishing~~ **has** a Transfer of Development Rights Program; and

WHEREAS, the County, pursuant to County Ordinance **15693** ~~2006-0571~~, ~~has~~ authorized the Executive to execute an interlocal agreement with the City of Issaquah to transfer rural development rights into the City and provide Conservation Futures funding for the acquisition of open space inside the City; and

WHEREAS, the City, pursuant to City Ordinance 2434, ~~has~~ authorized the transfer of development rights **("TDR")** from privately owned rural and resource lands in **designated locations** ~~the Issaquah Creek Basin~~ in King County to receiving sites in the City of Issaquah.

2. Sections I. thru V. are deleted in their entirety and replaced by the following with deleted language appearing in strikethrough type ~~like this~~ and new language appearing in bold underlined text **like this**.

I. PURPOSE

The County and the City agree to implement a program (hereafter the "Program") for the transfer of development rights from privately-owned unincorporated King County rural and resource lands **located** in the Issaquah Creek Basin **and on portions of Squak Mountain** ("Rural Development Rights") into the City according to the provisions described below. The ~~County~~ Rural Development Rights accepted by the City ~~of Issaquah~~ shall not exceed **125** ~~75~~ **Transferable Development Rights ("Rural TDRs"), as defined in King County Code 21A.37**.

II. RESPONSIBILITIES AND POWERS OF THE CITY OF ISSAQUAH

A. The City ~~of Issaquah~~ ~~has~~ developed a ~~Transfer of Development Rights~~ **TDR** Program to provide incentives to protect selected Sending Site properties inside and outside the City while authorizing additional residential density, commercial square footage and other uses at selected Receiving ~~Sites~~ **Areas** inside the City.

B. The City enacted appropriate TDR legislation, attached**, as amended,** herein as City Code 18.10.**2005 – 2090** ~~240~~ in Exhibit **B**~~A~~, ~~as a precondition for~~**which accommodates**~~receiving~~ Rural ~~Development Rights~~**TDRs** from the County ~~per King County Code 21A.37.140A~~.

C. The City has identified the following "Sending Site Area" from which Rural Development Rights may be used for increased residential and commercial development capacity in the City's designated Receiving Areas. Properties within the Sending Site Area shall provide a public benefit to the City, such as public recreational trail access, ecological value, habitat for salmon recovery, forest or farm land, and shall adhere to the requirements of K.C.C. 21A.37. The Sending Site Area includes private properties tributary to Issaquah waterways, as identified in Exhibit A, attached to and incorporated into this Agreement by this reference.

D. ~~C.~~ The City shall ~~continue to~~ permit the use of **one hundred twenty-five (125)** Rural ~~Development Rights~~ **TDRs** from ~~King County~~**the Sending Site Area for increased residential and commercial development capacity in the City's designated Receiving Areas pursuant to**~~at Receiving Sites in the City during the term of this Agreement. Rural Development Rights shall be from priority Sending Sites within the Issaquah Creek Basin in conformity with King County Code 21A.37.020 and~~ City Code 18.10.20**05- 2090 and King County Code 21A.37**~~40~~**. Pursuant to the City's TDR Code, each Rural TDR used shall provide**~~, as designated in the King County Comprehensive Plan or a functional plan, unless other Sending Sites are mutually agreed to by the City and County.~~ **the following on properties located within the City's identified Receiving Areas:**

i. 3,600 square feet of commercial (retail, or office) space; or
ii. 5.4 residential units, or equivalent residential square footage.

These TDR conversion ratios shall only be changed or modified by mutual administrative agreement of the Parties.

~~D. The City, per King County Code 21A.37.040F and 21A.37.140C, shall work with the County to mutually agree upon the conversion ratio for Rural Development Rights that are transferred into the City. The City may modify the terms and conditions upon which Rural Development Rights may be used at the Receiving Sites in the City after consulting with the County.~~

E. The City shall notify the County when it has approved the use of Rural ~~Development Rights~~**TDRs** that were purchased from the King County TDR Bank or private parties in a specific project and shall execute a transfer of development rights extinguishment document in conformance with the King County Code 21A.37.140B.

III. RESPONSIBILITIES AND POWERS OF KING COUNTY

A. The County adopted polices, regulations and administrative procedures under K.C.C. 21A.37 to implement the Program, which promotes and facilitates the purchase and sale of Rural Development Rights. These policies:
a.) establish criteria and procedures for the certification of sending sites;
b.) facilitate and promote certification of sites;
c.) establish procedures to facilitate the sale of Rural Development Rights;
d.) seek priority sites within the Issaquah Creek Basin for future purchase of development rights by the County's Transfer of Development Rights Bank;
e.) establish procedures to require, maintain and enforce deed restrictions on sending sites from which development rights are bought, in order to prohibit those sites from being developed in violation of the deed restrictions and shall provide a copy of the Deed Restrictions/ Conservation Easement to the City before final approval.

~~B. The County shall work with the City, per City Code 18.10.240 and King County Code 21A.37, to mutually agree upon the conversion ratio for Rural Development~~

~~Rights that are transferred into the City.~~

~~C.~~ **B.** Funding.

1. The County ~~shall~~provide**d** $200,000 for the **City's** acquisition of open space land selected by the City ~~of Issaquah~~ in a manner that is consistent with the provisions governing allocation of conservation future tax levy funds in K.C.C. Ch. 26.12~~, and which would require the City to enter into an interlocal agreement in substantially the form attached hereto as Exhibit B~~. **The City used this funding in 2007 to acquire in-city open space along Issaquah Creek.**

2. Contingent on approval from the Metropolitan King County Council, the County through the King County Executive, and the City through the Mayor of Issaquah, will negotiate in good faith to determine the amount, if any, of future amenity funds to be provided by the County to the City. In negotiating this issue, the County will seek to provide to the City additional amenity funds in amounts not to exceed the dollar amounts of rural development rights purchased from the King County ~~Transfer of Development Rights~~ **TDR** Bank or private parties used inside the City.

3. Any amenity funding will be consistent with County revenue statutory restrictions and shall be based on a written scope of work, budget, and schedule provided by the City.

4. Any project or activity for which amenity funding is provided by the County to the City, or the portion thereof funded by the County, must be completed within five years of the receipt of the funds by the City. If any such project or activity is not completed within five years, then any funds provided for such project or activity by the County, not yet expended on costs of such project or activity, must be returned to the County with interest earned (at market rates mutually agreeable to both parties) by the City and not yet expended for such costs.

IV. EVALUATION AND MONITORING

A. The records and documents with respect to all matters covered by this Agreement shall be subject to inspection, review, or audit by the City or County as requested by each jurisdiction during the applicable records retention period specified by or pursuant to law.

B. The City and County shall periodically publish a joint report evaluating the progress of the Program. The evaluation shall include at a minimum an analysis of the number of Sending Sites certified in the Issaquah Creek Basin as identified in Exhibit**s** A **and B**, the number of Receiving Sites in the City that used Rural Development Rights, and the number and value of Rural Development Rights bought and sold by the TDR Bank or private parties for use in the Program.

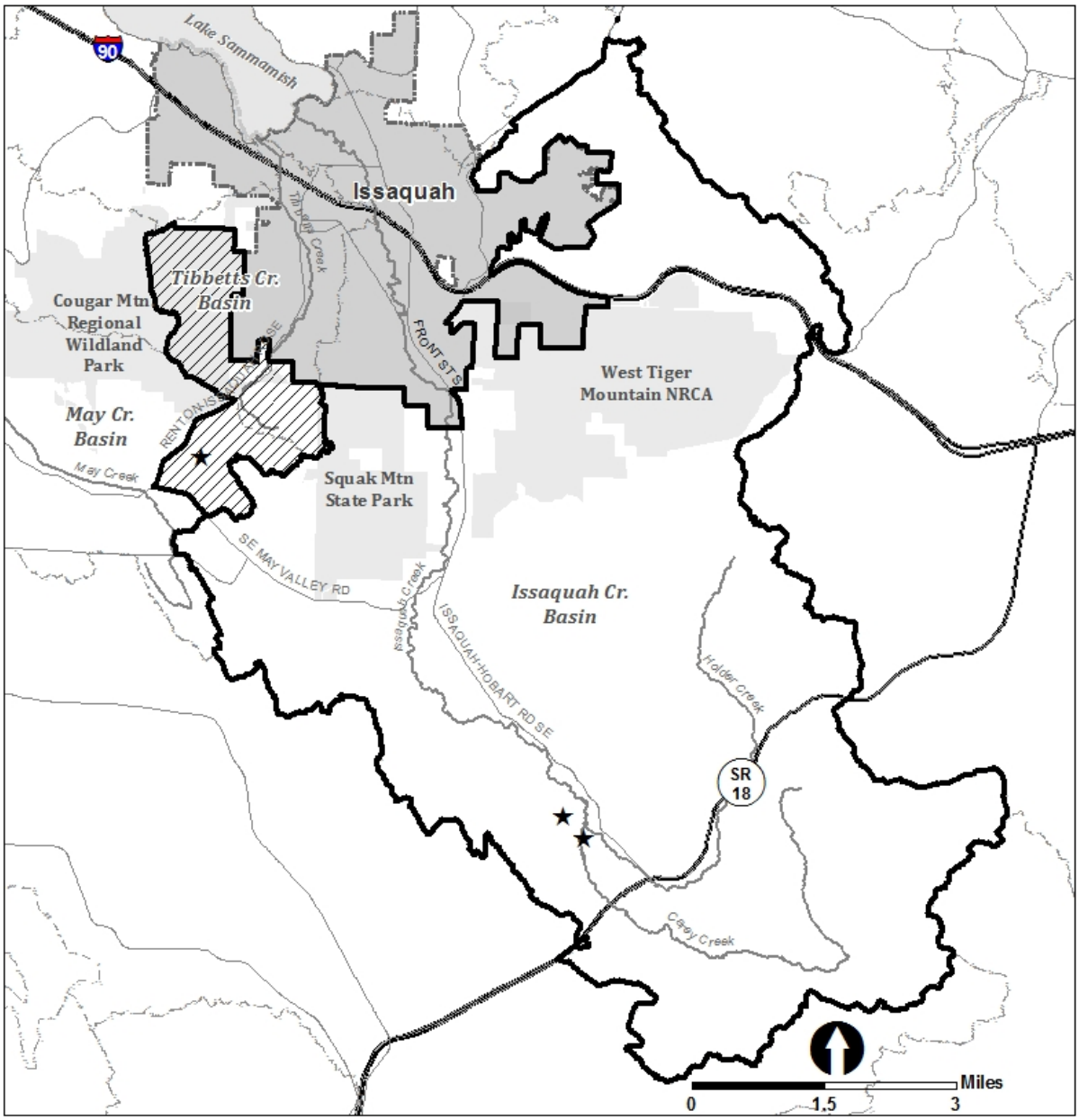
V. DURATION

A. ~~Duration.~~ This Agreement shall become effective on the date it is signed by all parties and shall continue until **all 125 Rural TDRs have been permitted into development inside the City**~~July 1, 2014~~.

~~B.~~ ~~Extension. Pursuant to a mutual written agreement between the County Executive and City Mayor, this Agreement may be extended for a maximum of five (5) years from the effective date of the extension. To extend the Agreement, the City or the County shall make a written request to the other not less than sixty (60) days prior to the end of this Agreement. The request shall specify the proposed term of the extension. The parties must agree to the extension in writing by the termination date or the agreement will lapse.~~

3. Exhibit A is deleted in its entirety and replaced by the following new Exhibit A:

Exhibit A



ISSAQUAH - KING COUNTY TDR SENDING AREAS

- Existing TDR Sending Area
- Expanded TDR Sending Area
- ★ Existing TDR Sending Sites
- City of Issaquah
- Basin boundaries

ABOUT THIS MAP: This map shows areas of rural, unincorporated King County that are both existing eligible "Sending Areas" and expansion TDR Sending Areas from which rural development rights could be transferred into City of Issaquah TDR Receiving Areas.

The existing Sending Area includes all of the Issaquah Cr. drainage basin. The expanded area adds areas in the foothills of Cougar and Squak Mountains in the rural portions of the Tibbetts Creek and May Creek basins.

4. _____

4. A new Exhibit B is included as follows, with new language in underline text:

Exhibit B

City of Issaquah Transfer of Development Rights Program

Transfer of Development Rights (TDR)

18.10.2005 Purpose and intent of the transfer of development rights program.

The intent of the TDR program is to transfer density from eligible sending sites to eligible receiving sites through a voluntary process that will:

A. Decrease development pressure on critical areas by providing property owners with the opportunity for a reasonable economic return by transferring development rights from parcels with these critical areas to land more suited for urban development. Key focus areas are salmon habitat, riparian corridors, and floodways throughout the Tibbetts Creek and Issaquah Creek Basins.

B. Increase the opportunities for providing parks.

C. Promote design and development consistent with the City's vision as established in the Comprehensive Plan; Olde Town Design Standards; Urban Villages; and, the Central Issaquah Plan.

D. Allow the transfer of development rights:

1. Between parties, through direct sale of development rights from a qualified sending site property owner to a qualified receiving site property owner; and

2. Between the City and a sending or receiving site property owner where the City may act as a TDR bank for development rights by purchasing TDRs from qualified sending sites and/or by pre-selling them to an applicant for use on a qualified receiving site. (Ord. 2510 § 1, 2007); and,

3. Between King County's TDR Bank and a City Receiving Site, as authorized through an Interlocal TDR Agreement.

18.10.2010 State enabling legislation.

This chapter is adopted pursuant to RCW 36.70A.090, Comprehensive plans – Innovative techniques, which states, "A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights." (Ord. 2510 § 1, 2007).

18.10.2020 Definitions.*

Following are specific definitions for certain words, terms and phrases used in this section of the Issaquah Land Use Code. Where any of these definitions conflict with definitions used in other titles of the Municipal Code, the definitions herein shall prevail when used in the context of this chapter. Other terms used in this section may be defined in Chapter 18.02 IMC.

Bank: see TDR Bank

CIP: Central Issaquah Plan.

Creek side restoration: A project approved by the City for the restoration of creek side areas for the benefit of anadromous fish habitat.

Designated Official: The designee of the Administration empowered by the Mayor to administer this chapter.

Designated property: Those parcels shown as TDR sending or receiving sites on the TDR Sending and Receiving Sites Map. The sending site development rights are required to become certified by the City before TDRs may be sold or transferred. (See IMC 18.10.2040(B), TDR Certification.)

Easement, conservation: A voluntary, publicly recorded restriction, in a form approved by the Designated Official, in order to protect resources such as agricultural lands, historic structures, open space and wildlife habitat. The easement may include all or part of a parcel. In perpetuity, no new development shall take place within the areas covered by the easement. However, the construction and maintenance of a soft-surface, natural trail could be allowed, if part of a City-approved plan.

Equivalent Residential Units (ERUs): One ERU is equal to either one residential unit (single-family or multi-family), or 1,200 square feet of non-residential entitlement.

Exchange Rate: a transfer ratio or multiplier, determined by the Designated Official or King County's TDR Official, as appropriate, to correct for the market imbalance in value between development rights in sending and receiving sites.

Extinguishment document, quit claim deed: When a development right is purchased and then used, the right to build a dwelling unit on the sending site is "extinguished." It is used up and cannot be used again in any other location. The quit claim deed and extinguishment document records the sale and use of the development right on both the sending site and the receiving site and states how the development rights are applied.

King County TDR Bank: an entity authorized by King County to:

(1) Facilitate the private TDR market by bridging the time gap between willing sellers and buyers of TDRs;

(2) Act as a revolving fund for continued land protection through buying, holding, and selling TDRs(proceeds from TDR sales are used for future land protection); and,

(3) Catalyze city-county TDR agreements by strategically acquiring development rights from high priority conservation rural/resource lands in the County that are of compelling interest for specific cities to see protected.

Letter of intent, TDR certification: A signed letter provided by the City documenting availability of development rights for sale from a sending site. For those sending sites outside the City limits, this letter will be provided by King County.

Park: land acquired for public use for active or passive recreational use.

Public Open Space: Property owned by the City of Issaquah, King County or State Departments of Parks and Recreation and Natural Resources that is set aside to serve the purposes of protecting and conserving critical areas and natural systems.

Stewardship plan: A comprehensive plan for the long-term protection and use of property (open space or park) protected through the TDR Program, developed by the property owner, monitored and enforced by the City of Issaquah. If prepared for privately-held property, the plan must be approved by the City. Regardless, the plan must include:

1. A course of action that prevents degradation of the values, structure and functions of the natural resources and open space and includes enhancements, as necessary, to improve the open space qualities of the property;

2. An inventory of the existing conditions as well as all critical areas and their buffers;

3. A plan showing any existing or proposed park improvements, protected natural areas and proposed enhancements;

4. A timeline for implementing any enhancements and follow up monitoring and maintenance; and

5. A funding plan including personnel, capital and surety for implementation of the stewardship plan.

TDR bank: The TDR bank ("Bank") is operated by the City for the purpose of buying, selling and holding development rights. The City may act in its capacity as a buyer and seller of development rights pursuant to IMC 18.10.2035, TDR bank – Purpose.

TDR base density: The developable units on a residentially zoned property calculated per IMC 18.10.450, Density calculations in critical areas. For commercial and retail zoned property, unless otherwise defined in an approved development agreement or in the CIP, TDR base density shall be calculated based on the maximum square footage of the buildable area of the site divided by twelve hundred (1,200) square feet.

TDR certificate: A recorded document, issued by the City or King County (and authorized by the City), showing the number of development rights available from a sending site to be used at a TDR receiving site.

TDR receiving site: Property in the City limits where existing urban services and infrastructure can accommodate additional development. TDR receiving sites are designated on the TDR Sending and Receiving Sites Map.

TDR sending site: Property in the City limits that has been designated as a Sending Site on the TDR Sending and Receiving Sites Map. Sending sites also include property in the King County Rural or Resource Zones of the Issaquah Creek Basin as described in the King County Water Resource Inventory Area (WRIA) 8 Issaquah Creek Subarea and containing environmentally critical areas as defined in the King County Interlocal Agreement; and, properties located in the CIP area designated for park improvements.

18.10.2030 Designation of sending and receiving sites.

Sending sites and receiving sites are established based on their ability to meet the purpose and intent and designation criteria of the TDR program.

A. TDR Sending and Receiving Sites Map: TDR sending and receiving sites are designated by the City on the TDR Sending and Receiving Sites Map.

B. Designation Criteria – Sending Sites:

1. Inside City Limits: The site is privately or publicly owned, and not zoned Tradition Plateau-Natural Resource Conservation Area (TP-NRCA), Conservancy-Recreation (C-Rec), Community Facilities-Facilities (CF-F), Community Facilities-Recreation (CF-R), Community Facilities-Open Space (CF-OS), Conservancy-Residential (C-Res) and meets one (1) or more of the following criteria:

a. The site includes at least thirty (30) percent critical areas and/or required critical area buffers; or

b. The site is contiguous with existing public open space; or

c. Retention of all or part of the site in permanent open space will achieve one (1) or more of the goals and policies adopted in the Comprehensive Plan; or

d. The site has limited access for vehicular ingress/egress due to critical areas, excessive grade or adjacent property configuration; or, reasonable access to wet utility connections; or

e. The site is located adjacent to a creek side restoration site; or

f. The site has been identified as a potential park site.

2. Outside City Limits: Through an interlocal agreement with King County, the City will set criteria for privately owned TDR sending sites outside the City limits, consistent with the provisions of an Interlocal TDR Agreement.

C. Designation Criteria – Receiving Sites: Parcels with more than fifty (50) percent critical area and/or their associated buffers are not eligible to be receiving sites, except for those sites that are over fifty (50) percent in the critical aquifer recharge area. Properties accessing 229th Avenue SE cannot be receiving sites because of requirements established for the 229th traffic signal. Receiving sites meet one (1) or more of the following criteria:

1. The parcel is within three quarters (0.75) of a mile from the Issaquah Transit Center, south of I-90 and is zoned Multifamily-High, Mixed Use Residential, Retail, Intensive Commercial or Professional Office; or

2. The parcel is within one quarter (0.25) mile of a transit stop and zoned Retail, Intensive Commercial, Professional Office, or Multifamily-High within the Olde Town Subarea and the site's primary access and street frontage are located on "major streets" as defined as: Gilman Boulevard east of SR 900, Front Street, Newport Way, Sunset Way, SR 900, NW Sammamish Road, NW Maple Street, East Lake Sammamish Parkway (ELSP), SE 56th Street to one thousand two hundred (1,200) feet east of ELSP, Issaquah-Fall City Road, or Issaquah-Pine Lake Road SE; or

3. The parcel is a CBD or multifamily zoned property within the Olde Town Design Standards area or located within the Central Issaquah Plan area; or

4. The parcel is within the existing development area or established expansion areas of an urban village. Transfer of TDR's into a UV project subject to a development agreement shall be subject to the following:

a. The TDRs shall be in addition to and not as a substitute for the development rights as specified in the development agreement.
b. The TDR's shall not cause any of the existing or planned infrastructure to fall below the infrastructure's capacity to handle the maximum density as set forth in the development agreement.
c. The property owner seeking the TDRs shall, as determined by the Master Developer, reimburse the Master Developer 1) a pro rata share of the costs of installed or required infrastructure and paid mitigations; and, 2) a pro rata share of the costs for entitlement allocation.
d. The property owner seeking the TDRs shall mitigate all other increased adverse environmental and other impacts of the additional TDRs

D. TDR Map Amendments:

1. Adding a Sending Site: A proposal to add a sending site to the TDR Sending and Receiving Sites Map shall be reviewed as a land use code amendment, Level 1 Review (IMC 18.04.330-360). Review and decisions shall be made based on the proposal's ability to meet the criteria established in this chapter.

2. Adding a Receiving Site: a proposal to add a receiving site to the TDR Sending and Receiving Sites Map shall be reviewed as a land use code amendment, Level 3 Review (IMC 18.04.410-450). Reviews and decisions shall be made based on the proposal's ability to meet the criteria established in this chapter.

18.10.2035 TDR bank – Purpose and authorization.

The purpose of establishing the City TDR bank ("Bank") is to 1) facilitate the purchase and sale of development rights; 2) purchase privately-held TDR Certificates; and, 3) acquire open space and park lands, as directed by the City Council.

A. The Bank may acquire development rights from any designated sending site as identified in IMC 18.10.2030, Designation of sending and receiving sites.

B. The Bank may collect funds or other donations from any designated TDR sending or receiving site, as identified in IMC 18.10.2030, Designation of sending and receiving sites.

C. The Bank may purchase and hold title to existing TDR certificates.

D. The Bank may sell TDR Certificates in advance of property acquisition and use the funds to fulfill the purpose of this chapter including the purchase of land for open space or parks.

E. Development rights purchased by the Bank through the outright purchase of a sending site property, or through the purchase of only the development rights from a sending site property, may be retained by the Bank indefinitely.

F. Transferred development rights must be certified by the City and may be purchased by an applicant for a land use development project within the City for immediate use; or, an applicant may purchase TDRs to hold for future use without expiration; or, TDRs may be sold or transferred to another party.

18.10.2037 Administration of TDR Bank.

A. The Designated Official is authorized to administer the TDR bank, including but not limited to:

1. Managing the activities of the Bank;

2. Authorizing and monitoring the availability of TDR Certificates;

3. Monitoring compliance with the Interlocal TDR Agreement executed with King County;

3. Administering development rights purchases, sales and issuance of letters of intent and certifications;

4. Providing periodic summary reports of the Bank activity to the City Council; and,

5. Setting the value of Bank-issued TDR Certificates.

B. The Designated Official shall keep records of the dates, amounts and locations of development rights that have been:

1. Issued a letter of intent;

2. Purchased and certified; and

3. Sold and extinguished. (Ord. 2510 § 1, 2007).

C. The Bank shall dispose of revenues, as directed by the City Council for the following purposes:

1. Purchasing development rights from and acquisition of open space properties;

2. Purchasing development rights from and acquisition of park properties;

3. Purchasing existing privately-held TDR Certificates; or,

4. The Bank may use a limited portion of the funds collected by the Bank to facilitate the implementation of this chapter. These expenditures (not to exceed 5% without City Council approval) may include, but are not limited to, establishing and maintaining Internet web pages, marketing the TDR program, legal expenses, procuring title reports and appraisals and reimbursing the costs incurred by City departments for administering the Bank fund and executing development rights purchases and sales.

18.10.2040 Sending TDRs: Certification, application and procedures.

A. Qualifying a Sending Site for the Transfer of Development Rights:

1. Eligibility: In order to sell or transfer development rights, the property owner must receive certification from either the City, or King County consistent with the provisions of the City's TDR Interlocal Agreement.

2. Calculation of TDRs:

a. Inside City Limits: The Designated Official shall review the application and calculate the allowable number of development rights for the sending site.

i. For residentially zoned sending sites, the TDR base density shall be calculated as defined in IMC 18.10.450, Density calculations in critical areas. Developable units on a subject property equal the property's TDR base density. For parcels zoned SF-E (1.24 du/acre), the TDR base density shall be calculated beginning with four (4) dwelling units per acre and then calculated as defined in IMC 18.10.450, Density calculations in critical areas.

ii. For non-residentially zoned properties, the TDR base density shall be calculated based on the maximum buildable square footage of the buildable area on the site divided by twelve hundred (1,200) square feet.

b. Outside City Limits:

i. The maximum transferable number of development rights by a sending site outside of the City limits shall be established through the King County certification process as required by the Issaquah/King County Interlocal Agreement. Each TDR unit certified by King County in this manner may be used by an Issaquah receiving site with the same process and requirements of an "Inside City Limits" sending site TDR unit.

3. TDR Certificate Letter of Intent: When located in the City, the Designated Official shall prepare and issue a TDR certificate letter of intent for the sending site which documents the available development rights on said sending site. When any of these development rights are certified, the letter of intent shall also be reissued to reflect the new amount of remaining development rights.

4. TDR Certificate Letter of Intent Revision Request: The applicant may request, in writing, that the Designated Official revise the TDR certificate within ninety (90) days of the issuance of the TDR certification letter of intent when:

a. The development rights have not been sold; and

b. The applicant demonstrates that the TDR rights were improperly calculated; or

c. The applicant provides additional studies, data or other information demonstrating that an adjustment of the TDR rights would be appropriate.

B. TDR Certification:

1. Certifying TDRs:

a. Inside City Limits: The Designated Official shall certify the transferrable development rights from a sending site, as required in subsection (B)(2) of this section, TDR Certificate Content. After the sale or transfer of all or a portion of a sending sites TDRs, and the designation of the specific area(s) of the property as permanent open space as required in subsection (B)(3) of this section is completed, the TDR certificate may be issued.

b. Outside City Limits: TDR certification on sending sites outside the City limits within King County shall be as required by Chapter 21A.37 KCC.

c. Prior to the release of building permits, the receiving site applicant shall deliver the TDR certificate(s) to the City and a quit claim deed and extinguishment document shall be recorded on the sending site(s) and receiving site after approval of the receiving site project.

2. TDR Certificate Content: A TDR certificate is a recorded document, showing the number of development rights available from a qualified sending site to be used by a TDR receiving site and shall delineate the number of development rights including:

a. The number of transferred rights or ERUs; and

b. The number of peak hour trips; and

c. The amount of impervious surface transferable to a TDR receiving site or the additional square footage of gross floor area (above the base building height or maximum building height established in IMC 18.07.360, District standards table, for the underlying zoning district of the TDR receiving site) transferable to a TDR receiving site.

3. Preservation of Open Space or dedication of park land resulting from TDR Conversion: As part of the development rights transfer and prior to the issuance of the TDR certificate, the sending site property owner is required to document that the site, or portion of the site, is no longer developable and shall be preserved to fulfill the intent of this chapter in one (1) of the following ways, as determined by the Designated Official:

a. By Deed: The sending site property owner shall deed the ownership of the property to the City subject to dedicating the property as public open space or public park land. The dedication shall include a restriction on future development and on the installation of new utilities except:

i. To allow any third party with right under an existing ingress, egress, utility, or similar easement that was established or recorded prior to the effective date of said easement to exercise such rights; and

ii. To use and maintain linear or underground utilities; provided, that any area disturbed by such activity is promptly restored to the original grade and revegetated.

b. By Conservation Easement: For open space properties only, the sending site property may retain title to the property by recording a conservation easement in perpetuity over the parcel. The conservation easement shall be to the benefit of the City, publicly recorded with King County, on a form approved by the City; and, include the preparation and implementation of a stewardship plan to ensure the property is maintained for the benefit and protection of the natural resources, including wildlife, scenic corridors, and water quality. All conservation

easements shall allow City access to the property to ensure compliance with the conservation easement. The conservation easement shall include:

i. All of the critical area and associated buffer; and

ii. That portion of the developable site area equal to the percentage of TDRs sold and certified.

c. For sending sites purchased by the City, where the City wishes to sell all or some of the TDRs, the City shall record a declaration of covenant in perpetuity over the property, which shall include all of the critical area and a portion of the developable site area as required for property retained in private property and shall include the preparation of a stewardship plan as required in subsection (B)(3)(b) of this section, preservation of open space.

4. Reissuing TDR Certificates: the Designated Official shall administer the TDR program by reissuing or retiring certificates when some or all of a parcel's development rights have been transferred. A TDR certificate must be reissued and recorded after the sale of TDRs to the receiving site owner and the recording of a conservation easement, covenant or deeding of the sending site property as public open space or park land. The reissued TDR certificate shall clearly state the number of remaining TDRs available for that sending site parcel. If no TDRs are available, that information shall also be recorded.

C. Determining the Number of Units Remaining on a Sending Site:

1. Transferring all of the TDRs: All or a portion of the TDRs certified by the Designated Official may be sold. If all of the TDRs are transferred, no further development shall occur on the sending site and the entire parcel shall remain in permanent open space or park land in perpetuity, forestry or agriculture in accordance with the provisions of subsection (B)(3) of this section.

2. Transferring TDRs Over Time: TDRs from a sending site may be sold over time to more than one (1) receiving site until all development rights are sold or the property owner chooses to develop the remainder of the property.

3. Calculating Any Remaining Density on the Sending Site: If only a portion of the TDR units from a sending site are sold and transferred, the number of dwelling units or, in the case of commercially zoned land, the buildable square footage permitted on the remainder property, shall be determined in accordance with the conservation easement and provisions of IMC 18.10.450, Density calculations in critical areas, based on the percentage of critical area on the site. (Ord. 2560 § 5 (Exh. A4), 2009; Ord. 2525 §§ 4, 7, 2008; Ord. 2510 § 1, 2007).

18.10.2050 Receiving TDRs: Standards, applications and procedures.

A. Standards for Transferring Development Rights to a Receiving Site: Certified development rights can be accommodated on a receiving site based on the following design and development criteria:

1. Applicability: Receiving sites may use the purchased TDRs to meet the provisions of an approved development agreement or to exceed the allowable development for new development or modification to existing development, in accordance with this chapter; provided, that all development and design standards required by the underlying zoning district shall be met, unless the standards are adjusted through IMC 18.07.250, Administrative adjustment of standards.

2. Residential Dwelling Units: Additional residential density may be approved through a Level 3 (IMC 4.10-4.50) review based on the following residential density limits in the following table:

Table 18.10.2050(A)(2): Residential Density **TDR Value: 1 TDR** = one dwelling unit up to the following limits:	
Receiving Site Zone (underlying zoning)	Density Limits (Increase of 25%)
MF-M & MUR (14.52 dwelling units per acre)	18 dwelling units per acre
MF-H (29 dwelling units per acre)	36 dwelling units per acre
Other Zones	36 dwelling units per acre; or, as specifically allowed through a development agreement or the CIP.

3. Building Height and/or Gross Floor Area: The maximum building height for all zoning districts is established in IMC 18.07.360, District standards table. Through transfer of development rights, a receiving site may propose additional square footage of gross floor area above the base building height or maximum building height as established in the following table:

Table 18.10.2050(A)(3) Process and Conditions for Maximum Building Heights for Receiving Sites[1,5]		
Receiving Site Zoning District	Maximum building height allowed in underlying zoning district in IMC 18.07.360, District standards table	Process and Conditions for Maximum Building Height with Purchase of TDRs Administrative Adjustment of Standards[2]
TDR Value:	**NA**	**1 TDR = 1,200 sq. ft.**[6]
MF-M	50 ft.	65 ft.

MF-H[3]	65 ft.	65 ft.
PO	65 ft.	80 ft.
R	65 ft.	80 ft.
IC	65 ft.	80 ft.
CBD[4]	65 ft.	80 ft.
CF-F	Determined by the most restrictive contiguous zoning	
CF-R	Determined by the most restrictive contiguous zoning	
UV	Determined by the development agreement	

[1] Maximum height for structures in shoreline jurisdictions is thirty-five (35) feet (Issaquah Shoreline Master Program).

[2] The complete receiving site proposal is processed as established in IMC 18.06.130, Table of Permitted Land Uses, based on the review process for the proposed land use in the underlying zoning district.

[3] Receiving site parcels zoned MF-H (along Sunset Way) are not permitted additional height above the maximum building height due to their small lot size. Other MF-H receiving sites (on South Front Street) are not permitted additional height to be consistent with the other MF-H receiving sites.

[4] All projects in the CBD are required to meet the Olde Town Design Standards.

[5] For properties located in the Central Issaquah Plan area, refer to that document for allowed heights.

[6] Purchased TDRs from sending sites may be subject to an Exchange Rate, as determined by the Designated Official or through King County's TDR Bank, as appropriate.

4. Impervious Surface Limits: Impervious surface limits on the receiving site may be increased as defined in the following table:

Table 18.10.2050(A)(4) Process and Conditions for Impervious Surface Ratio Limits in Receiving Sites
TDR value: 1 TDR = 1,200 sq. ft[5]

Receiving Site Zoning District	**Impervious Surface Ratio allowed in underlying zoning district** IMC 18.07.360, District standards table	**Process and Conditions for Impervious Surface Ratio Limit with purchase of TDRs**	
		Administrative Adjustment of Standards[2]	**Development Agreement** reviewed and approved through a Level 3 Review
		Conditions: meet the conditions established in IMC 18.07.350, Other standards not identified	Conditions: Commercial and Mixed Use (commercial and residential) projects are required to meet Olde Town Design Standards for CBD[3]
MF-M Multifamily – Medium	50%	65%	75%
MF-H Multifamily – High	50%	65%	75%
PO Professional Office	65%	80%	90%
R Retail	65%	80%	90%
IC Intensive Commercial	65%	80%	90%
CBD Cultural and Business District[4]	85%	95%[4]	N/A
UV	Determined through the provisions of the development agreement		
CIP zones	Refer to the Central Issaquah Plan for standards		

[1] The critical aquifer recharge area is identified on maps in the Permit Center and includes wellhead protection areas based on one (1), five (5) and ten (10) year capture zones.
[2] The complete receiving site proposal is processed as established in IMC 18.06.130, Table of Permitted Land Uses, based on the review process for the proposed land use in the underlying zoning district.
[3] Multifamily projects are required to meet Olde Town Design Standards for MF-M and MF-H Districts.
[4] All projects in the CBD are required to meet the Olde Town Design Standards.
[5] Purchased TDRs from sending sites may be subject to an Exchange Rate, as determined by the Designated Official or through King County's TDR Bank, as appropriate.

5. Transportation Concurrency: The proposal, with TDRs, must meet the City's Transportation Concurrency requirements (IMC 18.15.260).

6. The City may, in its sole discretion, elect not to accept conveyance of the property if intended as open space, and require the property owner to retain the property and record a permanent conservation easement thereon in accordance with IMC 18.10.2040(B)(3)(b), Preservation of Open Space Resulting from TDR Conversion.

7. Procedures:

a. Using Certified TDRs: The total number of development rights from a sending site may be transferred to one (1) or more designated receiving sites.

b. Impact Fees: Unless otherwise provided for in a development agreement, all impact fees shall be based on the final number of residential units and the total (base + TDRs) commercial/retail square footage in the receiving site proposal.

c. Conditions of Approval: The conditions of approval shall include: (1) requirement of developer to purchase, record and certify the TDRs prior to release of building permits; (2) issuance, by the Designated Official, of an updated TDR certificate and/or letter of intent for the sending site(s); and (3) the extinguishment document for sending and receiving site to be recorded by receiving site property owner before building permit issuance.

d. Notice of Decision: Notice of decision shall be provided in accordance with IMC 18.04.240, Notice of decision. A notice of decision for the project shall clearly state: (1) the number of TDRs transferred to the receiving site; and (2) the incorporation of TDRs into the approved project through the total density, peak trips, square footage, impervious surface, height and other related standards.

e. TDR Development Rights: TDR development rights once used for a land use application are valid only for the specified parcel for which they were originally approved for use and may not be transferred to a different parcel unless the original parcel is subdivided in accordance with subsection (D) of this section, Subdivision of TDR Receiving Sites, or if the original proposal has been withdrawn by the property owner.

f. Quit Claim Deed and Extinguishment Document with TDR Certificate: A TDR certificate is required to document the use of TDRs on all sending sites and receiving sites that have sold or incorporated additional development rights on their property through the TDR process. A quit claim deed and extinguishment document with the attached TDR certificate shall be recorded on the sending site and the receiving site parcels describing:

i. How the TDR rights are used on the receiving site per IMC 18.10.2040(B), TDR Certification; and

ii. The number of TDRs used; and

iii. The source of the TDRs.

C. Requirements Prior to the Release of Building Permits for Receiving Site Projects Using TDRs: Following building permit approval, and prior to building permit issuance, the receiving site applicant shall deliver the TDR certificates and proof of the transaction showing the purchase of the development rights by the applicant for use at a receiving site to the City. The development rights must be purchased and a TDR quit claim deed and extinguishment document must be recorded on the sending site and receiving site parcels conveying transferable development rights (TDRs) as defined in IMC 18.10.2040(B), TDR Certification.

D. Subdivision of TDR Receiving Sites:

1. Plat Application: TDR receiving sites may be subdivided in accordance with the requirements of Chapter 18.13 IMC, Subdivisions. The preliminary plat or short plat application shall include a pro rata portion of the development rights transferred to the original parcel to each parcel created by the subdivision. At time of application, the applicant shall provide a signed option letter indicating the buyer, seller, sending and receiving site tax parcel number(s) and the number of development rights to be acquired. The pro rata assignment of transferred development rights shall only be in whole units. Individual TDRs may not be divided and the individual uses of a TDR may not be assigned to a new parcel.

2. Plat Modifications: The Hearing Examiner's decision on a preliminary plat and the Designated Official's decision on a short plat may modify the assignment of TDRs proposed by the applicant when such modification is necessary to comply with the provisions of subsection (B) of this section, Application, Process and Procedures for Using TDRs, or the objectives of IMC 18.13.010, Purpose.

3. Plat Approval: Upon plat approval, the new assignment of the TDRs shall be shown on the face of the short plat or final plat approved by the City and shall be recorded with King County. Final plat approval shall be contingent on the applicant providing TDR certificates with the equivalent number of additional development rights necessary within the plat as approved by the City. (Ord. 2510 § 1, 2007).

18.10.2060 Appeals.

A. Any decision under this section will not be subject to appeal except as part of an appeal of the entire project. An appeal of a TDR determination may be incorporated under a project appeal under IMC 18.04.250, Administrative appeals.

B. Decisions by the Hearing Examiner regarding the transfer of development rights may be appealed to Superior Court in accordance with IMC 18.04.258, Judicial or Growth Management Hearings Board appeals. (Ord. 2510 § 1, 2007).

18.10.2070 Monitoring TDR certificates.

A. The Designated Official shall keep records and monitor both the issuance and transfer of TDR certificates and related conservation easements, and the development they represent.

B. An annual status report on the issuance and transfer of TDRs and related stewardship plans, number of TDR transactions, properties preserved, and revenue managed by the Bank shall be made. (Ord. 2510 § 1, 2007).

18.10.2080 Repeal.

If this chapter of the IMC is repealed by the City Council, the density of all sending sites not transferred as TDRs shall be the density allowed by IMC 18.07.070, Density. If some, but not all, of the development rights from one (1) sending site were sold, the remainder of the property shall be developed as allowed in the conservation easement or covenant and by IMC 18.07.070, Density, unless an agreement with the City Council was approved prior to the repeal of this chapter. Any projects built per IMC 18.10.2005 through 18.10.2090 shall not be considered a nonconforming use as defined in IMC 18.02.160, Definitions – N, Nonconforming situation. (Ord. 2510 § 1, 2007).

18.10.2090 Other authority.

Nothing in this chapter is intended to limit the City's authority under the State Environmental Policy Act or any other source. The Planning Department shall be responsible for administering this code as established in IMC 18.01.050, Authority and vested rights. (Ord. 2510 § 1, 2007).

IN WITNESSOF, the Parties hereto have executed this Amendment

KING COUNTY	CITY OF ISSAQUAH
_____	_____
Dow Constantine King County Executive	Fred Butler Mayor
Date:_____	Date:_____

[Blank Page]

S1

11/16/15

[mb]

Sponsor: Dembowski

Proposed No.: 2015-0432

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2015-0432, VERSION 1

On page 1, beginning on line 5, strike everything through page 4, line 63, and insert:

"STATEMENT OF FACTS:

1. The Washington state Growth Management Act, codified at chapter 36.70A RCW, establishes a policy of directing growth and development into urban areas, protecting rural and resource land, and encouraging the use of innovative tools like transfer of development rights to accomplish these outcomes.

2. The Growth Management Act encourages the conservation of productive agricultural and forest lands and the retention of rural open space to conserve fish and wildlife habitat and enhance recreational opportunities.

3. King County adopted a transfer of development rights program in 2001 to permanently preserve rural and resource lands by transferring rural development potential into existing urban areas. Since 2001, the King

County transfer of development rights program has helped to protect 142,586 acres of rural and resource lands in unincorporated King County.

4. In 2007, King County and the city of Issaquah entered into a transfer of development rights interlocal agreement to permanently protect salmon habitat and open space in the rural portions of the Issaquah creek watershed. This interlocal agreement was authorized through Ordinance 15693 and city of Issaquah Ordinance 2434. The interlocal agreement allows the transfer of seventy-five rural development rights from the rural portions of the Issaquah creek basin for increased residential and commercial density within designated transfer of development right receiving areas within the Issaquah city limits. In exchange for the city accepting additional density via transfers of rural development rights, King County provided the city with two hundred thousand dollars of conservation futures tax funds to acquire 2.4 acres of in-city open space along Issaquah creek, as authorized by Ordinance 15083.

5. Since 2007, King County has protected three hundred eighty-seven acres of rural land in the Issaquah creek basin through purchase of seventy rural development rights, yet only one rural development right has been transferred to the city.

6. Since 2011, King County has worked with the city to include rural transfer of development rights into the city's eleven-hundred-acre Central Issaquah Plan Area and simultaneously strengthen the transfer of development rights interlocal agreement to increase the likelihood of in-

city developers purchasing rural development rights from the rural portions of the Issaquah creek watershed.

7. In 2012, the city of Issaquah rezoned the Central Issaquah Plan Area in order to accommodate seven thousand new housing units and nineteen thousand new jobs by the year 2031. Rural transfer of development rights was included as density incentive in the development regulations in the Central Issaquah Plan Area.

8. In accordance with the provisions of the interlocal agreement, King County and the city of Issaquah extended the term of the interlocal agreement until July 1, 2019.

9. On June 25, 2015, the Puget Sound Regional Council officially designated the city's Central Issaquah Plan Area a Puget Sound Regional Council regional growth center.

10. On July 6, 2015, the Issaquah city council passed Ordinance 6904 authorizing the mayor of Issaquah to amend the transfer of development right interlocal agreement as provided in Attachment A to this ordinance.

11. King County and the city are authorized to enter into an interlocal agreement pursuant to chapter 39.34 RCW, the Interlocal Cooperation Act.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The executive is hereby authorized to amend the interlocal agreement with the city of Issaquah, containing language substantially similar to that provided in Attachment A to this ordinance, to thereby establish a more effective

program to transfer development rights from lands in King County's designated rural areas into the city of Issaquah."

EFFECT: The amendment would correct a typographical error in the number of acres preserved by the Transfer of Development Rights program and would add a Statement of Fact about the extension of the original interlocal agreement that occurred in 2014.

King County
Department Of Natural Resources And Parks
Water And Land Resources Division
Open Space Acquisitions Unit
Attention: Darren Greve
MS – KSC-NR-600
201 SOUTH JACKSON, SUITE 600
Seattle, WA 98104-1614
(206) 296-8337
(206) 296-0192 FAX

20071109000517
KING COUNTY INTERLOCA 0.00
PAGE001 OF 032
11/09/2007 09:51
KING COUNTY, WA

Interlocal Cooperation Agreement Between King County and the City of Issaquah Implementing a Transfer of Development Rights Program

November 6, 2007

Department:	**DNRP/WLRD Open Space Acquisitions Unit**
Parties	**City of Issaquah and** **King County**
Project:	**Transfer of Development Rights Program**

AN INTERLOCAL AGREEMENT IMPLEMENTING A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM BETWEEN UNINCORPORATED KING COUNTY AND THE CITY OF ISSAQUAH

This Agreement is hereby entered into by King County, a home rule charter county of the State of Washington, herein after referred as the "County," and the City of Issaquah, a municipal corporation of the State of Washington, herein referred to as the "City."

RECITALS

WHEREAS, the Washington State Growth Management Act (GMA), R.C.W. 36.70A, directs development to urban areas, discourages inappropriate conversion of undeveloped rural land into sprawling, low-density development, and encourages the conservation of productive forest lands and productive agricultural lands; and

WHEREAS, the GMA requires counties to adopt countywide planning policies in cooperation with cities within the County; and

WHEREAS, by Interlocal Agreement, the County, Suburban Cities and the City adopted and ratified the Countywide Planning Policies for King County; and

WHEREAS, the Countywide Planning Policies direct jurisdictions in the County to implement programs and regulations to protect and maintain the rural character of rural, farm and forest lands, and to direct growth to cities and urban centers; and

WHEREAS, the County has developed a Transfer of Development Rights (TDR) program which, subject to adoption of an interlocal agreement, authorizes cities to receive development rights transferred from unincorporated rural and resource lands; and

WHEREAS, the rural and resource lands in the County are recognized as containing important countywide public benefits such as forestry, open space, wildlife habitat, agricultural resources and salmon habitat; and

WHEREAS, consistent with the provisions of the Endangered Species Act, the County and the City share a strong interest in the preservation of salmon habitat; and

WHEREAS, the City is in the process of establishing a Transfer of Development Rights Program; and

WHEREAS, the City and the County share an interest in creating an effective, cooperative development rights transfer system to achieve the goals of the GMA, the Countywide Planning Policies, City and King County Comprehensive Plans; and

WHEREAS, the County and the City are authorized, pursuant to R.C.W. 39.34

and Article 11 of the Washington State Constitution, to enter into an interlocal governmental cooperation agreement to accomplish these shared goals; and

WHEREAS, the County, pursuant to County Ordinance 2006-0571, has authorized the Executive to execute an interlocal agreement with the City of Issaquah to transfer rural development rights into the City and provide Conservation Futures funding for the acquisition of open space inside the City; and

WHEREAS, the City, pursuant to City Ordinance 2434, has authorized the transfer of development rights from privately owned rural and resource lands in the Issaquah Creek Basin in King County to receiving sites in the City of Issaquah.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing circumstances, the County and the City herein agree:

I. PURPOSE

The County and the City agree to implement a program (hereafter the "Program") for the transfer of development rights from privately owned unincorporated King County rural and resource lands in the Issaquah Creek Basin ("Rural Development Rights") into the City according to the provisions described below. The County Rural Development Rights accepted by the City of Issaquah shall not exceed 75 TDR units.

II. RESPONSIBILITIES AND POWERS OF THE CITY OF ISSAQUAH

A. The City of Issaquah has developed a Transfer of Development Rights Program to provide incentives to protect selected Sending Site properties inside and outside the City while authorizing additional residential density, commercial square footage and other uses at selected Receiving Sites inside the City.

B. The City enacted appropriate TDR legislation, attached herein as City Code 18.10.240 in Exhibit A, as a precondition for receiving Rural Development Rights from the County per King County Code 21A.37.140A.

C. The City shall continue to permit the use of Rural Development Rights from King County at Receiving Sites in the City during the term of this Agreement. Rural Development Rights shall be from priority Sending Sites within the Issaquah Creek Basin in conformity with King County Code 21A.37.020 and City Code 18.10.240, as designated in the King County Comprehensive Plan or a functional plan, unless other Sending Sites are mutually agreed to by the City and County.

D. The City, per King County Code 21A.37.040F and 21A.37.140C, shall work with the County to mutually agree upon the conversion ratio for Rural Development Rights that are transferred into the City. The City may modify the terms and conditions upon which Rural Development Rights may be used at the Receiving Sites in the City after consulting with the County.

E. The City shall notify the County when it has approved the use of Rural Development Rights that were purchased from the King County TDR Bank or private parties in a specific project and shall execute a transfer of development rights extinguishment document in conformance with the King County Code 21A.37.140B.

III. RESPONSIBILITIES AND POWERS OF KING COUNTY

A. The County adopted polices, regulations and administrative procedures under K.C.C. 21A.37 to implement the Program, which promotes and facilitates the purchase and sale of Rural Development Rights. These policies:

a.) establish criteria and procedures for the certification of sending sites;
b.) facilitate and promote certification of sites;
c.) establish procedures to facilitate the sale of Rural Development Rights;
d.) seek priority sites within the Issaquah Creek Basin for future purchase of development rights by the County's Transfer of Development Rights Bank;
e.) establish procedures to require, maintain and enforce deed restrictions on sending sites from which development rights are bought, in order to prohibit those sites from being developed in violation of the deed restrictions and shall provide a copy of the Deed Restrictions/ Conservation Easement to the City before final approval.

B. The County shall work with the City, per City Code 18.10.240 and King County Code 21A.37, to mutually agree upon the conversion ratio for Rural Development Rights that are transferred into the City.

C. Funding.

1. The County shall provide $200,000 for the acquisition of open space land selected by the City of Issaquah in a manner that is consistent with the provisions governing allocation of conservation future tax levy funds in K.C.C. Ch. 26.12, and which would require the City to enter into an interlocal agreement in substantially the form attached hereto as Exhibit B.

2. Contingent on approval from the Metropolitan King County Council, the County through the King County Executive, and the City through the Mayor of Issaquah, will negotiate in good faith to determine the amount, if any, of future amenity funds to be provided by the County to the City. In negotiating this issue, the County will seek to provide to the City additional amenity funds in amounts not to exceed the dollar amounts of rural development rights purchased from the King County Transfer of Development Rights Bank or private parties used inside the City.

3. Any amenity funding will be consistent with County revenue statutory restrictions and shall be based on a written scope of work, budget, and schedule provided by the City.

4. Any project or activity for which amenity funding is provided by the

County to the City, or the portion thereof funded by the County, must be completed within five years of the receipt of the funds by the City. If any such project or activity is not completed within five years, then any funds provided for such project or activity by the County, not yet expended on costs of such project or activity, must be returned to the County with interest earned (at market rates mutually agreeable to both parties) by the City and not yet expended for such costs.

IV. EVALUATION AND MONITORING

A. The records and documents with respect to all matters covered by this Agreement shall be subject to inspection, review, or audit by the City or County as requested by each jurisdiction during the applicable records retention period specified by or pursuant to law.

B. The City and County shall periodically publish a joint report evaluating the progress of the Program. The evaluation shall include at a minimum an analysis of the number of Sending Sites certified in the Issaquah Creek Basin as identified in Exhibit A, the number of Receiving Sites in the City that used Rural Development Rights, and the number and value of Rural Development Rights bought and sold by the TDR Bank or private parties for use in the Program.

V. DURATION

A. Duration. This Agreement shall become effective on the date it is signed by all parties and shall continue until July 1, 2014.

B. Extension. Pursuant to a mutual written agreement between the County Executive and City Mayor, this Agreement may be extended for a maximum of five (5) years from the effective date of the extension. To extend the Agreement, the City or the County shall make a written request to the other not less than sixty (60) days prior to the end of this Agreement. The request shall specify the proposed term of the extension. The parties must agree to the extension in writing by the termination date or the agreement will lapse.

VI. INDEMNIFICATION

A. The County shall indemnify and hold harmless the City and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the County, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the

City, the County shall defend the same at its sole cost and expense, provided that the City retains the right to participate in said suit if any principal or governmental or public law is involved, and if final judgment be rendered against the City and its officers, agents, and employees, or any of them, or jointly against the City and County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

B. The City shall indemnify and hold harmless the County and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the City, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, the City shall defend the same at its sole cost and expense, provided that the County retains the right to participate in said suit if any principal of governmental or public law is involved; and if final judgment be rendered against the County and its officers, agents, employees, or any of them, or jointly against the City and County and their respective officers, agents, and employees or any of them, the City shall satisfy the same.

C. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this section shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

VII. GENERAL TERMS

A. This Agreement shall be administered for the City by the Mayor or his /her designee and for the County by the County Executive Officer, or his/her designee.

B. If any provision of this Agreement shall be held invalid, the remainder of the Agreement shall not be affected.

C. Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any prior or subsequent breach, and shall not be construed to be a modification of this Agreement.

D. This Agreement is made and entered into for the sole protection and benefit of the parties hereto. No other person or entity shall have any right of action or interest in this Agreement based upon any provision set forth herein.

E. This Agreement is the complete expression of the terms hereof and any oral representation or understanding not incorporated herein is excluded. Any modifications to this Agreement shall be in writing and signed by both parties.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces put forth below:

KING COUNTY

Ron Sims King
King County Executive

Date: 10/26/07
Acting under the authority of
Ordinance 14850

CITY OF ISSAQUAH

Ava Frisinger
Mayor

Date: 10/4/07

Approved as to form:

for ~~NORM MALENG~~ Timothy P. Barnes
Senior Deputy ~~King County~~ Prosecuting Attorney

Approved as to form:

Issaquah City Attorney

Exhibit A

City of Issaquah Transfer of Development Rights Program

18.10.2005 Purpose and intent of the transfer of development rights program.

The intent of the TDR program is to:

A. Decrease development pressure on land adjoining critical areas by providing the owners of private property with the opportunity for a reasonable economic return by transferring development rights from parcels with these critical areas to land more suited for urban development. Key focus areas are salmon habitat, riparian corridors, and floodways throughout the Tibbetts Creek and Issaquah Creek Basins.

B. Increase public open space by providing the opportunity for development rights to be transferred from private land adjacent to public open space;

C. Increase density in specific parts of the City that are best suited to accommodate urban densities and to accomplish City goals for increasing the opportunities for transit service, open space and an increased efficiency of urban service provision.

D. Promote design and development consistent with the City's vision and the Comprehensive Plan's Olde Town Design Standards in areas outside of the Olde Town area.

E. Promote equity by providing the opportunity to transfer the same number of development rights consistent with the development potential of the sending sites' existing development regulations. (Ord. 2434 § 1, 2005).

18.10.2010 State enabling legislation.

This chapter is adopted pursuant to RCW 36.70A.090, Comprehensive plans—Innovative techniques, which states, "A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights." (Ord. 2434 § 1, 2005).

18.10.2020 Definitions.*

Following are specific definitions for certain words, terms and phrases used in this section of the Issaquah Land Use Code. Where any of these definitions conflict with definitions used in other titles of the Municipal Code, the definitions herein shall prevail when used in the context of this chapter. Other terms used in this section may be defined in Chapter 18.02 IMC.

Creek side restoration project: A project approved by the City for the restoration of creek side areas for the benefit of anadromous fish habitat.

Designated property: Those parcels shown as TDR sending or receiving sites on the TDR Sending and Receiving Sites Map. The sending sites are required to become qualified by the City before TDRs are available to receiving sites. (See IMC 18.10.2040(B), TDR Certification.)

Development rights: The allowable dwelling units, and the associated number of p.m. peak hour trips and either impervious surface, or building height that may be transferred from a TDR sending site to a TDR receiving site.

Easement, conservation: A voluntary, legally recorded restriction, in the form of a deed, on the use or the property, in order to protect resources such as agricultural lands, historic structures, open space and wildlife habitat. The easement may include all or part of a parcel. In perpetuity, no new development shall take place within the areas covered by the easement. The property itself may remain in private ownership.

Extinguishment document: When a development right is purchased and then used, the right to build a dwelling unit on the sending site is "extinguished." It is used up and cannot be used again in any other location. The extinguishment document records the sale and use of the development right on both the sending site and the receiving site and states how the development rights are applied.

Letter of intent, TDR certification: A signed letter provided by the City documenting availability of development rights for sale from a sending site. For those sending sites outside the City limits, this letter will be provided by King County.

Public open space: Property owned by the City of Issaquah, King County or State Departments of Parks and Recreation and Natural Resources that is set aside to serve the purposes of protecting and conserving critical areas and natural systems.

Redevelopment sites: Receiving sites that are identified in the 2001 Vacant and Redevelopable Land Inventory as an underdeveloped commercial property and identified on the TDR Sending and Receiving Sites Map.

Stewardship plan: is a comprehensive plan for the long-term protection of property under a conservation easement developed by the property owner and approved, monitored and enforced by the City of Issaquah. The plan must include:

A course of action that prevents degradation of the values, structure and functions of the natural resources and open space;

An inventory of the existing conditions as well as all critical areas and their buffers;

A site map showing any existing or proposed development or other activities, protected natural areas and proposed enhancements;

A timeline for implementing any enhancements and follow up monitoring and maintenance; and

Bonds for maintenance, if necessary as required by IMC 18.10.810, Bonds for restoration and mitigation activities.

TDR base density: The developable units on a residentially zoned property calculated per IMC 18.10.450, Density credits. For commercial and retail zoned property, TDR base density means the developable square footage calculated per IMC 18.10.450, Density credits.

TDR certificate: A recorded document, issued by the City or King County, showing the number of development rights available from a sending site to be used at a TDR receiving site.

TDR, certified: That a sending site owner has obtained a certificate from the City verifying that the transfer of development rights process is completed on the property, and a conservation easement has been recorded or the property has been dedicated as public open space in perpetuity.

TDR development right conversion ratio: Each development right may be converted into three (3) of the four (4) uses of a TDR as defined in IMC 18.10.2040(A)(3), Use of Development Rights. A TDR unit cannot be divided.

TDR sending site: Privately owned property in the City limits that has been designated as a sending site on the TDR Sending and Receiving Sites Map. Sending sites also include property in the King County Rural or Resource Zones of the Issaquah Creek Basin containing environmentally critical areas as defined in the King County Interlocal Agreement.

TDR sending site, first priority: Those sending sites that are designated on the TDR Sending and Receiving Sites Map based on IMC 18.10.2030(B), Designation Criteria – Sending Sites.

TDR sending site, qualified: That a TDR sending site owner has obtained a TDR certification letter of intent from the City that identifies the number of development rights available for transfer from the property.

TDR sending site, second priority: Those sending sites that are designated on TDR Sending and Receiving Sites Map based on IMC 18.10.2030(B), Designation Criteria – Sending Sites. Second priority sending sites are not eligible to be qualified until fifty (50) percent of the first priority sending sites are certified.

TDR receiving site: Privately owned property in the City limits where existing urban services and infrastructure can accommodate additional development. TDR receiving sites are designated on the TDR Sending and Receiving Sites Map.

Transfer of development rights (TDRs): A program that decreases development pressure on land adjoining critical areas by providing the owners of private property with a mechanism to transfer development rights from parcels with these critical areas to land more suited for urban development. Landowners receive financial compensation without developing their land and the public receives permanent preservation of the land.

Transit-oriented development: See definition in IMC 18.02.220, Definitions – T. (Ord. 2434 § 1, 2005).

*Code reviser's note: The TDR Sending and Receiving Sites Map is attached to Ord. 2434 and available for review in the City Clerk's office.

18.10.2030 Designation of sending and receiving sites.*

Sending sites and receiving sites are established, based on their ability to meet the purpose and intent and designation criteria of the TDR program.

A. TDR Sending and Receiving Sites Map: Tax parcels within TDR sending and receiving sites are designated by the City on the TDR Sending and Receiving Sites Map.

B. Designation Criteria – Sending Sites:

1. Inside City Limits: The site is privately owned and meets one (1) or more of the following criteria;
   a. The site includes at least thirty (30) percent critical areas and/or required critical area buffers as defined by this chapter; and/or
   b. The site is contiguous with existing public open space; or
   c. Retention of all or part of the site in permanent open space will achieve one (1) or more of the goals and policies adopted in the Comprehensive Plan; or
   d. The site is located adjacent to a creek side restoration site; or

e. The site requires a reasonable use variance as required in IMC 18.10.390, Definitions (R), or a critical area variance as defined in IMC 18.10.430, Variances, in order to be developed; or

f. The site has limited access for ingress, egress or infrastructure accessibility.

2. Outside City Limits: Through an interlocal agreement with King County, the City will set criteria for privately owned TDR sending sites outside the City limits and within the Issaquah Creek Basin. These sites will be in the King County Rural or Resource Zone.

3. First Priority Sites:

   a. First priority sites are identified by the following means:

      i. Sites designated as first priority on the TDR Sending and Receiving Sites Map.

      ii. Sites that require a reasonable use variance or a critical area variance (IMC 18.10.430, Variances).

      iii. Sites that are outside the City limits and associated with the King County Interlocal Agreement.

   b. Only first priority sending sites will be eligible to participate in the TDR program unless a request for changed priority application is approved as defined in subsection (D)(2) of this section, Request for Changed Priority.

   c. Second priority sites will be eligible to participate in the TDR program when fifty (50) percent of the first priority parcels are certified.

4. Future Use of a Designated Sending Site: The development or use of a TDR sending site may affect the designation of the property as a TDR sending site.

5. Designation as a sending site is not intended to supplant a property owner's ability to exercise a reasonable use variance or critical area variance (IMC 18.10.430, Variances) for development of their property.

C. Designation Criteria – Receiving Sites: Parcels with more than fifty (50) percent critical area are not eligible to be receiving sites, except for those sites that are over fifty (50) percent in the Critical Aquifer Recharge Area. Properties accessing 229th Avenue SE cannot be receiving sites because of requirements established for the 229th traffic signal. Receiving sites are privately owned and meet one (1) or more of the following criteria:

1. The parcel is within three quarters (0.75) of a mile from the Issaquah Transit Center, south of I-90 and is zoned: Multifamily-High, Mixed Use Residential, Retail, Intensive Commercial or Professional Office; or

2. The parcel is within one quarter (0.25) mile of a transit stop and zoned: Retail, Intensive Commercial or Professional Office, and the site's primary access and street frontage are located on "major streets" as defined as: Gilman Boulevard east of SR 900, Front Street, Newport Way, Sunset Way, SR 900, NW Sammamish Road, NW Maple Street, East Lake Sammamish Parkway (ELSP), SE 56th Street to one thousand two hundred (1,200) feet east of ELSP, Issaquah-Fall City Road, or Issaquah-Pine Lake Road SE; or

3. The parcel is a CBD or Multifamily zoned property within the Olde Town Design Standards area; or
4. The parcel is within the existing development area or established expansion areas of an Urban Village; or
5. The parcel is a redevelopment site as defined in IMC 18.10.2020, Definitions (R).

D. TDR Map Amendments:
1. Adding a Sending or Receiving Site: A proposal to add a receiving or sending site to the TDR Sending and Receiving Sites Map shall be reviewed as a Land Use Code Amendment, Level 6 Review. Review and approval shall be made based on the proposal's ability to meet the designation criteria established in subsections B and C of this section.
2. Request for Changed Priority: Designated sending sites that are second priority may request consideration to be first priority through a Land Use Code Amendment, Level 6 Review. Review and approval shall be made based on the proposal's ability to show why it should be designated first priority. (Ord. 2434 § 1, 2005).

*Code reviser's note: The TDR Sending and Receiving Sites Map is attached to Ord. 2434 and available for review in the City Clerk's office.

18.10.2040 Sending TDRs: Certification, application and procedures.

A. Qualifying a Sending Site for the Transfer of Development Rights:
1. Eligibility: In order to sell or transfer development rights, the property owner of a designated first priority or otherwise eligible sending site(s) must submit:
   a. A complete application and appropriate application fee to the City requesting certification of the property as a TDR sending site;
   b. Site survey:
      i. For parcels intending to retain more than one (1) unit of the development rights of the parcel: A site survey showing the property and delineating any critical areas and their buffers and the potential developable area.
      ii. For parcels intending to transfer the density of the entire parcel (except for the retention of one (1) unit): No critical areas surveys are required.
   c. A description of the intended use of the property after the development rights are sold and/or how the property will remain in permanent open space.
   d. A development agreement is required for those sending sites over ten (10) acres intending to retain more than one (1) of the development rights of the parcel.
   e. Outside City Limits: See Issaquah/King County Interlocal Agreement for documentation on application requirements for parcels outside City limits in Issaquah Creek Basin.
2. Calculation of TDRs:

a. Inside City Limits: The Planning Director or his/her designee shall review the application and calculate the allowable number of development rights for the sending site.
   i. For residentially zoned sending sites, the TDR base density shall be calculated as defined in IMC 18.10.450, Density credits. Developable units on a subject property equal the property's TDR base density.
   ii. For commercially zoned sending sites, the TDR base density shall be calculated as defined in IMC 18.10.450, Density credits, based on the maximum buildable square footage on the site divided by two thousand (2,000) square feet.
   iii. For parcels zoned SF-E (1.24 du/acre), the TDR base density shall be calculated beginning with four (4) dwelling units per acre and then calculated as defined in IMC 18.10.450, Density credits.

b. Outside City Limits: The maximum transferable number of development rights by a sending site outside of the City limits shall be established through a development agreement with the property owner, King County and the Issaquah City Council as required by the Issaquah/King County Interlocal Agreement.

3. Use of Development Rights: Each development right includes three (3) distinct uses that can be combined on a receiving site; however, the three (3) individual uses of each TDR shall not be divided. One (1) TDR equals:
   a. One (1) residential dwelling unit; and
   b. One (1) p.m. peak hour trip; and
   c. Impervious Surface:
      i. Two thousand (2,000) square feet of impervious surface outside of the Critical Aquifer Recharge Area (CARA), or
      ii. One thousand (1,000) square feet inside the CARA; or
   d. Additional Building Height/Floor Area: Note: (1) additional height is not allowed in the Multifamily-High (MF-H) zoning district; and (2) Maximum height for structures in Shoreline Jurisdiction is thirty-five (35) feet (Issaquah Shoreline Master Program):
      i. Two thousand (2,000) square feet of gross floor area above the base building height or maximum building height if the proposal complies with all of the development standards in IMC 18.07.355, Building height adjustments, or
      ii. One thousand (1,000) square feet of gross floor area above the base building height or maximum building height established in IMC 18.07.360, District standards table, if the proposal deviates from IMC 18.07.355(A)(1)(b), (B)(1)(b) and (C)(1)(b), Building height adjustments.

4. TDR Certificate Letter of Intent: The Planning Director or his/her designee shall prepare and issue a TDR certificate letter of intent for the sending site which documents the available development rights on said sending site. When any of these development rights are certified, the letter of intent shall also be reissued to reflect the new amount of development rights.

5. TDR Certificate Letter of Intent Revision Request: The applicant may request, in writing, that the Director revise the TDR certificate within ninety (90) days of the issuance of the TDR certification letter of intent when:
   a. The development rights have not been sold; and
   b. The applicant demonstrates that the TDR rights were improperly calculated; or
   c. The applicant provides additional studies, data or other information demonstrating that an adjustment of the TDR rights would be appropriate.

B. TDR Certification:
1. Certifying TDRs:
   a. Inside City Limits: The Planning Director or his/her designee shall review an application for a TDR certificate for the sending site inside the City limits at the request of a qualified sending site property owner. Following review and approval of the sending site certification application, a TDR certificate letter of intent shall be issued defining the TDR certificate content as required in subsection (B)(2) of this section, TDR Certificate Content. The sending site property owner may then market the TDR sending site development rights to potential purchasers. After the sale of a TDR and the designation of the specific area(s) of the property as permanent open space as required in subsection (B)(3) of this section, Preservation of Open Space Resulting from TDR Conversion, is completed, the TDR certificate may be issued.
   b. Outside City Limits: TDR certification on sending sites outside the City limits within King County shall be as required by Chapter 21A.37 KCC.
   c. Prior to the release of building permits, the receiving site applicant shall deliver the TDR certificate(s) to the City and an extinguishment document shall be recorded on the sending site(s) and receiving site after approval of the receiving site project.
2. TDR Certificate Content: A TDR certificate is a recorded document, showing the number of development rights available from a qualified sending site to be used by a TDR receiving site and shall delineate the number of development rights including:
   a. The number of residential dwelling units; and
   b. The number of p.m. peak hour trips; and
   c. The amount of impervious surface transferable to a TDR receiving site or the additional square footage of gross floor area (above the base building height or maximum building height established in IMC 18.07.360, District standards table, for the underlying zoning district of the TDR receiving site) transferable to a TDR receiving site; and
   d. Proof of preservation of open space resulting from TDR conversion shall be as required in subsection (B)(3) of this section, Preservation of Open Space Resulting from TDR Conversion.
3. Preservation of Open Space Resulting from TDR Conversion: As part of the development rights transfer and prior to the issuance of the TDR certificate, the sending site property owner is required to document that the site, or

portion of the site, is no longer developable and shall be preserved in permanent open space in one (1) of the following ways, as determined by the City case by case:

a. The sending site property owner shall record a conservation easement in perpetuity over the parcel and deed the ownership of the property to the City to be preserved in permanent public open space. Maintenance for the benefit and protection of the natural resources, including wildlife, scenic corridors and water quality shall be the responsibility of the City as defined in the conservation easement. Property deeded to the City shall include a restriction on installation of new utilities except:
   i. To allow any third party with right under an ingress, egress, utility, or similar easement that was established or recorded prior to the effective date of said easement to exercise such rights;
   ii. To install, use and maintain linear or underground utilities; provided, that such installation shall be along the alignment that results in the least disturbance to vegetation among the reasonable alternatives for such alignment; and further provided, that any area disturbed by such activity is promptly restored to the original grade and revegetated.

b. The sending site property owner shall record a conservation easement in perpetuity over the parcel as a condition of selling the TDR. The easement shall include the preparation and implementation of a stewardship plan to ensure the property is maintained for the benefit and protection of the natural resources, including wildlife, scenic corridors, and water quality. All conservation easements shall allow City staff access to the property to ensure compliance with the conservation easement.

4. Reissuing TDR Certificates: The Planning Director or his/her designee shall administer the TDR Program by reissuing or retiring certificates when some or all of a parcel's development rights have been transferred. A TDR certificate must be reissued and recorded after the sale of TDRs to the receiving site owner and the recording of a conservation easement or dedication of the property as public open space. The reissued TDR certificate shall clearly state the remaining TDRs available for that parcel. If no TDRs are available, that information shall also be recorded.

C. Determining the Number of Units Remaining on a Sending Site:

1. Transferring all of the TDRs: All or a portion of the TDRs certified by the Planning Director may be sold. If all of the TDRs are transferred, no further development shall occur on the sending site and the entire parcel shall remain in permanent open space in perpetuity, forestry or agriculture in accordance with the provisions of subsection (B)(3) of this section, Preservation of Open Space, resulting from TDR conversion.

2. Transferring TDRs Over Time: Certified TDRs from one (1) site may be sold over time or to more than one (1) receiving site until all development rights are sold or the property owner chooses to develop the remainder of the property.

3. Calculating Any Remaining Density on the Sending Site: If only a portion of the TDRs are sold and transferred, the remainder of the property may be developed as follows:
   a. A portion of the site, equal to the percentage of TDRs that were sold, must be transferred to or protected under a conservation easement as required by subsection (B)(3) of this section, Preservation of Open Space, resulting from TDR conversion, before any Building Permits can be issued for the receiving site or any development applications may be submitted for the remainder property of the sending site.
   b. The conservation easement area and the remainder property must both include the same percentage of critical area as the original property.
   c. The number of dwelling units or, in the case of commercially zoned land, the building square footage permitted on the remainder property shall be determined in accordance with the conservation easement and provisions of IMC 18.10.450, Density credits, based on the percentage of critical area on the site. (Ord. 2434 § 1, 2005).

18.10.2050 Receiving TDRs: Standards, applications and procedures.

A. Standards for Transferring Development Rights to a Receiving Site: Transferred development rights can be accommodated on a receiving site based on the following design and development criteria:

1. Applicability: Receiving sites may have the allowable development permitted by the underlying zoning district and related standards. Purchased TDRs may be used to exceed the allowable development and be used for new development or modification to existing development. Receiving sites shall be developed in accordance with this chapter. All development and design standards required by the underlying zoning district shall be met, unless the standards are adjusted through IMC 18.07.250, Administrative adjustment of standards.
2. Residential Density and Commercial Square Footage Limits:
   a. Additional Density and/or Commercial Square Footage: Additional residential density and/or commercial square footage may be proposed through a development agreement approved by the City Council through a Level 5 Review based on the following residential density limits in the following table:

Table 18.10.2050(A)(1): Residential Density and Commercial Square Footage Limits

Receiving Site Zone (underlying zoning)	Density Limits (Increase of 25%)
MF-M & MUR (14.52 dwelling units per acre)	18 dwelling units per acre
MF-H (29 dwelling units per acre)	36 dwelling units per acre
Other Zones	Increase of 25% of units or 25% increase in building square footage for commercially zoned receiving sites

   b. Building Height and/or Gross Floor Area: The maximum building height for all zoning districts is established in IMC 18.07.360, District standards table. Through transfer of development rights, a receiving site may propose additional square footage of gross floor area above the base building height or maximum building height as established in the following table:

Table 18.10.2050(A)(2) Process and Conditions for Maximum Building Heights for Receiving Sites[1]			
Receiving Site Zoning District	**Maximum building height allowed in underlying zoning district in IMC 18.07.360, District standards table**	**Process and Conditions for Maximum Building Height with Purchase of TDRs**	
		Administrative Adjustment of Standards [2]	**Development Agreement processed through a Level 5 Review**
		Conditions: Comply with all of the development standards in IMC 18.07.355, Building height adjustments, including the height above the maximum building height	**Conditions: a) Comply with IMC 18.07.060(A), Purpose; and b) Allow deviation from IMC 18.07.355 (A)(1)(b), (B)(1)(b) and (C)(1)(b), Building height adjustment standards**
MF-M Multifamily – Medium	50 ft	65 ft	65 ft
MF-H Multifamily – High	65 ft	65 ft	65 ft[3]
MUR Mixed Use Residential	50 ft	65 ft	65 ft
PO Professional Office	65 ft	80 ft	80 ft
R Retail	65 ft	80 ft	80 ft
IC Intensive Commercial	65 ft	80 ft	80 ft
CBD Cultural and Business District	65 ft	80 ft	80 ft

[1] Maximum height for structures in Shoreline Jurisdictions is thirty-five (35) feet (Issaquah Shoreline Master Program).

[2] The complete receiving site proposal is processed as established in IMC 18.06.130, Table of permitted land uses, based on the review process for the proposed land use in the underlying zoning district.

[3] Receiving site parcels zoned MF-H (along Sunset Way) are not permitted additional height above the maximum building height due to their small lot size.

3. Impervious Surface Limits: Impervious surface limits on the receiving site may be increased as defined in the following table:

Table 18.10.2050(A)(3) Process and Conditions for Impervious Surface[1] Ratio Limits in Receiving Sites			
		Process and Conditions for Impervious Surface Ratio Limit with purchase of TDRs	
Receiving Site Zoning District	Impervious Surface Ratio allowed in underlying zoning district IMC 18.07.360, District standards table	Administrative Adjustment of Standards [2] Conditions: meet the conditions established in IMC 18.07.350, Other standards not identified	Development Agreement reviewed and approved through a Level 5 Review Conditions: Commercial and Mixed Use (commercial and residential) projects are required to meet Olde Town Design Standards for CBD [3]
MF-M Multifamily – Medium	50%	65%	75%
MF-H Multifamily – High	50%	65%	75%
MUR Mixed Use Residential	50%	65%	85%
PO Professional Office	65%	80%	90%
R Retail	65%	80%	90%
IC Intensive Commercial	65%	80%	90%
CBD Cultural and Business District [4]	85%	95% [4]	N/A

[1] The Critical Aquifer Recharge Area is identified on maps in the Permit Center and includes Wellhead Protection Areas based on one (1), five (5) and ten (10) year capture zones.

[2] The complete receiving site proposal is processed as established in IMC 18.06.130, Table of Permitted Land Uses, based on the review process for the proposed land use in the underlying zoning district.

[3] Multifamily projects are required to meet Olde Town Design Standards for MF-M and MF-H Districts.

[4] All projects in the CBD are required to meet the Olde Town Design Standards.

4. Transportation Concurrency: The total transportation concurrency trips shall be calculated by:

Calculation	Reference
Step 1: Total p.m. peak trips generated by the proposed development at receiving site	IMC 18.15.260, Concurrency review
Step 2: (Credit) Number of p.m. peak trips allocated to existing use	IMC 18.15.260, Concurrency review
Step 3: (Credit) Number of p.m. peak trips purchased through TDRs	IMC 18.15.260, Concurrency review
Step 4: (Equals) Net number of new p.m. peak trips subject to transportation concurrency requirements	IMC 18.15.260, Concurrency review

a. TDR trips can be used on a trip by trip basis to reduce p.m. peak trips generated by proposed projects. Purchased TDRs may be used to evaluate transportation concurrency, as established in IMC 18.15.260, Concurrency review.

b. Purchasing TDRs for p.m. peak trips to meet transportation concurrency does not remove the responsibility of the property owner to make required traffic improvements in the vicinity of the project area as required by the traffic study. (Refer to IMC 18.15.260, Concurrency review.)

c. Safety improvements and on-site improvements required by the City continue to be the responsibility of the applicant.

B. Application, Process and Procedures for Using TDRs:

1. Application: A complete application for a project proposing to use TDRs shall comply with IMC 18.04.150, Complete application – Sufficiency review.

2. Process:

a. Development Agreements: A development agreement shall be processed through a Level 5 Review. A development agreement shall include property description and maps, as required in IMC 18.04.570, Master Site Plan contents, and establish the following development and design standards:

i. Residential density and/or square footage maximum;

ii. Provisions for exceeding maximum building height, if proposed, including modulation to lessen the bulk of the building;

iii. Required buffers to adjacent land;

iv. Mitigation of impacts to adjacent properties;

v. Landscaping standards;

vi. Consistency with the Comprehensive Plan vision for the subarea in which the property is located; and

vii. Other provisions as agreed to by the City and property owner.

b. Urban Villages: A major modification to the existing Urban Village Development Agreement (Issaquah Highlands or Talus) is required to increase the existing development density for an Urban Village. The additional density due to TDRs may not be used outside of the existing Urban Village Development Areas. The major modification process for each Urban Village is established within the existing development agreements for the specific Urban Village.

c. Proposals for receiving sites using only the TDR unit p.m. peak trips shall be processed according to IMC 18.06.130, Table of permitted land uses.

d. Process required for additional height, impervious surface, density and commercial square footage is established in this section.

3. Procedures:

a. Transportation Concurrency Review: Transportation concurrency review is required based on the total proposed number of residential units and/or commercial square footage which are calculated as established in subsection (A)(4) of this section, Transportation Concurrency.

b. Using Certified TDRs: The total number of development rights from a sending site may be transferred to one (1) or more designated receiving sites; provided, that the development rights shall only be transferred together as individual development rights. The individual uses of a development right may not be divided, but development rights purchased from one (1) site may be distributed to more than one (1) receiving site.

c. Impact Fees: All impact fees shall be based on the final number of residential units and the total commercial/retail square footage in the receiving site proposal.

d. Administrative Adjustment of Standards (AAS): An AAS may be required in order to accommodate the proposed development on the receiving site as provided for in subsections A of this section, Standards for Transferring Development Rights to a Receiving Site, and subsection B of this section, Application, Process and Procedures for Using TDRs, and as defined under IMC 18.07.280, Prohibited standards, that limits AAS applications.

e. Conditions of Approval: The conditions of approval for the Land Use Development Permit shall include: (1) requirement of developer to purchase, record and certify the TDRs prior to release of Building Permits; (2) issuance, by the Planning Director, of an updated TDR certificate and/or letter of intent for the sending site(s); and (3) the extinguishing document for sending and receiving site to be recorded by receiving site property owner before Building Permit issuance.

f. Notice of Decision: Notice of Decision shall be provided in accordance with IMC 18.04.240, Notice of decision. A Notice of Decision for the project shall clearly state: (1) the number of TDRs transferred to the receiving site; and (2) the incorporation of TDRs into the approved project through the total density, p.m. peak trips, square footage, impervious surface, height and other related standards.

g. TDR Certificates: TDR certificates are valid only for the specified parcel for which they were originally purchased and may not be transferred to a different parcel unless the original parcel is subdivided in accordance with subsection D

of this section, Subdivision of TDR Receiving Sites, or if the original proposal has been withdrawn by the property owner or denied by the City.

C. Requirements Prior to the Release of Building Permits for Receiving Site Projects Using TDRs: Following Building Permit approval, and prior to Building Permit issuance the receiving site applicant shall deliver the TDR certificates and proof of the transaction showing the purchase of the development rights by the applicant for use at a receiving site to the Permit Center. The development rights must be purchased and a TDR extinguishment document recorded on the sending site and receiving site parcels conveying transferable development rights (TDRs) as defined in IMC 18.10.2040(B), TDR Certification.

D. Subdivision of TDR Receiving Sites:

1. Plat Application: TDR receiving sites may be subdivided in accordance with the requirements of Chapter 18.13 IMC, Subdivisions. The preliminary plat or short plat application shall include a pro rata portion of the development rights transferred to the original parcel to each parcel created by the subdivision. At time of application, the applicant shall provide a signed option letter indicating the buyer, seller, sending and receiving site tax parcel number(s) and the number of development rights to be acquired. The pro rata assignment of transferred development rights shall only be in whole units. Individual TDRs may not be divided and the individual parts of a TDR may not be assigned to a new parcel.
2. Plat Modifications: The Hearing Examiner's decision on a preliminary plat and the Director's decision on a short plat may modify the assignment of TDRs proposed by the applicant when such modification is necessary to comply with the provisions of subsection B of this section or the objectives of IMC 18.13.010, Purpose.
3. Plat Approval: Upon plat approval, the new assignment of the TDRs shall be shown on the face of the Short Plat or Final Plat approved by the City and shall be recorded with the County Records and Elections. Final Plat approval shall be contingent on the applicant providing TDR certificates with the equivalent number of additional development rights necessary within the plat as approved by the City. (Ord. 2434 § 1, 2005).

18.10.2060 Appeals.

A. Any decision under this section will not be subject to appeal except as part of an appeal of the entire project. An appeal of TDRs may be incorporated under a project appeal under IMC 18.04.250, Administrative Appeals.

B. Decisions by the Hearing Examiner regarding the transfer of development rights may be appealed to Superior Court in accordance with IMC 18.04.258, Judicial or Growth Management Hearings Board Appeals. (Ord. 2434 § 1, 2005).

18.10.2070 Monitoring TDR certificates.

A. The City shall keep records and monitor both the issuance and transfer of TDR certificates and related conservation easements, and the development they represent.

B. An annual status report on the issuance and transfer of TDRs and related stewardship plans shall be made. (Ord. 2434 § 1, 2005).

18.10.2080 Expiration and repeal.

A. Development rights that have been transferred in accordance with this chapter and have been recorded with the County Auditor shall remain with the receiving site and shall not expire until the project is completed.

B. If this chapter of the IMC is repealed by the City Council, the density of all sending sites not transferred as TDRs shall be the density allowed by IMC 18.07.070, Density. If some, but

not all, of the development rights from one (1) sending site were sold, the remainder of the property shall be developed as allowed in the conservation easement and by IMC 18.07.070, Density, unless an agreement with the City Council was approved prior to the repeal of this chapter. (Ord. 2434 § 1, 2005).

18.10.2090 Other authority.

Nothing in this chapter is intended to limit the City's authority under the State Environmental Policy Act or any other source. The Planning Department shall be responsible for administering this Code as established in IMC 18.01.050, Authority and vested rights. (Ord. 2434 § 1, 2005).

Exhibit B

INTERLOCAL COOPERATION AGREEMENT BETWEEN KING COUNTY AND THE CITY OF ISSAQUAH FOR OPEN SPACE ACQUISITION PROJECTS

THIS INTERLOCAL COOPERATION AGREEMENT is entered into between the CITY OF ISSAQUAH ("City") and KING COUNTY ("County").

Article I. Recitals

On February 27, 1989, the King County Council passed Ordinance 8867, which established a process to allocate the proceeds of the Conservation Futures Fund, including matching contribution requirements for jurisdiction receiving funds.

On September 21, 1989, the King County Council passed Ordinance 9128, which established a Conservation Futures Levy Fund to provide for the receipt and disbursement of Conservation Futures tax levy proceeds and established conditions for use of the Fund, including conditions covering allowable cost and expenses.

On July 21, 2003, the King County Council passed Ordinance 14714, authorizing funding allocation procedures for King County Conservation Futures tax levy collections and amending Ordinance 8867, Section 2, as amended, and K.C.C. 26.12.020, adding new sections to K.C.C. Chapter 26.12 and recodifying K.C.C. 26.12.020.

The Open Space Citizens Advisory Committee has recommended an allocation of Conservation Futures funds to specific projects from the Conservation Futures Levy Fund following notification to the suburban cities that funds were available, provision of an opportunity for the suburban cities to respond, and receipt by the committee of requests for funding, all pursuant to Ordinance 8867, as amended by Ordinance 14714.

The King County Council, by Ordinance 15083, allocated Conservation Futures funds to certain suburban cities projects, and by Ordinance 15083 has authorized the King County Executive to enter into an interlocal cooperation agreement with the City in order to initiate the Suburban City TDR Incentive Partnership project.

Pursuant to King County Ordinances 8867, 9128 and 14714, Washington Statute Chapter 84.34 R.C.W. and Washington Statute Chapter 39.34 R.C.W., the parties agree to the following:

Article II. Definitions

1. Open Space

The term "open space" or "open space land" means:

a.) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or

b.) any land area, the preservation of which in its present use would
(i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or
(iii) promote conservation of soils, wetlands, beaches or tidal marshes, or
(iv) enhance the value to the public of abutting or neighboring parks,

forests, wildlife reserves, natural reservations or sanctuaries or other open space, or
(v) enhance recreational activities, or
(vi) preserve historic sites, or
(vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or
(viii) retain in its natural state tracts of land of not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or
(ix) any land meeting the definition of farms and agricultural conservation under Subsection (8) of R.C.W. 84.34.020.

As a condition of granting open space classification, the legislative body may not require public access on land classified under (b) (iii) of this subsection for the purpose of promoting conservation of wetlands.

2. Project

The term "Project" means specific projects which meet open space criteria as described in King County Ordinance 8867, as amended by Ordinance 14714 and R.C.W. 84.34.020, and which are attached to and incorporated by reference in King County Ordinance 14409 or added to the list of approved projects by the County.

3. Conservation Futures

The term "Conservation Futures" means developmental rights which may be acquired by purchase, gift, grant, bequest, devise, lease or otherwise, except by eminent domain, and may consist of fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit future use of, or otherwise conserve open space land, all in accordance with the provisions of Washington Statute Chapter 84.34 R.C.W. and King County Ordinance 8867, as amended by Ordinance 14714.

Article III. Purpose of the Agreement

The purpose of this agreement is to create a cooperative arrangement between the City and the County relating to the Projects and to define the terms and conditions governing both parties' obligations created by this agreement.

Article IV. Term of Agreement

This agreement shall be continued in full force and effect and binding upon the parties hereto upon execution of the agreement by both parties. The terms of the agreement shall be indefinite. The agreement will be terminated if the City is unable or unwilling: 1) to expend the funds provided through this agreement; 2) to satisfy the matching requirements contained in this agreement; and 3) upon reimbursement by the City to the County of all unexpended funds provided by the County pursuant to this agreement in the manner and amounts described below.

Article V. Conditions of Agreement

Section 5.1 -- Project Descriptions. Funds available pursuant to this agreement may be used only for Projects listed in Attachment A, which is incorporated herein by reference, or such substituted Projects as may be approved by the County as set forth below. All County funded Projects must meet open space criteria as described in King County Ordinance 8867, as amended by Ordinance 14714, and Washington Statute Chapter 84.34.020 R.C.W..

Section 5.2 -- Use of Funds. Funds provided to the City pursuant to this agreement as well as funds provided by the City as match pursuant to this agreement may be used only for expenses related to property acquisition. Those expenses include appraisals, title searches, negotiations, administrative overhead, and the cost of actual acquisition or purchase options, all in accordance with the provisions of Section 5 of Ordinance 14714. Funds utilized pursuant to this agreement may not be used to purchase land obtained through the exercise of eminent domain.

Section 5.3 -- Substitution/Deletion of Projects. If the City does not proceed with the Projects described in Section 5.1 of this agreement, the City may reimburse the County all funds provided in good faith to acquire the property for open space, plus accrued interest earnings on the unexpended balance. Alternatively, the City may submit specific requests for project reprogramming to the County for its approval. All projects proposed for reprogramming must meet open space criteria as described in King County Ordinance 8867, Section 1, as amended by Ordinance 14714, and Washington Statute Chapter 84.34.020 R.C.W., be submitted for recommendation by the County's Citizens Oversight Committee or its successor, and be approved by action of the King County Council. All reprogramming requests shall be submitted to the County's Department of Natural Resources, Capital Projects and Open Space Acquisition Section, or its successor.

Section 5.4 -- Eminent Domain. If any Project requires the exercise of eminent domain to acquire the property, all funds provided pursuant to this agreement plus accrued interest on such funds shall be reprogrammed as provided in this agreement or repaid to the County.

Article VI. Responsibilities of the City

Section 6.1 -- Matching Requirements. Any Project funded by Conservation Futures Levy proceeds shall be supported by the City in which the Project is located with a matching contribution which is no less than the amount of Conservation Futures Levy Funds allocated to the Project. This contribution may be in the form of cash, land trades with a valuation verified by an appraisal conducted by a MAI certified appraiser, or credits for other qualifying open space acquired on or after January 1, 1989. Any City match, other than cash, shall require County approval. County approval and County acceptance of the City's match will be transmitted in writing to the City by the County's Manager of the Capital Projects and Open Space Acquisition Section or their successor in functions.

If the Project involves a partnership, as defined in Ordinance 14714 SECTION 5, the participating partners shall determine the allocation of the contributions to the matching requirements of this agreement, so long as the total match is no less than the amount of Conservation Futures Levy Funds provided by the County. Such matching contribution must be available within two years of the City's application for County funds to support Projects identified herein or approved substitute Projects.

If such commitment is not timely made, the County shall be released from any obligation to fund the Project in question, and the City shall reimburse the County all funds provided to the City pursuant to this agreement plus accrued interest on such funds. All such moneys will be available to the County to reallocate to other approved Projects. By appropriate legislature

action taken not more than 60 days following the effective date of this agreement, the City shall commit to contribute its required match.

Section 6.2 -- Project Description. As part of the application to receive Conservation Futures Levy Funds from the County, the City shall submit the following information concerning each project: 1) a narrative description of the project; 2) a description of the specific uses for Conservation Futures Levy Funds in the Project; and 3) a description of the means by which the City will satisfy the matching requirements contained in this agreement.

Section 6.3 -- Reporting. All funds received pursuant to this agreement and accrued interest there from will be accounted for separately from all other City funds, accounts, and moneys. Until the property described in the Project is acquired, and all funds provided pursuant to this agreement expended, the City shall provide annual written reports to the County within 30 days of the end of each relevant time period. The annual report shall contain the following information: a) an accounting of all cash expenditures and encumbrances for support of the Project; b) the status of each Project and any changes to the approved time line; and c) other relevant information requested by the County for the purpose of determining compliance with this agreement.

Following acquisition of the property and expenditure of all funds provided pursuant to this agreement, the City shall provide the County with a final report, within 90 days of the end of the calendar year in which all funds were expended. Said report shall contain a summary of all project expenditures, a description of the project status and accomplishments and other relevant information requested by the County for the purpose of verifying compliance with this agreement.

The City shall also provide the County, within 90 days of the end of each calendar year, annual reports which specify any change in the status of the Project during the prior year and any change in the status of the Project which the City reasonably anticipates during the ensuing year. Such reports shall be required only if a change has taken place or is anticipated, except as provided above for ongoing and final project reports. All such reports shall be submitted to the County's Department of Natural Resources and Parks, Capital Projects and Open Space Acquisition Section, or its successor.

Section 6.4 -- Disposition of Remaining Funds.

If the City does not expend all funds provided through this agreement and no substitute project is requested or approved as to the excess funds, such funds shall be refunded to the County. For purposes of this section, "funds" shall include all moneys provided by the County plus interest accrued by the City on such moneys.

Section 6.5 -- Maintenance in Perpetuity. The City, and any successor in interest, agree to maintain properties acquired with funds provided pursuant to this agreement as open space in perpetuity. If the City changes the status or use of properties acquired with funds provided pursuant to this agreement to any purpose, the City shall pay the County an amount in cash to be mutually determined or substitute other property acceptable to the County. In either case, the value of the property shall be established at the time of the change in status or use, based upon the changed status or use, and not based on its value as open space.

Upon changes in status and/or use of the property acquired herein, at its own cost, the City will provide the County an independent MAI appraisal in accordance with this section. The value established by the appraisal will not be binding on the County. The City shall provide the County with written notice prior to the change of use and shall reimburse the County within 90 days of such notification. Reimbursement not received within 90 days will accrue interest at the then legal rate.

Article VII. Responsibilities of the County

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amount shown in Attachment A. The City may request additional funds; however, the County has no obligation to provide funds to the City in excess of the amount shown in Attachment A. The County assumes no obligation for future support of the Projects described herein except as expressly set forth in this agreement.

Article VIII Other Provisions

Section 8.1 -- Hold Harmless and Indemnification.

A. The County assumes no responsibility for the payment of any compensation, fees, wages, benefits, or taxes to or on behalf of the City, its employees, contractors or others by reason of this agreement. The City shall protect, indemnify and save harmless the County, its officers, agents and employees from any and all claims, cost and whatsoever occurring or resulting from: 1) the City's failure to pay any compensation, fees, wages, benefits or taxes; and 2) the supplying to the City of works services, materials or supplies by City employees or agents or other contractors or suppliers in connection with or in support of performance of this agreement.

B. The City further agrees that it is financially responsible for and will repay the County all indicated amounts following an audit exception, which occurs due to the negligent or intentional acts of this agreement by the City, its officers, employees, agents, or representatives.

C. The City shall protect, indemnify and save harmless the County from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from the negligent acts or omissions of the City, its officers, employees or agents. For purpose of this agreement only, the City agrees to waive the immunity granted it for industrial insurance claims pursuant to Washington Statute Chapter 51 to the extent necessary to extend its obligations under this paragraph to any claim, demand, or cause of action brought by or on behalf of any employee, including judgments, awards and costs arising there from including attorney's fees.

Section 8.2 -- Amendment. The parties reserve the right to amend or modify this agreement. Such amendments or modifications must be by written instrument signed by the parties and approved by the respective City and County Councils.

Section 8.3 -- Contract Waiver. No waiver by either party of any term or condition of this agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provision of this agreement. No waiver shall be effective unless made in writing.

Section 8.4 -- Entirety. This agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated are excluded. This agreement merges and supersedes all prior negotiations, representations, and agreements between the parties relating to the projects and constitutes the entire agreement between the parties. The parties recognize that time is of the essence in the performance of the provisions of this agreement.

ATTACHMENT A to EXHIBIT B
CITY OF ISSAQUAH

CONSERVATION FUTURES ALLOCATIONS & PROJECT DESCRIPTION

Issaquah Creek Greenway $ 200,000

PROJECT DESCRIPTION

Acquisition of open space property within the Issaquah Creek Greenway.

King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

June 27, 2014

The Honorable Fred Butler
Mayor, City of Issaquah
P.O. Box 1307
Issaquah, WA 98027

Dear Mayor Butler:

Over the past decade, King County and the City of Issaquah have worked cooperatively to meet our mutual growth management goals, to create great urban spaces and to protect the last, best places in King County. Some examples of our successful partnership include the Issaquah Highlands and Park Point urban growth area agreements, and most recently the County's acquisitions on Squak Mountain. These joint actions will ensure that the Issaquah Alps remain the undeveloped scenic and recreational backdrop that make Issaquah – and King County – a great place to live.

An equally important part of our partnership is the Transfer of Development Rights (TDR) interlocal agreement (Agreement) that the City and County entered into in October, 2007.

The goal of this Agreement is to protect important salmon habitat in the Issaquah Creek basin while concentrating development growth in the City's urban center. To accomplish this, the Agreement provides that 75 development rights from the King County portion of the Issaquah Creek Basin be purchased by in-city developers to achieve increased development capacity in the City's designated TDR receiving areas.

Upon adoption of the Agreement, King County committed to provide the City with $200,000 in amenity funds to help acquire park and open space inside the City. In 2008, the City used these funds to acquire the 6.3 acre Corra and Anderson properties along the east fork of Issaquah Creek as part of the Issaquah WaterWays Initiative.

However, since adoption of the Agreement in 2007 only one development right has been transferred from the rural Issaquah Creek Basin into the City, in part due to the recession and weak real estate environment that persisted from 2007 through 2012. As such, our mutual goals set forth in the Agreement have not yet been accomplished.

In the spirit of the long history between Issaquah and King County, I am requesting a five year extension to the Agreement so that the City and the County can continue to work together to achieve the outcomes envisioned back in 2007.

Thank you for your many years of partnership, and for your consideration of this request.

Sincerely,

Dow Constantine

Dow Constantine
King County Executive

CITY OF
ISSAQUAH
WASHINGTON

Mayor's Office
130 E. Sunset Way | P.O. Box 1307
Issaquah, WA 98027
(425) 837-3020
issaquahwa.gov

July 8, 2014

Dow Constantine
King County Executive
401 – 5th Avenue, Suite 800
Seattle, WA 98104-1818

RE: TDR ILA Extension

Dear Dow,

I received your letter dated June 27, 2014 requesting a 5-year extension to the *Interlocal Cooperation Agreement between King County and the City of Issaquah Implementing a Transfer of Development Rights Program*, recording number 2007110900517. This Agreement, executed by the parties in October of 2007, was executed for a term that expired July 1, 2014. Pursuant to Section V.B of that Agreement, the Agreement may be extended for a maximum of five (5) years by agreement of the County Executive and City Mayor.

Please allow this letter to serve as my agreement that the above-cited Agreement may be extended until July 1, 2019. If you have any questions or would like to discuss the City's TDR Program, do not hesitate to let me know.

Sincerely,

Fred Butler
Mayor

cc: Keith Niven, Economic Development Director
Darren Greve, King County TDR Manager

[Blank Page]

2015/2016 FISCAL NOTE

Ordinance/Motion: 2015-XXXX

Title: Amending an Interlocal Agreement for the implementation of a Transfer of Development Rights Program between Unincorporated King County and the City of Issaquah

Affected Agency and/or Agencies: Water and Land Resources Division, Department of Natural Resources and Parks

Note Prepared By: Darren Greve

Date Prepared: 7/21/15

Note Reviewed By:

Date Reviewed:

Description of request:

Revenue to:

Agency	Fund Code	Revenue Source	2015/2016	2017/2018	2019/2020
			0	0	0
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2015/2016	2017/2018	2019/2020
			0	0	0
TOTAL			**0**	**0**	**0**

Expenditures by Categories

	2015/2016	2017/2018	2019/2020
	0	0	0
TOTAL	**0**	**0**	**0**

Does this legislation require a budget supplemental? NO

Notes and Assumptions: The legislation doesn't not change the value of land owned by King County, instead it involves a transfer of development rights from private lands in the rural Issaquah Creek basin into the City. Developers purchase the development rights from private rural properties and in exchange King County receives a permanent conservation easement on the rural land.

[Blank Page]

October 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

This letter transmits an ordinance authorizing the King County Executive to amend a 2007 Transfer of Development Rights (TDR) interlocal agreement (ILA) with the City of Issaquah. Approval of this legislation will strengthen our existing TDR partnership with the city and thereby protect important open space in the Issaquah Creek watershed. The amendments do not incorporate use of the Landscape Conservation and Local Infrastructure Program (LCLIP) as codified in RCW 39.108.

The King County - Issaquah TDR ILA was intended to permanently protect salmon habitat and open space in the rural portions of the Issaquah Creek watershed by selling and transferring 75 rural development rights from the rural portion of the Issaquah Creek basin to designated in-city TDR receiving areas. Developers in the City can increase their residential and commercial density through the purchase of these rural development rights.

Since 2007, King County has protected 387 acres of rural land in the Issaquah Creek basin through the purchase of 70 rural development rights. However, only one rural development right has been transferred to the City. For the past four years, King County has been working with the City to include rural TDR in the City's 1,100 acre "Central Issaquah Plan Area" and simultaneously strengthen the TDR ILA to increase the likelihood of in-city developers purchasing rural development rights. In 2012, the City re-zoned the Central Issaquah Plan Area to accommodate 7,000 new housing units and 19,000 new jobs by the year 2031; rural TDR was included as a density incentive in the development regulations in the Central Issaquah Plan Area. In June of this year, the Puget Sound Regional Council (PSRC) officially designated the Central Issaquah Plan Area a "Regional Growth Center."

The amendments will significantly strengthen the agreement for King County and grow the demand for rural development rights in the City beyond what the original 2007 ILA contemplated. Specifically, the amendments:

- increase the number of rural development rights the City agrees to accept from 75 to 125;
- expand the sending area to include portions of Squak Mountain where the Department of Natural Resources and Parks is focused on conservation efforts;
- set the transfer ratios to be 5.4 residential units per rural development right or 3,600 commercial square feet per rural development right, and
- set the termination date to be the date at which all 125 rural development rights are used for development rather than an arbitrary date in time.

This legislation furthers the goals of the King County Strategic Plan by promoting stewardship of rural landscapes with incentive programs to achieve permanent conservation, as such multiple benefits accrue to King County. The amendments will strengthen developer demand for rural development rights inside a partner city, and thus concentrate future development growth into the County's Urban Growth Area while funding the protection of high conservation priority rural land.

The legislation supports the objectives and strategies of the Strategic Climate Action Plan by reducing transportation-related greenhouse gas emissions. An independent study by the Sightline Institute estimates that the 125 rural development rights that would be transferred into the City through this agreement can reduce transportation-related greenhouse gas emissions by 33,000 metric tons over a 25 year period.

Thank you for your consideration of this legislation. I urge the Council to pass this ordinance to protect important open space in King County.

If you have any questions, please feel free to contact Mark Isaacson, Division Director of the Water and Land Resources Division the Department of Natural Resources and Parks, at 206-477-4601.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy, and Budget
Christie True, Director, Department of Natural Resources and Parks (DNRP)
Mark Isaacson, Division Director, Water and Land Resources Division, DNRP

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	21	**Name:**	Lise Kaye
Proposed No.:	2015-0330	**Date:**	December 1, 2015

SUBJECT

A motion approving the second quarterly report on Emergent Needs and Unanticipated Project Costs prepared by the road services division in the Department of Transportation.

SUMMARY

Proposed Motion 2015-0330 would approve the second quarterly report on Emergent Needs and Unanticipated Project Costs prepared by the road services division in the Department of Transportation. The report shows transfer of $275,302 from the Quick Response project to the Duvall Bridge Approach project, and reports $7,539 in expenditures from the Emergent Need project for end of the year financial reconciliation.

Executive staff have requested approval of revised Attachment A, which includes additional information to conform to the proviso requirements. In addition to adding the revised Attachment A, Amendment 1 would also add language from the proviso to the motion with respect to documenting the prioritization process used if anticipated needs and funding requests exceed budgeted revenue. Approval of the amended motion would release $75,000 of the expenditure restriction.

BACKGROUND

The Executive's proposed 2015-16 budget for the Road Services Division (RSD) implemented an operational shift from planned investments to reactive system management. The RSD's 2015-2016 business plan states that, "With insufficient funds for preservation or replacement of infrastructure, available revenues will be focused on reacting to the higher risks associated with the deteriorating road system." This revision was a response to the RSD funding shortfall, recent experience with emergency roadwork expenses, and a desire not to promise capital projects that would be cancelled if emergency repairs required additional revenue.

The adopted RSD CIP for 2015-2016 cancelled 11 projects and pooled revenue into response-oriented programs such as Emergent Need-Existing Projects, which replaces the Cost Model pooled contingency program, and Quick Response, which addresses core safety and regulatory-driven repairs.

Table 1 below identifies funding changes from the approved 2013-2014 budget associated with major RSD CIP projects:

Table 1. Road Services Division CIP Funding Changes: 2013/14 vs. 2015/16

CIP Project	Description	2015/16 Proposed	2013/14 Approved	Percent Change
Emergent Needs – Existing Projects (1026798)	Replaces the "cost model" line item from previous years; serves as a pooled contingency fund for unanticipated costs.	$6 million	$4.1 million	+46%
Bridge Priority Maintenance (1027160)	Down from previous funding levels of $800,000 in 2013/14; projects selected from priority array in the annual Bridge report.	$0.5 million	$0.725 million	-31%
Quick Response (1027163)	Repair fund will prioritize emerging core safety and regulatory-driven repairs on Tier 1, 2 and 4 roadways (Tier 4 are sole access routes), as well as those for which it is significantly more cost effective to repair now than later. Some repairs may only stabilize the site pending additional revenue.	$7 million	$4 million	+75%
Preservation	One $4 million overlay contract to be let in Spring 2015, *if emergent needs do not arise earlier in the biennium.* The remaining funds will address spot treatments at high risk areas. Areas will be selected by pavement condition score, tier and average daily trips.	$7.5 million	$9.1 million	-17%
South Park Bridge	Costs for contractor's delay in meeting construction milestones	$6 million	$0	+100%
Drainage Preservation	Addresses high priority drainage projects (existing or emergent) that pose a high safety and/or regulatory risk to Tier 1, 2 and 4 roadways. Drainage priorities are identified by a combined Field Priority Score and Habitat Evaluations.	$8 million	$9.5 million	-15%
Facility Preservation	Addresses approximately half of the most urgent deferred maintenance and preservation needs of the division's facility assets, and funds additional facility consolidations.	$2.4 million	$0	+100%

Table 2 lists projects deleted from the previous (2013/2014) CIP as a result of the shift toward more programmatic budgeting:

Table 2: Projects Deleted from 2013/14 CIP

Project No.	Name	Proposed Disappropriation
1026727	100 Ave NE/NE 132 - NE 137	($372,713)
1026791	SE Summit Landsburg Rd	($462,659)
1026793	Green Valley Bridge –end of 180 Ave NE	($229,171)
1047575	Green Valley Bridge: 202 Place-212 Ave SE	($236,960)
1111170	Cottage Lake Creek Bridge Replacement	($178,124)
1111174	Miller River Bridge Replacement	($2,500,000)
1114796	SE 277 St Bridge	($86,380)
1115255	NE Woodinville/Duvall Road @ West Snoqualmie Valley Road	($498,000)
1115260	Bear Creek Bridge	($172,463)
1116546	SW Cemetery Rd & Beall Road SW	($790,000)
1111817	South Regional Maintenance Facility	($35,293)
TOTAL		**($5,561,763)**

The significant shift from specific project investments to a program-based capital budget led Council to adopt the following budget proviso to track expenditures for emergent needs and unanticipated project costs:

SECTION 53.P2.

Of this appropriation, $525,000 shall not be expended or encumbered until the executive transmits seven quarterly reports on expenditures for each prior quarter for emergent needs and unanticipated project costs and motions that approve the quarterly reports and the motions are passed by the council. The motions shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion. Upon transmittal of each motion, $75,000 is released for the expenditure.

Each report shall include, but not be limited to, identified needs, funding requests and expenditures for emergent needs and unanticipated project costs and shall explain the rationale and the policy basis relative to the 2014 update to the Strategic Plan for Road Services for project selection. If identified unanticipated needs and funding requests exceed budgeted capital improvement program revenue, the report shall detail the process used by the department to prioritize the expenditures.

The executive must file the seven quarterly reports by May 15, 2015, August 15, 2015, November 15, 2015, February 15, 2016, May 15, 2016, August 15, 2016, and November 15, 2016, and the motions required by this proviso by those same dates in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the

council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee or its successor.

Proposed Motion 2015-0330 transmits the second of these quarterly reports. The transmitted report shows the transfer of $275,302 from the Quick Response project no. 1027163 to the Duvall Bridge Approach project no. 1126430 and reports $7,539 in expenditures from the Emergent Need project no. 1026798 for end of the year financial reconciliation. The initial transmitted report (Attachment A) does not provide all of the information required by the proviso, specifically:

- The report does not explain the rationale and the policy basis relative to the 2014 update to the Strategic Plan for Road Services for project selection.

- The report does not detail the process used by the department to prioritize the expenditures.

Executive staff have requested approval of a revised Attachment A, which includes additional information to conform to the proviso requirement. The revised report includes the policy basis relative to the 2014 update to the Strategic Plan for Road Services for using the Quick Response funds for the Duvall Bridge Approach project. It also explains how the RSD prioritized that project over other unprogrammed needs.

Approval of the amended motion would release $75,000 of the expenditure restriction.

ANALYSIS

Table 3 below shows first and second quarter expenditures for the Emergent Needs – Existing Projects and Quick Response projects.

Table 3: Road Services Division Expenditures 1st and 2nd Quarters 2015

CIP Project	Description	Carryover	2015	1st Qtr Actuals	2nd Qtr Actuals
Emergent Needs – Existing Projects (1026798)	Replaces the "cost model" line item from previous years; serves as a pooled contingency fund for unanticipated costs.	$8,839,989[1]	$2,665,751	$0	$7,539
Quick Response (1027163)	Repair fund will prioritize emerging core safety and regulatory-driven repairs on Tier 1, 2 and 4 roadways[2].	$4,668,900	$3,500,000[3]	$158,624	$103,723[4]

[1] Correction from RSD. First quarter report incorrectly included 2014 carryover and showed this amount as $11,500,000.
[2] As well as those for which it is significantly more cost effective to repair now than later. Some repairs may only stabilize the site pending additional revenue.
[3] RSD's 2nd Quarter Report shows the two-year 2015/16 appropriation as $7 million.
[4] The RSD 2nd Quarter Report showed that $273,302 was allocated from Quick Response to the Duvall Bridge Approach, but the amount shown on this table is what was expended in the 2nd Quarter.

RSD staff report that the basis for prioritizing the expenditure of the Quick Response funds over other unprogrammed needs was the risk of property and personal losses should the bridge fail due to damage from a 2015 winter flooding event, as well as its Tier 1 classification and traffic volume (approximately 12,000 vehicles per day). The roadway also provides access when flooding has closed other routes across the valley. RSD staff state that the project meets Goals 1 and 3 of the Strategic Plan for Road Services:

> Goal 1: Prevent and respond to immediate operational life safety and property damage hazards.
>
> Goal 3: Maintain and preserve the existing roadway facilities network.

King County's 2014 Bridge Report identifies the Duvall Bridge as Functionally Obsolete and lists its sufficiency rating as 70.63.

- Functional obsolesce may reflect substandard bridge widths, low vertical clearance, load-carrying capacity, or flood potential. King County's 2014 Bridge Report lists 41 bridges as functionally obsolete.

- The bridge Sufficiency Rating is a federal standard measurement based on a 100-point scale that takes into account several factors including structural adequacy, serviceability and how essential the bridge is for public use.

The 2014 Bridge Report lists 178 bridges with sufficiency ratings from 2.0 to 99.99. The average sufficiency rating of all 178 bridges is 72.03 and the median rating is 74.53 (half of the bridges score higher, and half score lower). The average sufficiency rating of bridges longer than 20 feet (which includes the Duvall Bridge) is 79.29.

It is unclear from this report whether RSD uses a formal set of criteria used to prioritize expenditure of Quick Response funds or if funds are expended on a "first come, first served" basis.

It remains too early in the year and biennium to know the extent to which funds in the Quick Response and Emergent Needs – Existing Projects programs will be expended to address unanticipated costs. Council will be asked to approve a mid-biennium budget update, which may reprogram some unexpended funds.

AMENDMENT

Amendment 1 would add language from the proviso to the motion noting that the quarterly reports are to detail the prioritization process used if anticipated needs and funding requests exceed budgeted capital improvement program revenue. The amendment also would approve the revised Attachment A, dated November 12, 2015, which includes additional information to conform to the proviso requirements. Approval of the amended motion would release $75,000 of the expenditure restriction.

ATTACHMENTS

1. Proposed Motion 2015-0330 and Attachment A. Expenditures for Emergent Needs and Unanticipated Project Costs Summary Report
2. Transmittal Letter
3. Amendment 1 with Revised Attachment A, Dated November 12, 2015

INVITED

1. Brenda Bauer, Director, King County Road Services Division

KING COUNTY

Signature Report

November 30, 2015

Ordinance

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0330.1 **Sponsors** Lambert

A MOTION approving the Second Quarter 2015 Expenditures for Emergent Needs and Unanticipated Project Costs Summary Report prepared by the road services division in the department of transportation as required in the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 53, Proviso P2.

WHEREAS, the King County council in adopting Ordinance 17941, Section 53, Proviso P2, stated that $525,000 shall not be expended or encumbered until the executive transmits seven quarterly reports on expenditures for each prior quarter for emergent needs and unanticipated project costs and motions that approve the quarterly reports and the motions are passed by the council. The motions shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion. Upon transmittal of each motion, $75,000 is released for the expenditure, and

WHEREAS, the proviso response reports shall include, but not be limited to, identified needs, funding requests and expenditures for emergent needs and unanticipated project costs and shall explain the rationale and the policy basis relative to the 2014 update to the Strategic Plan for Road Services for project selection, and

WHEREAS, the King County executive has transmitted to the council its second report that contains the required information responding to the proviso, and

WHEREAS, the council has reviewed the road services division report;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The second Expenditures for Emergent Needs and Unanticipated Project Costs Summary Report, which is Attachment A to this motion, is hereby approved.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. Second Quarter 2015 Expenditures for Emergent Needs and Unanticipated Project Costs Summary Report

Road Services Division
Second Quarter 2015 Expenditures for
Emergent Needs and Unanticipated Project Costs Summary Report

Use of Quick Response Funds

Project No.: 1126430	Project Name: RSD Duvall Bridge Approach		
Project Open: 05/11/2015	Transfer from Master: $275,302	Adopted Budget: $0	Adjusted Budget: $275,302
Scope: Improve undermined approaches by excavating and installing geotextile fabric and fill.			
Justification: Both approaches to cantilevered bridge are being undermined and are increasingly vulnerable to failure during a flood event.			
Project Status: Physical Construction Complete.			

Use of Emergent Need Funds

Project No.: 1114792	Project Name: RSD Roads County Road Const		
Project Open: 01/01/2012	Contingency Transfer: $7,108	Adopted Budget: $249,045	Adjusted Budget: $256,153
Scope: Administrative Project			
Justification: Technical adjustment to recognize the transfer of 2014 GL auto expenditures that were originally charged to the default project.			
Project Status: Open			

Project No.: 1026796	Project Name: RSD CIP Bond Debt		
Project Open: 01/01/2001	Contingency Transfer: $300	Adopted Budget: $7,089,787	Adjusted Budget: $7,090,087
Scope: Project closed due to transferring remaining debt from the CIP fund to the operating fund per direction from PSB.			
Justification: Technical adjustment to increase appropriation to close project in financial system.			
Project Status: Closed			

Project No.: 1111173	Project Name: RSD W Snoq Val Roadway Repair		
Project Open: 01/01/2012	Contingency Transfer: $110	Adopted Budget: $654,684	Adjusted Budget: $654,794
Scope: Project completed			
Justification: Technical adjustment to increase appropriation to close project in financial system.			
Project Status: Closed			

Project No.: 1115455	Project Name: RSD South PK Bridge Demolition		
Project Open: 01/01/2010	Contingency Transfer: $21	Adopted Budget: $5,164,542	Adjusted Budget: $5,164,553
Scope: Project completed			
Justification: Technical adjustment to increase appropriation to close project in financial system.			
Project Status: Closed			

August 13, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

As required by Ordinance 17941, Section 53, Proviso 2, I am transmitting to the King County Council a report, and a motion approving the report, regarding expenditures for emergent needs and unanticipated project costs of the Road Services Division of the Department of Transportation. The report is due to Council August 15, 2015.

> *SECTION 53.P2.*
>
> *Of this appropriation, $525,000 shall not be expended or encumbered until the executive transmits seven quarterly reports on expenditures for each prior quarter for emergent needs and unanticipated project costs and motions that approve the quarterly reports and the motions are passed by the council. The motions shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion. Upon transmittal of each motion, $75,000 is released for the expenditure.*
>
> *Each report shall include, but not be limited to, identified needs, funding requests and expenditures for emergent needs and unanticipated project costs and shall explain the rationale and the policy basis relative to the 2014 update to the Strategic Plan for Road Services for project selection. If identified unanticipated needs and funding requests exceed budgeted capital improvement program revenue, the report shall detail the process used by the department to prioritize the expenditures.*
>
> *The executive must file the seven quarterly reports by May 15, 2015, August 15, 2015, November 15, 2015, February 15, 2016, May 15, 2016, August 15, 2016, and November 15, 2016, and the motions required by this proviso by those same dates in the form of a paper original and an electronic copy with the clerk of the council, who*

> *shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee or its successor.*

During the second quarter of 2015, $275,302 of appropriation authority was transferred from Quick Response and $7,540 of appropriation authority was transferred from Emergent Need to address emergent needs and unanticipated project costs.

Quick Response funds were utilized for Project No. 1126430, the Duvall Bridge Approach project. Funds for this project address key goals of the Roads strategic plan:

Goal 1: Prevent and respond to immediate operational life safety and property damage hazards.

Goal 3: Maintain and preserve the existing roadway facilities network.

This aging bridge is a on a critical Tier 1 roadway (high volume arterial) that carries approximately 12,000 vehicles per day. The roadway is one of the key routes across the valley, and one of the last to close during high water events. Following this winter's flooding event, it was discovered that the approaches to the bridge were undercut by the high water levels that occurred during the flood. The result of the undercutting was that sections of the roadway were unsupported and could potentially drop if left unrepaired. The repairs were performed by our maintenance crews.

Emergent Needs funds were used to address administrative technical adjustments necessary to true-up the difference between budget and actual expenditures based on a reconciliation of the fund during year-end accounting. The attached report provides additional details regarding these technical adjustments.

The attached motion and report are consistent with the King County Strategic Plan goal of supporting safe communities by maintaining safe and secure county-owned infrastructure, including roads and bridges.

It is estimated that this report and transmittal required two hours of staff time to produce at minimal cost.

Thank you for your consideration of the attached report and motion. If you have any questions, please feel free to contact Brenda Bauer, Road Services Director, at 206-477-3580.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Harold S. Taniguchi, Director, Department of Transportation (DOT)
Brenda Bauer, Director of the Road Services Division, DOT

[Blank Page]

11/17/15

RSD Quarterly Report

1

Sponsor: Lambert

lk

Proposed No.: 2015-0330

AMENDMENT TO PROPOSED MOTION 2014-0330

On page 1, after line 18, insert

"WHEREAS, if identified unanticipated needs and funding requests exceed budgeted capital improvement program revenue, the report shall detail the process used by the department to prioritize the expenditures, and"

On page 2, line 24, after "Report" insert ", dated November 12, 2015"

Effect: Adds additional requirement from the proviso and replaces the original Attachment A with the revised version dated November 12, 2015.

[Blank Page]

Road Services Division
Second Quarter 2015 Expenditures for
Emergent Needs and Unanticipated Project Costs Summary Report

Use of Quick Response

Project No.	Project Name	2015/16 Adopted	Second Qtr Transfer Amount	Prior Qtrs Transfer Amount	Remaining Appropriation
1027163	Quick Response	$7,000,000	($275,302)	$0	$6,724,698

Second Quarter Transfer:

Project No.	Project Name	Original Budget	Transfer Amount	Final Budget
1126430	RSD Duvall Bridge Approach	$0	$275,302	$275,302

Following this winter's flooding event, it was discovered that the approaches to the bridge were undercut by the high water levels that occurred during the flood. The result of the undercutting was that sections of the roadway were unsupported and could potentially drop if left unrepaired. The agency prioritized these expenditures over other unprogrammed needs due the potential that the bridge could fail resulting in potential property and personal losses. This aging bridge is on a critical Tier 1 roadway (high volume arterial) that carries approximately 12,000 vehicles per day. The roadway is one of the key routes across the valley, and one of the last to close during high water events. This project meets the following key goals of the Roads strategic plan:

Goal 1: Prevent and respond to immediate operational life safety and property damage hazards.
Goal 3: Maintain and preserve the existing roadway facilities network.

Use of Emergent Need Funds

Project No.	Project Name	2015/16 Adopted Plus Carry Forward	Second Qtr Transfer Amount	Prior Qtrs Transfer Amount	Remaining Appropriation
1026798	Emergent Need	$14,505,689	($7,539)	$0	$14,498,150

Second Quarter Transfers:

Project No.	Project Name	Original Budget	Transfer Amount	Final Budget
1114792	RSD Roads County Road	$249,045	$7,108	$256,153

	Const			
1026796*	RSD CIP Bond Debt	$7,089,787	$300	$7,090,087
1111173*	RSD W Snoq Val Roadway Repair	$654,684	$110	$654,794
1115455*	RSD South Park Bridge Demolition	$5,164,542	$21	$5,164,553

These transfers address administrative technical adjustments necessary to finalize the reconciliation of the fund during year-end accounting. All projects have received prior approval from the Council. Project No. 1114792 is the default project for the fund and is a technical budgetary project.

* The projects are now closed.

King County

Metropolitan King County Council
Transportation, Economy and Environment Committee

STAFF REPORT

Agenda Item:	22	**Name:**	Leah Krekel-Zoppi
Proposed No.:	2015-0401	**Date:**	December 1, 2015

SUBJECT

A motion approving a report by on the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas (GHG) reduction goals.

SUMMARY

The King County Council included a proviso in the 2015/2016 Budget requiring a report on the role of alternative fuel technology fleet vehicles in achieving King County's GHG reduction goals. The report includes:

- a discussion of King County's GHG reduction goals,
- an overview of currently available alternative fuel vehicle technologies,
- barriers to acquiring alternative fueled technology vehicles,
- Fleet Administration's current approaches for addressing Strategic Climate Action Plan (SCAP) goals,
- finance and funding tools available for purchasing alternative fuel technology vehicles, and
- options for uniform policies to guide alternative fuel technology vehicle acquisition.

Analysis of the report includes reviewing the outcomes of Fleet Administration's current alternative fuel technology and GHG reduction strategies, which have resulted in a six percent reduction in normalized energy use by the County's Fleet since 2007 and a fleet made up of smaller vehicles and more hybrids since 2011.

The analysis also includes a compilation of the status and next step for fleet climate-related policies, recommendations, and actions contained in the proviso report, 2015 SCAP, and 2015 Fleet Audit.

BACKGROUND

Budget Proviso

In the 2015/2016 Biennial Budget, Ordinance 17941, the King County Council included Proviso P1 in Section 125, which states:

> *Of this appropriation, $100,000 shall not be expended or encumbered until the executive transmits a report regarding the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals and a motion that approves the report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of motion.*
>
> *The report shall be informed by the county's work to update the Strategic Climate Action Plan and the performance audit of the King County 2012 Strategic Climate Action Plan. The report shall include, but not be limited to:*
>
> *A. An evaluation of the barriers to acquiring alternative fuel technology vehicles;*
>
> *B. Options for connecting vehicle replacement policies and actions to the County's Strategic Climate Action Plan and the GHG reduction goals;*
>
> *C. Options for uniform policies to guide alternative fuel technology vehicle acquisition; and*
>
> *D. Finance and funding tools to help agencies purchase alternative fuel technology vehicles.*

Motion 2015-0401 provides for the Council's approval a report prepared by Fleet Administration on the role of alternative fuel technology fleet vehicles in achieving King County's GHG reduction goals.

King County Strategic Climate Action Plan (SCAP) and Light Duty Fleet Audits

The 2014 King County Performance Audit of the 2012 SCAP found that King County was not on track to meet its ambitious overarching climate goals.[1] Reducing energy use by County vehicles was an area where the county fell short of its 2012 goal of achieving a ten percent reduction by 2015 compared to a 2007 baseline[2].

A key audit recommendation was to, "establish explicit, and whenever possible, quantifiable connections between the overarching climate goals and specific strategies

[1] King County Performance Audit of the 2012 Strategic Climate Action Plan, page 3
[2] 2015 SCAP, page 46

and actions."[3] The 2015 SCAP provided quantified pathways for achieving that county's climate goals, and the transportation pathways included using 15 percent cleaner transportation fuels and reducing vehicle miles traveled by 20 percent countywide. Another key recommendation was to "ensure that the 2015 SCAP update incorporates verifiable economic analysis of the cost-effectiveness of current and potential actions to reach SCAP targets[4]." The 2015 SCAP committed to a pilot cost effectiveness assessment for at least twelve county operations commitments. According to Fleet Administration, reducing emissions from the county's light-duty non-revenue fleet vehicles will be included in this cost effectiveness assessment.

A 2015 audit by the King County Auditor's Office, entitled *Light Duty Fleet: Costs and Emissions Could Be Reduced* concluded that "Despite the efforts of agencies to reduce the cost and emissions produced by County vehicles, underutilized vehicles and fuel inefficiency are barriers to further progress."[5] Recommendations included in the audit are:

1. To help better utilize vehicles and right-size the fleet, the County should automate vehicle use data.
2. The County Executive should update the Light Duty Utilization Policy to ensure that agencies quantify their business need for any underutilized vehicle in terms of the benefit to agency or county goals.
3. Fleet Administration should evaluate whether the use of private car-sharing programs could be a cost-effective way of providing options for employee business travel requirements.
4. The King County Sheriff's Office should develop and implement a plan to reduce idle time by its patrol vehicles.
5. Transit and Solid Waste Divisions should improve the fuel data entry and monitoring processes and be able to demonstrate the accuracy of this data.
6. The King County Executive should update the Vehicle Equipment Acquisition Policy to ensure that vehicles are purchased at the lowest effective lifecycle cost, including a clearly articulated process for when life cycle cost analysis is required, such as for higher-risk purchases.
7. Fleet Administration should complete its efforts to update and implement its vehicle replacement model.

Alternative Fuel Technology Fleet Vehicles Report

The report includes a discussion of King County's GHG reduction goals, with the County's overarching goal being to reduce GHG emissions from countywide sources by 25 percent by 2020, 50 percent by 2030, and 80 percent by 2050, compared to a 2007 baseline. The specific SCAP goals, strategies, measures, and targets related to county fleets are:

- Goal: King County will increase the efficiency of its vehicle fleets and minimize their GHG emissions.
- Alternative vehicles, fuels, and technologies strategies:

[3] King County Performance Audit of the 2012 Strategic Climate Action Plan, page 8
[4] King County Performance Audit of the 2012 Strategic Climate Action Plan, page 9
[5] Light Duty Fleet: Costs and Emissions Could Be Reduced, executive summary

    - Strategy A: Use a life-cycle cost assessment, including a cost of carbon pollution, to integrate more fuel efficient vehicles and technologies into County vehicle fleets.
    - Strategy B: Use proven alternative fuels that lower GHG emissions, where cost effective, with a priority focus on renewable energy or lower carbon intensity fuels.
    - Strategy C: Pilot new alternative fuel programs and projects with a greater potential for reducing carbon intensity, especially when they provide opportunities to stimulate market growth.
    - Strategy D: Develop a priority list of alternative fuels with the best GHG benefits and lowest carbon intensity for reference by fleet managers during life-cycle cost assessments.
- Fleet efficiency strategies:
    - Strategy A: Leverage technology to maximize efficient vehicle use and implement operational strategies, such as anti-idling, fuel-saving driving techniques, car sharing, and vehicle rightsizing to reduce emissions.
    - Strategy B: Conduct a countywide campaign encouraging employees to use alternative transportation, drive efficiently, and minimize resource consumption and energy use at work.
- Measure 1: Energy use by County vehicles.
    - Target 1: In its vehicle operations (excluding Metro Transit fleet vehicles), King County will reduce normalized energy use by at least ten percent by 2020, compared to a 2014 baseline.
    - Target 3: Across all vehicle operations, King County will increase the usage percentage of alternative fuels in its fleets by ten percent by 2025, compared to a 2014 baseline.

The report provides an overview of currently available alternative fuel vehicle technologies, which include: Hybrid vehicles, mild hybrids (internal combustion engine vehicles that include some of the fuel efficiency advantages found in hybrids such as stop-start technology), electric vehicles, liquid petroleum gas (propane or LPG) vehicles, compressed natural gas (CNG) vehicles, and hydrogen fuel cell vehicles. King County's fleet includes the following alternative fuel vehicles:

- 346 hybrids (17.4 percent of the County's on-road vehicle fleet)
- Six electric vehicles (EVs)
- 20 LPG pickup trucks and vans
- Two CNG vehicles

Next the report discusses barriers to acquiring alternative fueled technology vehicles. Those include:

- <u>The cost of emerging technology</u>: all advanced technology vehicles currently cost more upfront than comparable ICE vehicles. For example, hybrid vehicles can cost $5,000-$50,000 more than a comparable ICE depending on the size of the vehicle. However, lifecycle costs between advanced technology and ICE vehicles are often comparable.

- The cost of low carbon fuels: specifically related to the current high cost of biodiesel. For example, Fleet Administration has a standing order with suppliers to deliver B5 Biodiesel whenever the price is equal to or less than diesel, but that has not occurred in 2014 or 2015 to date. Other alternative fuels, such as LPG and electricity are less expensive than gasoline and regular diesel.

- Infrastructure: the utility of alternative fuel vehicles is dependent on the availability and cost of refueling infrastructure. According to the report, CNG and hydrogen fueling stations are particularly expensive to install and are either unavailable or limited in availability in King County. LPG and EV refueling infrastructure requires less or no public capital outlay and is more widely available.

- Vehicle range: specifically related to EVs which currently have a range of 70 to 80 miles on a charge and require an average of six hours to recharge. LPGs also require more frequent refueling than ICEs.

- Acceptance among users: specifically related to EVs, a 2014 survey of County Motor Pool users indicated users felt unsure about the technology.

- Lack of dealer support: Fleet Administration has encountered issues with dealer staff unable to support them due to a lack of training in advanced technologies.

The report includes Fleet Administration's current approaches for addressing SCAP goals. These include:

- Taking a systems approach: This involves policies and practices including a vehicle utilization policy intended to right-size the County fleet, trip planning, driver education programs, and fuel consumption reduction and anti-idling technologies.

- Replacement vehicles that are right-sized for the job: The County's Vehicle Replacement Policy requires that when vehicles are in need of replacement, agencies replace them with the lowest cost per mile vehicle capable of fulfilling that agency's business need[6].

- Consider advanced or alternative fuel vehicle first: This involves asking agencies replacing vehicles to first consider alternative fueled vehicles. The Vehicle Utilization Policy requires agencies to purchase the most fuel efficient vehicle capable of meeting the agency's business needs within available budget[7].

- Purchase fuel efficient internal combustion engine (ICE) vehicles: This involves purchasing ICE vehicles that are more fuel efficient in response to new Corporate Average Fuel Economy standards.

[6] Vehicle Utilization Policy FES 12-16 (AEP) Section 6.4
[7] Vehicle Utilization Policy FES 12-16 (AEP) Section 6.5

- Telematics and other fuel-saving initiatives: According to Fleet Administration, telematics refers to systems that combine global positioning satellite tracking and other wireless communications systems for long-distance transmission of information in real time. It can be used to conduct remote diagnostics, locate vehicles, and collect and transmit vehicle usage data, which can reduce vehicle trips for maintenance and getting to and from the field, and can improve the accuracy of data collection which facilitates better fleet management decisions. This practice also involves educating fleet users on reducing idling times and employing other fuel-efficient driver behaviors.

The report then identifies finance and funding tools available for purchasing alternative fuel technology vehicles. One option in place is allowing agencies to access financing for up-front alternative fuel vehicle costs and repay through operating and maintenance savings over the life of the vehicle. This option is subject to available funding and agencies applying and meeting specified qualifications. State and federal tax exemptions and subsidies on alternative fuel vehicles and fuels are also currently available to offset costs. A tool that has been available in the past is grant funding, but Fleet Administration states that there have been no federal or state grants in recent years.

Last, the report includes options for uniform policies to guide alternative fuel technology vehicle acquisition. Those include:

- Developing standard vehicle purchasing specifications: Within each vehicle class, a limited number of alternative fueled or fuel efficient vehicles would be made available to agencies for purchase. This would result in agencies replacing vehicles with the most fuel efficient vehicle types available, unless they can justify an exception.

- Encouraging new approaches to vehicle use: Getting work groups to rethink vehicle use through practices such as Skype meetings, choosing the smallest, most fuel-efficient vehicles, and carpooling.

- Use lifecycle cost analysis including a cost of carbon: Using lifecycle cost analysis, including the “cost of carbon” being developed internally for King County by the end of 2017, to make vehicle purchase decisions.

- Review and update vehicle use Executive Orders and policies: Ensure their consistency with SCAP goals.

ANALYSIS

Consistency with Proviso Requirements

The report is consistent with the proviso requirements.

Connection between SCAP Goals and Fleet Practices and Policies

Proviso P1 required that the report include options for connecting vehicle replacement policies and actions to the County's SCAP and the GHG reduction goals. The policies and practices described in the report are consistent with the 2015 SCAP goals and strategies, as described in the background section above.

Results of Fleet Administration's Efforts Regarding Alternative Fuel Vehicles and Reducing GHG Emissions

According to Fleet Administration, due to fuel efficiency policies and practices in place since 2011, there has been a significant shift in the County's fleet from six and eight cylinder vehicles to four cylinder vehicles, an increase in the number of hybrid vehicles, and a decrease in the size and number of vans and trucks, as shown in the chart below.

Change in fleet vehicle makeup since 2011

	Hybrid vehicles	4 cylinder vehicles	6 & 8 cylinder vehicles	1 ton vehicles	¾ ton vehicles
Purchased since 2011	211	149	114	42	57
Disposed since 2011	36	65	376	74	41
Net change	**175**	**84**	**(262)**	**(32)**	**16**

Fleet Administration has also conducted several Alternative Fuel Vehicles pilots during that time and currently plans to expand or pilot the following:

- Purchasing eight additional LPG vans and pickups and installing propane refueling stations at the West Point Treatment Plant and the Road Services Division's Black Diamond site.
- Piloting a CNG service vehicle in the Solid Waste Division.

Fleet Administration does not have current plans to expand the number of EVs in the fleet because their current range limitations do not fit well with the needs of most customers.

Between 2007 and 2014, King County reduced normalized energy use from its vehicle fleet by six percent. While significant, this fell short of the County's target of a ten percent reduction by 2015. In addition to continuing current policies and practices, further efforts will need to occur to reach the County's 2015 SCAP target of reducing normalized non-transit fleet energy usage by ten percent by 2020.

Status of Fleet Climate Actions and Policies

The chart below shows the current status and next steps of climate-related Fleet Administration actions, policies, and recommendations contained in the proviso report, the 2015 SCAP, and 2015 Fleet Audit.

Source	Policy	Status	Next steps
Proviso Response	Replacement vehicles that are right-sized for the job	Current policy	Continue policy and pursue development of standard vehicle purchasing specifications
Proviso Response	Consider advanced or alternative fuel vehicle first in vehicle purchases	Current practice	Continue practice
Proviso Response	Purchase fuel efficient ICE vehicles	Current practice	Continue current practice and pursue development of standard vehicle purchasing specifications
Proviso Response	Telematics and driver education	Telematics—Current practice on a pilot basis Driver education—Current practice	Completing an evaluation of current telematics pilots and will provide a recommendation for deploying on a more widespread basis Launching promotional campaign to direct employees to the eco-driver module in SkillSoft in December 2015
Proviso Response	Financing up-front vehicle purchase costs through lifecycle savings	Current practice on a case-by-case basis	Continue to finance up-front costs if Fleet Funds have sufficient fund balance
Proviso Response	Developing standard vehicle purchasing specifications	Proposed policy	Will occur in conjunction to conducting Line of Business planning and developing a sustainability plan during the first half of 2016

Source	Policy	Status	Next steps
Proviso Response 2015 SCAP	Encouraging new conservation approaches to vehicle use	Proposed policy	To be incorporated into the review and update of Executive Orders and policies for consistency with SCAP goals
Proviso Response 2015 SCAP 2015 Fleet Audit	Using lifecycle cost analysis including a cost of carbon in vehicle purchases	Proposed policy	Update Vehicle Acquisition Policy by March 31, 2016. Include cost of carbon in 2017.
Proviso Response 2015 SCAP	Review and update vehicle use Executive Orders and policies	Proposed	Timing of this initiative will be determined during development of Fleet Administration's 2016 work plan
2015 SCAP	Use proven alternative fuels that lower GHG emissions	Proposed Executive Order	The Executive's Office will develop
2015 SCAP	Pilot new alternative fuel programs and projects	Current practice	Continue practice
2015 SCAP	Develop a priority list of alternative fuels	Proposed	Timing of this initiative will be determined during development of Fleet Administration's 2016 work plan
2015 SCAP	Leverage technology to maximize efficient vehicle use (anti-idling, car sharing, etc)	Anti-idling—current practice for heavy duty equipment Car sharing—proposed practice	Continue current practice Evaluate private car-sharing companies and provide a recommendation by March 31, 2016

Source	Policy	Status	Next steps
2015 Fleet Audit	To help better utilize vehicles and right-size the fleet, the County should automate vehicle use data.	Current practice on a pilot basis	Complete telematics pilots by December 2015 and develop implementation plan by June 2016 for automating vehicle use data
2015 Fleet Audit	The County Executive should update the Light Duty Utilization Policy to ensure that agencies quantify their business need for any underutilized vehicle in terms of the benefit to agency or county goals.	Proposed update to current policy	To be completed by June 2016
2015 Fleet Audit	Fleet Administration should evaluate whether the use of private car-sharing programs could be a cost-effective way of providing options for employee business travel requirements.	Underway	Evaluate private car-sharing companies and provide a recommendation by March 31, 2016
2015 Fleet Audit	The King County Sheriff's Office should develop and implement a plan to reduce idle time by its patrol vehicles.	Underway	Fleet Administration has researched available idle reduction technology and is working with KSCO to outfit vehicles as new patrol vehicles go into service

Source	Policy	Status	Next steps
2015 Fleet Audit	Transit and Solid Waste Divisions should improve the fuel data entry and monitoring processes and be able to demonstrate the accuracy of this data.	Underway	Manual data entry has been improved. Fleet Administration's telematics pilot may offer further opportunities for data collection improvements countywide.
2015 Fleet Audit	Fleet Administration should complete its efforts to update and implement its vehicle replacement model.	Underway	Researched available replacement practice and conducting pilot; will evaluate pilot to determine if the model meets needs.

The Council will have an opportunity to monitor Fleet Administration's progress on these policies and actions during the 2017/2018 Budget review process, in annual SCAP progress reports, and in the County Auditor's follow-up report to the 2015 Fleet Audit. These proposed actions, particularly those such as outfitting Sheriff's Office patrol vehicles with anti-idling technology, developing standard vehicle purchasing specifications, incorporating lifecycle cost analysis into vehicle purchasing decisions, and updating fleet policies to be consistent with SCAP goals, should yield substantial GHG emissions and energy use savings over time.

Establishing Fleet Policies

Several of the practices and strategies within the report and the SCAP are proposed to become adopted policies or be administered through Executive Order within the next biennium. During the Council's review of the 2015 SCAP in October, Councilmembers expressed a preference for Council consideration of fleet policies related to the County's climate goals. In response, Executive staff has committed to transmit by motion any proposals that rise to the level of County policy, and to use the Council-adopted SCAP as policy guidance to update internal policies and Executive Orders related to County operations.

ATTACHMENTS

1. Proposed Motion 2015-0401 (and its attachments)
2. Transmittal Letter

INVITED

- Jennifer Lindwall, Director, Fleet Administration Division

- Megan Smith, Environmental Policy Advisor, King County Executive
- Stephanie Pure, Intergovernmental Relations, Department of Transportation

KING COUNTY

Signature Report

November 30, 2015

Motion

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2015-0401.1 **Sponsors** Dembowski

A MOTION approving a report by the fleet administration division on the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals as required in the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 125, Proviso P1.

WHEREAS, in accordance with K.C.C. 2.16.140.D., the fleet administration division is responsible for acquiring, maintaining and managing the motor pool and equipment revolving fund for fleet vehicles and equipment including, but not limited to, vehicles for the department of natural resources and parks, facilities management division, and transportation nonrevenue vehicles, and

WHEREAS, the fleet administration division provides fleet support services to most county agencies, and

WHEREAS, efficient and effective management of a fleet of diverse vehicles and equipment is the core business of the fleet administration division, and

WHEREAS, the fleet administration division uses data-driven decision making and fleet management best practices to provide cost effective and environmentally responsible vehicles for its client agencies, and

WHEREAS, the county has shown leadership in the acquisition and use of alternative fueled and advanced technology vehicles, and

WHEREAS, the use of alternative fueled and advanced technology vehicles represents an important contribution to reduce greenhouse gas emissions generated by the operation of county vehicles, consistent with the King County Strategic Plan and the county's 2015 proposed update to the Strategic Climate Action Plan, and

WHEREAS, the introduction of new alternative fueled and advanced technology vehicles requires special considerations, such as range of vehicle, currently available or needed fueling or charging infrastructure, time required to refuel or charge the vehicle, and expected maintenance and repair requirements and intervals, and

WHEREAS, the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 125, Proviso P1, adopted in November 2014, directed the executive to transmit to the council by September 30, 2015, for approval by motion, a report on the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The report titled The Role of Alternative Fuel Technology Fleet Vehicles in Achieving King County's Greenhouse Gas Reduction Goals, included as Attachment A to this motion, evaluating the barriers to acquiring alternative fuel technology vehicles, options for connecting vehicle replacement policies and actions to the county's Strategic Climate Action Plan and the greenhouse gas reduction goals and options for uniform

policies and funding to support alternative fuel technology vehicle acquisition is hereby approved.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Larry Phillips, Chair

ATTEST:

_____

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Dow Constantine, County Executive

Attachments: A. The Role of Alternative Fuel Technology Fleet Vehicles in Achieving King County's GHG Reduction Goals - September 2015

[Blank Page]

The Role of Alternative Fuel Technology Fleet Vehicles in Achieving King County's GHG Reduction Goals

Prepared for:

King County Executive

King County Council

Prepared by:

Fleet Administration Division

September 2015

King County

Fleet Administration Division

Department of Transportation

This page intentionally left blank

TABLE OF CONTENTS

INTRODUCTION 1
King County GHG Reduction Goals 1
King County Performance Audit of the 2012 SCAP 1
Additional Drivers for Adopting Alternative Fuels and Vehicle Technologies 2
Relationship of Fleet Operations to GHG Reduction Goals 2
SCAP GOALS, STRATEGIES, MEASURES AND TARGETS RELATED TO COUNTY FLEETS 3
Goal: King County will increase the efficiency of its vehicle fleets and minimize their greenhouse gas emissions 3
Measure 1: Energy use by County vehicles. 4
OVERVIEW OF CURRENT ALTERNATIVE FUEL VEHICLE TECHNOLOGIES 4
BARRIERS TO ACQUIRING ALTERNATIVE FUELED TECHNOLOGY VEHICLES 6
The Cost of Emerging Technology 6
The Cost of Low Carbon Fuels 7
Infrastructure 7
Vehicle Range 7
Acceptance Among Users 8
Lack of Dealer Support 8
Fleet Business Needs 8
ADDITIONAL CONSIDERATIONS 10
CURRENT APPROACHS FOR INTEGRATING ALTERNATIVE FUEL VEHICLE TECHNOLOGY INTO COUNTY FLEET 11
Right Size for the Job 12
Consider Advanced or Alternative Fuel Vehicle First 12
Purchase Fuel Efficient Internal Combustion Engine (ICE) Vehicles 12
Telematics and Other Fuel-saving Initiatives 12
FINANCE AND FUNDING TOOLS 13
Finance and Funding Tools Already in Place 13
Additional Finance and Funding Options 13
OPTIONS FOR UNIFORM POLICIES TO GUIDE ALTERNATIVE FUEL TECHNOLOGY VEHICLE ACQUISITION 14
SUMMARY 15
RESOURCES 16
APPENDIX A 18

LIST OF FIGURES and TABLES

Figure 1 – Federal and State Policy Impacts on 2030 GHG Emissions Reduction Goals 2

Figure 2 – The Impact of K4C Emissions Targets on 2030 Emissions Goals 3

Figure 3 – Battery State of Health Report on Seattle Vehicles 10

Figure 4-- Carbon Management Hierarchy 11

Table 1 – Fuel and Capital Cost Analysis Results 6

INTRODUCTION

Fleet Administration is responsible for approximately 2,500 vehicles that support County government operations. These vehicles range from small motorized carts that operate within parks and wastewater plants to large dump trucks and other heavy construction machinery that support road operations. Ordinance 17941, Section 125, Proviso P1, in the 2015-2016 budget directed the Executive to transmit a report "regarding the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals…"

As specified in the proviso, this report is informed by the proposed 2015 Strategic Climate Action Plan (SCAP) and the King County Auditor's performance audit of the King County 2012 Strategic Climate Action Plan. It includes an evaluation of the barriers to acquiring alternative fuel technology vehicles; options for connecting vehicle replacement policies and actions to the SCAP greenhouse gas (GHG) reduction goals; potential uniform policies to guide alternative fuel technology vehicle acquisitions; and finance and funding tools to help agencies purchase alternative fuel technology vehicles.

For the purpose of this report and consistent with the updated SCAP, alternative fuel vehicles refer to vehicles that run on alternative fuels including electricity, biofuels, compressed natural gas, liquefied natural gas, hybrid, plug-in hybrid, battery drive, or propane.

Consistent with the proviso, this report focuses on the utilization of alternative fuel technology vehicles managed by Fleet Administration Division. However, it should be noted that a comprehensive approach to reducing GHG emissions from the transportation sector that include reduction in vehicle miles traveled and carbon intensity of fuels is essential to meeting overall GHG reduction goals.

Fleet Administration is structuring its strategic goals, sustainability planning and business practices to align with the goals, targets, and strategies in the 2015 SCAP. Consistent with the proviso, this report describes policy options and approaches that Fleet Administration intends to use to guide the purchase, replacement, and utilization of alternative fuel technology vehicles as part of achieving the County's GHG reduction goals identified in the SCAP.

King County GHG Reduction Goals

The overall goal for reducing GHG emissions in King County, based on guidance in the 2014 Countywide Planning Policies and recommendations in the proposed 2015 SCAP update is to reduce countywide sources of greenhouse gas emissions, compared to a 2007 baseline, by 25 percent by 2020, 50 percent by 2030, and 80 percent by 2050.

The supporting target for County operations is to reduce total greenhouse gas emissions from government operations, compared to a 2007 baseline, by at least 15 percent by 2015, 25 percent by 2020, and 50 percent by 2030.

King County Performance Audit of the 2012 SCAP

In 2014, the King County Auditor's Office (KCAO) completed a Performance Audit of the 2012 SCAP. The two findings most applicable to evaluating the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals are that:

- The 2015 SCAP should establish explicit, and whenever possible, quantifiable connections between the overarching climate goals and specific strategies and actions.
- The County Executive should ensure that: (a) the 2015 SCAP incorporates verifiable economic analysis of the cost-effectiveness of current and potential actions to reach SCAP targets, and

(b) subsequent SCAP annual reports provide explicit information about progress toward the overarching climate targets and goals.

Additional Drivers for Adopting Alternative Fuels and Vehicle Technologies

The main drivers for adopting alternative fuels and advanced vehicle technology are the environmental benefits they provide and the life cycle cost savings that result from fuel efficiency and lower maintenance costs. With transportation accounting for a large share of the GHG emissions in County operations, curtailing energy use in this sector is important and a 10 percent reduction in energy use in non-Transit fleets over the next five years will result in the reduction of over 2,700 metric tons of CO2 per year during that period. Finally, addressing the County's value of equity and social justice is an important consideration. Reducing energy consumption and the associated GHG and other harmful tailpipe emissions will improve health outcomes for many members of the population who suffer heightened exposure to vehicle exhaust emissions because they live in low-income housing located next to major arterials and highways.

By continuing to integrate low carbon fuels and clean vehicles into its fleets, King County is positioned to maintain its leadership in transforming the market and creating demand for alternative fueled technology vehicles in the region.

Relationship of Fleet Operations to GHG Reduction Goals

To understand what it would take to achieve adopted countywide GHG targets, King County and city partners collaborated with Climate Solutions' New Energy Cities Program in 2014 to establish specific, quantifiable pathways towards making a 50 percent reduction in GHG emissions by 2030. This analysis began by assessing how existing major federal and state actions will contribute to local GHG emissions reductions over the next 15 years. Figure 1 depicts the level of GHG emissions reductions associated with implementation of existing and anticipated federal and state policies and actions, including federal Corporate Average Fuel Efficiency (CAFE) standards, which require automakers to improve the fuel efficiency of vehicles produced for sale in the US.

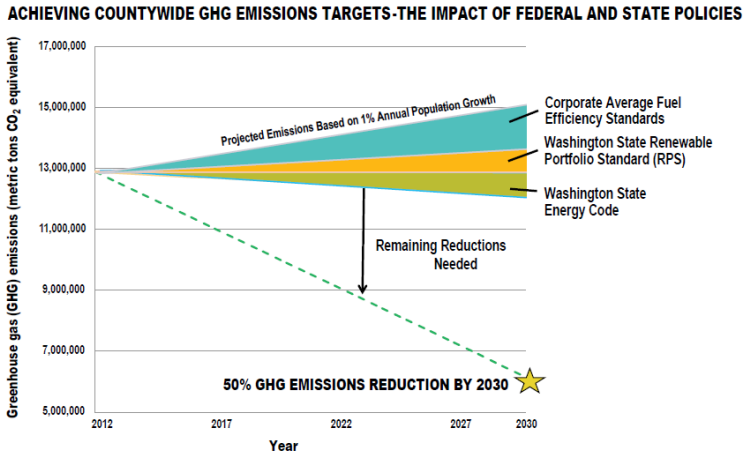


Figure 1: Federal and State Policy Impacts on 2030 GHG Emissions Reduction Goals

After assessing the impact of federal and state policies, the K4C and New Energy Cities analyzed a set of local pathways to close the remaining emissions reductions gap and get the region on track to a 50 percent reduction in GHG emissions by 2030. Figure 2 (below) summarizes K4C pathways that would close the GHG emissions gap identified in Figure 1.

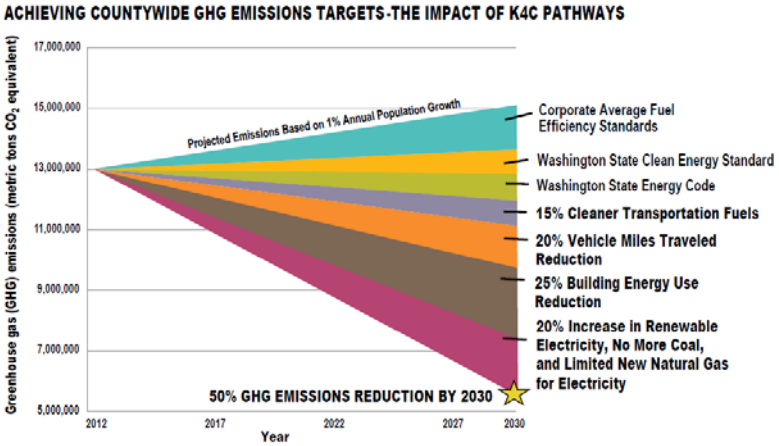


Figure 2: The Impact of K4C Emissions Targets on 2030 Emissions Goals

SCAP GOALS, STRATEGIES, MEASURES AND TARGETS RELATED TO COUNTY FLEETS

The updated SCAP includes the following goal, implementing strategies, and targets related to operation of its vehicle fleets:

Goal: King County will increase the efficiency of its vehicle fleets and minimize their greenhouse gas emissions.

CATEGORY	STRATEGY
Alternative Vehicles, Fuels and Technologies	Strategy A: Use a life-cycle cost assessment, including a cost of carbon pollution, to integrate more fuel efficient vehicles and technologies into County vehicle fleets.
	Strategy B: Use proven alternative fuels that lower GHG emissions, where cost effective, with a priority focus on renewable energy or lower carbon intensity fuels. Strategy C: Pilot new alternative fuel programs and projects with a greater potential for reducing carbon intensity, especially when they provide opportunities to stimulate market growth
	Strategy D: Develop a priority list of alternative fuels with the best GHG benefits and lowest carbon intensity for reference by fleet managers during life-cycle cost assessments.

Fleet Efficiencies	Strategy A: Leverage technology to maximize efficient vehicle use and implement operational strategies, such as anti-idling, fuel-saving driving techniques, car sharing, and vehicle rightsizing to reduce emissions.
	Strategy B: Conduct a countywide campaign encouraging employees to use alternative transportation, drive efficiently, and minimize resource consumption and energy use at work.

Measure 1: Energy use by County vehicles.

- **Target 1:** In its vehicle operations (excluding Metro Transit fleet vehicles), King County will reduce normalized net energy use by at least 10 percent by 2020, compared to a 2014 baseline.
- **Target 3:** Across all vehicle operations, King County will increase the usage percentage of alternative fuels in its fleets by ten percent by 2025, compared to a 2014 baseline. Alternative fuels include electricity, biofuels, compressed natural gas, liquefied natural gas, hybrid, plug-in hybrid, battery drive, or propane.

OVERVIEW OF CURRENT ALTERNATIVE FUEL VEHICLE TECHNOLOGIES

Hybrid Vehicles

Hybrid vehicles are internal combustion engine vehicles that use regenerative braking and large batteries to capture energy and increase the efficiency of the vehicle. Although they may not use alternative fuels, the advanced technology can provide significant fuel efficiency over regular vehicles. Hybrid vehicles have the advantage of not requiring special fueling infrastructure to support their inclusion in the fleet because they can be refueled at regular service stations using either gasoline or diesel fuel, depending on the vehicle type.

Because hybrids use unleaded or diesel fuel, they require no special fueling infrastructure and are well suited for the wide variety of King County's geographical needs and job applications. Hybrid vehicles now make up one of the largest segments of alternative technology vehicles now in the division's fleet—346 across all vehicles types and 17.4 percent of the on-road vehicle fleet as of June 2015. The technology is well suited for departments such as Public Health, the Assessor's Office and the non-patrol vehicles in the Sheriff's Office where members of the units travel many miles each day and service locations across the County. Hybrid applications have been shown to work well in the medium and heavy-duty truck fleet where we have had two bucket trucks, a roll-back truck, and a service truck. Some of these vehicles were acquired with the assistance of the Environmental Protection Agency (EPA) and the Congestion Mitigation and Air Quality Improvement (CMAQ) grant funding.

Mild Hybrids

In addition to full hybrid vehicles, some vehicle manufacturers are now introducing mild hybrid technologies into their internal combustion engine (ICE) units. These models provide some of the technologies and associated advantages found in hybrid vehicles, such as stop-start technology, without the high incremental purchase price of a full hybrid. Fuel economy gains from stop start technology, are typically in the region of five to ten percent. According to the International Council on Clean Transportation:

> Another promising dimension is the development of mild-hybrid systems, which will likely provide one-half to two-thirds the fuel efficiency benefits of full-function hybrids at less than half the cost (German, J. International Council on Clean Transportation, July 2, 2015, pg. 2)

The fuel economy gains from the application of mild hybrid technology and other innovations to the ICE is important because, according to Navigant Research in a Q4 2014 publication, "although the use of alternative fuels and electric power is expected to continue growing, gasoline is anticipated to remain the leading fuel, with a strong trend toward stop-start vehicles."

Electric Vehicles

Electric vehicles (EVs) are generally regarded as the ultimate low carbon technology vehicles especially in the Seattle City Light's service area where the primary source of energy is renewable hydropower. According to Anair, and Mahmassani, in a 2012 Union of Concerned Scientists publication, "electric vehicles powered by a clean electricity grid offer a key pathway to achieving the greater than 80 percent reduction in global warming pollution we need by mid-century to avoid the worst consequences of climate change" (pg. 1). Fleet Administration Division is open to the use of EVs and already has six Nissan Leafs in the fleet.

Liquid Petroleum Gas (Propane or LPG) Vehicles

Fleet Administration currently has 20 LPG pickups and vans which were partly funded by a Clean Cities/DOE American Recovery and Reinvestment Act (ARRA) grant and with tax credit refunds returned to the County from the dealer. Cost of converting the vehicles ranged from about $10,000 to just over $15,000. Compared to gasoline and other fuels, LPG reduces operational costs and lowers emissions.

The propane vehicles were introduced into the fleet without much difficulty because of the following reasons:

- LPG is a fairly widely available alternative fuel and one of the less expensive fueling infrastructures to install because the tanks do not have to be stored underground and the fuel does not have to be stored under high pressures
- Propane vehicles have a lower maintenance cost and, in some cases, it is reported to have an engine life of up to two times that of gasoline engines. Fleet Administration is still monitoring the performance of these vehicles to document this fact
- Fueling a propane vehicle is similar to fueling a conventional vehicle and takes about the same amount of time. In addition, spillage and ground contamination are not concerns with propane because any fuel that might escape dissipates into the air quickly (http://www.afdc.energy.gov/pdfs/46996.pdf).

As reported to the Council in a 2014 document, the LPG pickups and vans that were deployed in the fleet starting in 2011 replaced specific working vehicles and assumed duty cycles in various divisions and departments of the County. Fourteen pickups are now in the Road Services Division with duty cycles that included servicing traffic signals and supporting road-maintenance tasks. Of the remaining six, four units are in the Parks and Recreation Division, one in Water and Land Resource Division, and one in Wastewater Division.

Fleet Administration plans to continue purchasing more propane vehicles to meet the demand for alternative fueled vehicles and as a way of meeting the SCAP 2020 and 2030 targets of fuels with reduced carbon intensity and lowering GHG emissions from County vehicles.

Hydrogen Fuel Cell Vehicles

Hydrogen Fuel Cell Vehicles (HFCVs) are the newest vehicle technology to be introduced to the American marketplace. Two car companies, Toyota and Hyundai now offer HFCVs for sale to the public but only in California. HFCV have a range of about 300 miles on a single fill-up and takes about five minutes to refuel but their widespread adoption in California is being hampered by the lack of an extensive fueling infrastructure and by the high price of the vehicles (about $58,000 for the Toyota Mirai). In the case of the HFCVs, the premium on the up-front cost, so far, is much more than the other clean vehicle options already on the market.

BARRIERS TO ACQUIRING ALTERNATIVE FUELED TECHNOLOGY VEHICLES

The Cost of Emerging Technology

The new and emerging low and zero-emissions technologies are still very expensive to acquire and the high purchase price often creates a financial barrier for government agencies such as King County to overcome. Electric vehicles, hybrid electric vehicles, and vehicles that operate on propane and compressed natural gas (CNG), are some of the technologies that have been introduced into the King County fleet primarily as pilot programs. All of these advanced technology vehicles still remain significantly more expensive to purchase than comparable ICE vehicles with incremental costs ranging from $5,000 for hybrid sedans to over $50,000 for some medium and heavy-duty hybrid units. Even after 15 years on the market and reasonable market penetration, financing the premium purchase price of hybrid vehicles still requires careful planning. Below is a table showing the results of a Fuel and Capital Cost analysis that compares a medium sized ICE (Chevrolet Impala) to a comparable hybrid (Ford Fusion) over the life of the vehicles, 100,000 miles.

Fuel and Capital Cost Analysis Comparison of ICE Vehicle to Hybrid Vehicle

Items	Chevy Impala	Ford Fusion hybrid	Difference/Results
Initial Cost	$20,609	$ 26,100	$ (5,491)
Lifetime vehicle fuel use (gal)	4,000	2,381	
Lifetime Cost of Fuel	$ 12,000	$ 7,143	$4,857
Recovery of Initial Capital Cost			($ 633)

Table 1: Fuel and Capital Cost Analysis Results
2016 Chevy Impala vs 2016 Ford Fusion
Note: Fuel Rate (cost/gal) $3.00.

It is important to note that this analysis includes the up-front purchase price and the cost for fuel, but does not consider the cost of carbon or maintenance costs, which can be lower for hybrid vehicles. In the absence of state and federal action to put a price on GHG emissions, it is difficult to integrate the environmental and economic costs associated with different decisions as they relate to GHG emissions. To address this gap in the near term, the updated SCAP recommends that the Office of Performance, Strategy and Budget collaborate with King County agencies to develop and propose an internal "cost of carbon" by the end of 2017. This cost of carbon will be used in life-cycle assessments and decision-making related to County operations, including for purchase of clean vehicles and alternative fuels, for facility construction and resource efficiency projects, and for related technology investments. King County will also pursue using the cost of carbon to inform broader County planning and decision-making.

The updated SCAP also recommends that the County conduct more comprehensive assessments of cost effectiveness: "Building on the pilot cost effectiveness assessment carried out to inform the 2015 SCAP, King County will pilot a cost effectiveness assessment for at least 12 'County Operations' commitments, and provide this information as part of the first annual report on implementation of the 2015 SCAP and will inform future climate action planning" (pg. 36).

The Cost of Low Carbon Fuels

The potential high cost of some low carbon fuels is also a barrier. Biodiesel is a case in point. While Fleet Administration now has a standing order with suppliers to deliver B5 (5 percent biodiesel) whenever the biodiesel price is equal to or less than regular diesel, there were no deliveries in 2014 or any for the first half of 2015, because there weren't any occasions when the price of biodiesel met the price specification for delivery. The countywide Fleet Managers group maintains close contact with procurement to identify options for getting the best prices for this and other transportation fuels. They will continue to explore all the avenues available to the County as a purchasing unit for getting the best prices possible for biodiesel.

Infrastructure

A barrier closely related to the higher purchase price of alternatively fueled and advanced technology vehicles is the potential cost of the fueling infrastructure. Today, most new technology vehicles do not have the extensive refueling infrastructure seen in gasoline powered vehicles, and without a broad refueling network, the range and utility of the vehicle is often limited. When assessing the barriers to adopting alternative technology and fuels, the prohibitive cost of some fueling infrastructure may overshadow the cost of acquiring the vehicles.

Establishing a network of fueling stations sufficient to support CNG or hydrogen fuel cell vehicles, for example, will not be possible without collaboration with larger partners such as the federal government and industry. Getting a single commercial CNG station up and running costs from $1 to $1.8 million (Clean Cities, US Department of Energy, 2014), and hydrogen fueling stations cost $1.5 to $7 million to construct (Eckerle, T, & Garderet, R., 2013). Presently, there are only four full service CNG stations in King County: two in Seattle, one at Sea Tac, and one in Bellevue. Additionally, there is a fueling facility at the World CNG corporate office in Kent that is open until 5:00 p.m. (see Appendix A). Establishing a wide network of CNG or hydrogen stations in suitable locations to support the general use of the King County fleet, will require several million dollars. Investment for infrastructure on the scale required for hydrogen and CNG would require a long-term commitment to the particular vehicle technology and alternative fuel across a large number of compatible vehicles.

Fleet Administration's initial assessment of propane as a potential fuel for inclusion in the County's fleet, revealed that propane (or LPG) fueling facilities, unlike CNG and hydrogen fuels that require large capital outlay to construct refueling facilities, can be established for relatively modest sums ($45,000 to $70,000 new, $3,000 to $12,000 to lease, Clean Cities Department of Energy (DOE), 2014). Additionally, many retailers were willing to enter into contractual arrangements where they install the fueling equipment as part of an agreement to provide the fuel for a given period. Fleet Administration currently has contractual arrangements with the LPG fuel provider that includes fueling infrastructure equipment for two locations that required no Fleet capital outlay.

Vehicle Range

Closely related to the lack of an extensive fueling infrastructure is the limited range of some alternative fueled vehicles. EVs are most notable for having a limited range with most of the currently available

vehicles having a range of 70 to 80 miles on a single charge depending on driving conditions. Battery technology is the determining factor in the range of the EV with the cost, the weight, and recharging time of batteries being the main drivers. Fleet Administration has found that the EV range limitation restricts the utility of this vehicle technology within County operations. With the large and varied geographical range that King County covers, many workers are required to travel many miles or to remote sections of the County on a daily basis, such as those in the Department Public Health and the Assessor's Office. Because of the range limitation, the lack of an extensive charging infrastructure and the long charge time required for recharging the battery (about 6 hours), the potential for EV usage remains limited and check out of Motor Pool dispatch EVs have been restricted to one booking per day in order to ensure sufficient recharging time between trips.

Propane vehicles also have range limitations because of the lower energy content per gasoline gallon equivalent (GGE) of propane compared to gasoline or diesel. Although the difference is not enough to induce range anxiety, in a survey of County propane vehicle operators conducted by Fleet Administration after the introduction of the vehicles into the fleet, some drivers noted that they had to refuel more frequently with propane vehicles than with traditional fueled vehicles. In the case of propane, this deficiency can be corrected by installing larger tanks but there is always the tradeoff between bed space or storage space inside the vehicle, and greater fuel tank capacity.

Acceptance Among Users

To gauge acceptance of alternative fuel vehicles by King County fleet users, Fleet Administration conducted a survey in 2014 of County employees who use the Motor Pool dispatch but did not use the EVs, to determine why they were not choosing to use the EVs and how we could change their minds. The responses indicated that users were unsure of the technology and wanted more information about how to use the vehicle. Fleet Administration commissioned an instructional video and will post it on the vehicle reservation web site in the near future.

The utilization of Fleet Administration's six Nissan Leafs have seen some improvement since their introduction and the initial two-year transition period. In 2014, two EVs met the vehicle utilization standard as prescribed in the Light Duty Vehicle Utilization Policy of 70 percent of business days. Three other vehicles have provided business need justifications. One vehicle is still being used as a loaner vehicle designed to familiarize customers with the technology.

Lack of Dealer Support

The lack of dealer support can also pose a problem. Although this is often not an obstacle for large operations such as Fleet Administration, many dealers are not sufficiently trained in the emerging technologies to provide adequate support to clients, including information about the unique characteristics of the technology, availability of fuel, where applicable, and the care and service needs of the vehicles.

Fleet Business Needs

The use of electric vehicles within King County Fleets presents some specific issues:

- The limited range (about 80 miles) of most commercially available EVs limits the utility and flexibility of the vehicle.
- The long recharging time and consequent slow turnaround time of vehicles.
- The uncertainty of the long-term service needs and performance of the batteries.

The first two issues highlighted above, limited range and long recharging time are both impacted by EV battery technology. The large lithium-ion battery that provides motive force for the EV is the most expensive component in the vehicle and, to a large extent, accounts for the high incremental price of EVs on the market today (25 percent, Ars Technica July 16, 2015). The energy density of the battery, or how much energy the battery is able to store, determines how large, how heavy, and, ultimately, how far it will go on a single charge. Similarly, the technology also determines how fast the battery can be recharged. Although some vehicle manufacturers have lowered their prices, the price drop has been due mostly to slow vehicle sales and not the decreasing cost of batteries at this time.

Regarding the long-term performance of the lithium-ion battery, Fleet Administration has embarked on a long-term study in collaboration with MetroPool, the City of Seattle, and Idaho National Laboratory's (INL) Advanced Vehicle Testing Unit. So far, INL collected one set of data in December 2014 from a sampling of the vehicles from these groups and will need to pull at least one additional set of data in December 2015 before they can start making any inferences about the battery performance in the Seattle Area Vehicles. Some preliminary findings are below (Figure 4).

Electric Vehicle Battery Study

Fleet Administration collaborated with MetroPool, the City of Seattle and Idaho National Laboratory (INL) to do a longitudinal study on the lithium-ion battery pack in the Nissan LEAF. After some planning, the first set of data was collected on 11 EVs in December 2014 by Matthew Shirk of INL's Advanced Vehicle Testing Program. Two of the main items assessed were, battery capacity and battery state of charge. These outcomes were compared with four vehicles that the INL Advanced Vehicle Testing program had been testing in Phoenix. Testing showed that all the Seattle area batteries were at about 95 percent state of charge and that the vehicle state of health (which measured the balance among the battery cells) correlated well with capacity at about 90 to 96 percent (Figure 3). With only one set of readings so far, there is little comparison to be drawn between the Seattle and Phoenix battery data and very few conclusions that can be drawn. The plan is for INL to collect another set of data from the same vehicles in December 2015 and to arrange for additional data collection going forward.

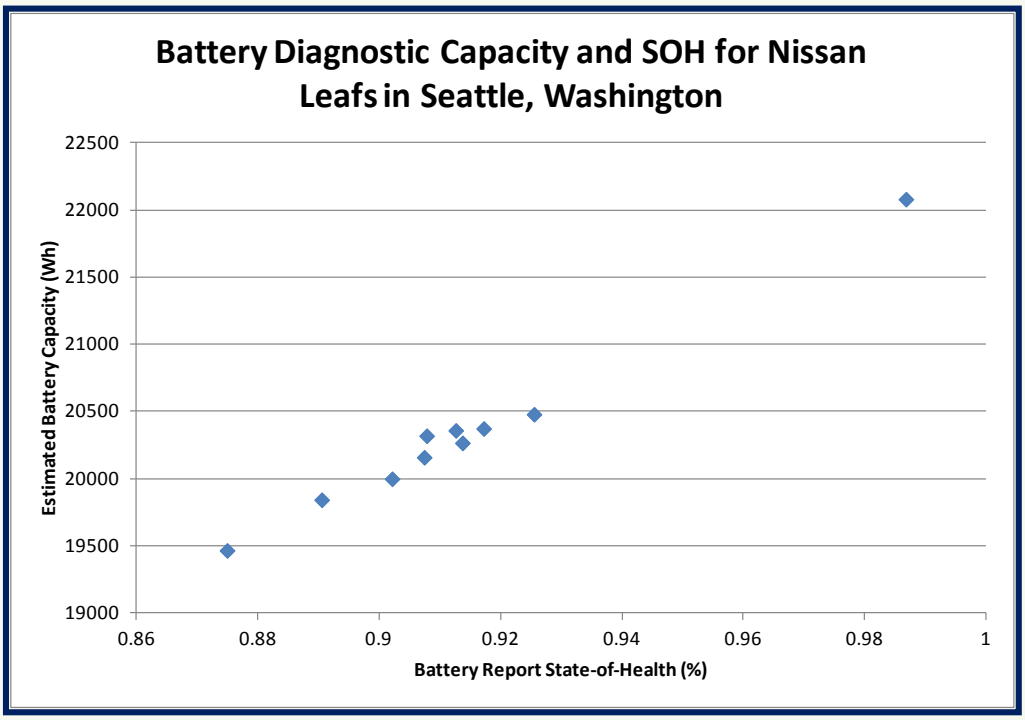


Figure 3: Battery State of Health Report on Seattle Vehicles
The findings are from a preliminary report sent to Fleet Administration by INL in July 2015

ADDITIONAL CONSIDERATIONS

Alternative Vehicle Technology is one of a Suite of Initiatives to Consider

A study by the EPA concluded that by themselves, the individual approaches such as highly efficient internal combustion engine ICE vehicles, hybrids, or EVs, would have a moderate effect on GHG reduction targets. However, the study noted, "by far, the greatest reductions in greenhouse gasses come from a 'systems approach' that accounts for the important relationships among strategies for advanced vehicle technologies, low greenhouse gas fuels, and/or reducing VMT" (Environmental Protection Agency, 2007, pg. 4).The inclusion of alternative vehicle technology is only one of a suite of

initiatives that must be utilized to ensure the achievement of transportation-related GHG reduction goals, strategies, and targets in the updated SCAP.

No One Technology Suitable for All Needs

The commonly held view in the literature is that there will be no single technology or fuel that dominates the industry the way petroleum and the ICE have in the past. Instead, as stated by Kay, Hill, and Newman in Powering Ahead (2013), "…there will be a range of solutions for different transport applications".

Priority and Sequencing of Actions

The carbon management hierarchy model "avoid, reduce, replace, and offset" (Figure 4), developed by Forum for the Future, helps organizations to consider those actions that will have the most transformative and lasting effects on the organization's emissions baseline. The model prioritizes the avoidance of emissions. For example, reduce the size of one's fleet or choose to use Skype for a meeting instead of attending in person. The model's reduction component is achieved through energy efficiency which may mean downsizing vehicles, choosing hybrids or mild hybrid vehicles, using eco-driving techniques or idling less. The replacement component entails replacing high carbon fuels with low or zero-carbon alternatives. At the lowest level of the model is offset, which involves purchasing carbon credits to offset usage. While offsetting is a valuable tool for reducing greenhouse gas emissions, it does not directly reduce the emissions generated by the County.

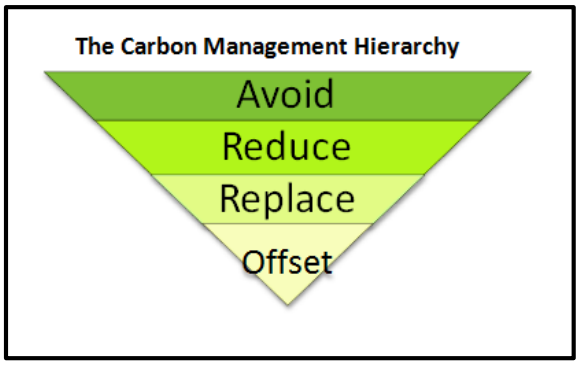


Figure 4: Carbon Management Hierarchy – **Forum for the Future**

CURRENT APPROACHS FOR INTEGRATING ALTERNATIVE FUEL VEHICLE TECHNOLOGY INTO COUNTY FLEET

Systems Approach

In order to achieve the SCAP energy use and GHG reduction goals, Fleet Administration employs a systems approach to the acquisition and deployment of vehicles.

Current fleet policies and practices include a vehicle utilization policy that encourages the reduction of the number of vehicles if they are not being sufficiently utilized, trip planning, driver education programs, and technologies designed to reduce fuel consumption and idling time of fleet vehicles.

Right Size for the Job

Current vehicle replacement practices require that department and division heads ensure that the vehicles purchased are the most fuel-efficient and "the right size" for the job. Fleet Administration has been seeking to replace pick-ups, vans and trucks with the smallest engine within the category or class, capable of doing the job. Fleet Administration uses this policy as an opportunity to educate its customers about choosing environmentally friendly vehicles when making purchasing decisions and to provide information on alternative fuels and advanced technology vehicles that may help achieve GHG reduction goals. The new effort in connection with the SCAP will be to educate our users about the low carbon fuels and GHG reduction goals and inform how the choice of vehicle will impact these outcomes.

Consider Advanced or Alternative Fuel Vehicle First

Currently, the practice pursued by Fleet Administration for all its customers is to consider an alternative fueled or advanced technology vehicle first when replacing a vehicle. If one is not available, the next consideration is the most fuel efficient vehicle available that is capable of doing the job. When vehicles come up for replacement, it is no longer a matter of simply replacing like for like.

The Division will continue to promote the use of propane and work to replace more eligible vehicles with propane units. At the same time, we will continue to advocate for the installation of more propane vehicle fueling facilities across the County by commercial providers. On the matter of biodiesel, there is currently a standing order with the County's fuel supplier to automatically supply B5 (five percent biodiesel) whenever the price is the same or less than petro-diesel. Fleet Administration will increase this percentage over the next 10 to 15 years as biodiesel becomes more available and prices decline, the science ensures that the sources are in fact low carbon, and the fuel has evolved to prevent performance and engine problems such as have been experienced in the past, so that by 2030 the diesel fleet will be using at least B20 (20 percent biodiesel).

Purchase Fuel Efficient Internal Combustion Engine (ICE) Vehicles

Fleet Administration will continue to purchase highly fuel efficient ICE vehicles. New Corporate Average Fuel Economy (CAFE) standards are causing vehicle manufacturers to introduce a variety of fuel-saving innovations into their regular models. These include stop-start technology or mild hybrid technology, lighter components and/or body parts, turbocharging their engines and improved aerodynamic designs. Some of these innovations may result in an increase in the cost of the vehicles. However, it is anticipated that any increase will be recovered in fuel savings over the life of the vehicle in the case of cars and light-duty vehicles.

Telematics and Other Fuel-saving Initiatives

In 2015, the King County Auditor identified the reduction of idling as a key to reducing total County fuel use in her *"Light Duty Fleet: Costs and Emissions Could Be Reduced*" report. Fleet Administration is now working with customers that register high idling times to find ways to reduce the rates among their users. One of the ways is through providing regular feedback. This takes the form of quarterly reports that include fuel consumption by division and by types of vehicles and compares the division or department's performance with others in the County. In some cases, heavy-duty units have been programmed to automatically shut down after five minutes of idling. Additionally, in collaboration with Roads Division and the Assessor's Office, Fleet Administration is piloting the use of telematics with those two partners to better manage their fleet vehicles.

An indispensable component to decreasing fuel consumption is driver behavior. Fueleconomy.gov and other sources state that the way one operates a vehicle can impact fuel savings by as much as 15 to 30

percent. Because of this, Fleet has developed educational programs that address driver behaviors. One such program is an online Eco Driver training course for which employees receive credit and which they can complete at any time. Another is a fuel efficient driving video developed jointly by the Department of Natural Resources and Parks, and Fleet Administration which is now used in the County's Defensive Driving Course.

FINANCE AND FUNDING TOOLS

Finance and Funding Tools Already in Place

Currently, Fleet Administration budgets vehicle replacement with in-kind vehicles. As the County introduces new vehicles into its fleets, funding models must be adjusted. Historically agencies have incurred additional up-front costs associated with higher sticker prices for these vehicles unless they were offset by grant funding. The current funding plan allows customers to benefit from the lower life-cycle cost of ownership of the vehicle by allowing agencies to access financing for the up-front costs of alternative fuel vehicles with repayment coming from operating and maintenance savings generated over the life of the vehicle.

Additional Finance and Funding Options

Federal and state grants have been a source of funding which Fleet Administration has leveraged in the past to help offset the incremental cost of purchasing alternative fueled and hybrid vehicles. The Environmental Protection Agency and CMAQ grants obtained in 2006 helped offset the incremental cost of early production hybrid trucks. Under this program, Fleet led a consortium of regional governmental agencies to seek out this funding opportunity and four regional agencies purchased hybrid trucks. The fleets provided annual fuel consumption and other performance data to the Environmental Protection Agency (EPA) for four years as part of the condition of the grant. King County acquired five hybrid trucks through that grant program which are still a part of the fleet today and which still consume 20 to 30 percent less fuel than similar non-hybrid vehicles.

The federal ARRA program also provided the opportunity for a collaborative effort with the US Department of Energy Clean Cities Coalition through which Fleet Administration and other entities in the region obtained funding to help finance the incremental cost of a mix of 39 light- and medium-duty advanced and alternative fueled technology vehicles. As with the EPA/CMAQ grant, the terms and conditions of the agreement required Fleet Administration to provide regular reports on the performance of the vehicles.

Federal subsidies and refunds still help to ensure that fueling with propane cost less than using regular diesel of gasoline. Fleet Administration is able to take advantage of a federal tax credit of $0.50 per gallon for the propane fuel it dispensed under the American Taxpayer Credit Relief Act of 2012 which was extended through December 31, 2014. However, there have been no federal or state grants in recent years and federal transportation grants often give priority to road and highway construction projects. Tax credits and refunds of low carbon fuels expenditure have expiration dates with their renewal not always a certainty.

At the state level, the tax exemption for alternative fuel cars, light-duty trucks, and medium-duty passenger vehicles (with a value of less than $35,000) has been renewed until July 1, 2019. King County fleets will derive some benefits from these exemptions and we are advocating for the inclusion of heavy-duty vehicles as part of this tax exemption.

OPTIONS FOR UNIFORM POLICIES TO GUIDE ALTERNATIVE FUEL TECHNOLOGY VEHICLE ACQUISITION

As noted in the introduction, the 2015 SCAP Goals, strategies, targets and actions will serve as overall policy guidance for the Fleet Administration Division as it updates approaches, policies, and practices for purchase, replacement, and utilization of alternative fuel vehicles. In addition to using the updated SCAP as overall policy and performance guidance, the Fleet Division will:

- ✓ **Work with King County fleet managers, through the joint forum of the Fleet Managers/Energy Subcommittee for which Fleet Administration is the lead, to develop standard vehicle purchasing specifications for each vehicle class and model so that users will be offered a limited number of choices for vehicle replacements.** Ultimately, standard vehicles within classes will be alternative fueled, advanced technology vehicles, or the most fuel efficient vehicle in the class. Users wishing to order vehicles other than those specified, will need to justify the exception. Additionally, the Forum for the Future's carbon management hierarchy (Figure 4) will be used as a point of reference and as an opportunity for educating customers.

- ✓ **Encourage user groups to apply new approaches to vehicle use.** Within their work group, they will be encouraged to rethink the way they use vehicles. In the case of meetings, they should consider using Skype – "avoid." If they do have to travel to a meeting, they should then use the smallest, most fuel-efficient vehicle available and carpooling. In this way they will use less fuel for the trip – "reduce." By encouraging work units to think of their vehicles as a pool of vehicles instead of individually assigned vehicles, employees are able to, in the course of a work day, choose the vehicle that is most suitable for the job. Such an arrangement will ultimately result in work units using less fuel and quite possibly requiring fewer vehicles for the group.

- ✓ **Participate in development and application of a cost of carbon and more comprehensive approach to life cycle cost analysis.** The updated SCAP includes recommendations:
  - Building on the pilot cost effectiveness assessment carried out to inform the 2015 SCAP, King County will pilot a cost effectiveness assessment for at least 12 "County Operations" commitments. This information will be provided as part of the first annual report on implementation of the 2015 SCAP and will inform future climate action planning.
  - Work with the Office of Performance, Strategy and Budget and other County agencies to develop and propose an internal "cost of carbon" by the end of 2017. This cost of carbon will be used in life-cycle assessments and decision-making related to County operations, including for purchase of clean vehicles and alternative fuels, and for related technology investments.

- ✓ **Review and Update Existing Executive Orders and Policies related to alternative fuel vehicle technology, alternative fuels, and vehicle use for consistency with SCAP**.
  - The updated SCAP contains the following recommendation: "Pursue adoption of a Clean Fuels Executive Order to include a cost of carbon. DOT and DNRP staff will continue to work with the Executive's Office to formally adopt a clean fuels policy and to collaborate to integrate a cost of carbon into decision making about clean fuels" (pg. 49). In addition, the Executive will review existing Executive Orders related to alternative fuel vehicles and alternative fuels and update as necessary for consistency with targets, strategies, and actions in the proposed 2015 SCAP.

- ✓ **Continue to offer financing** to offset the up-front costs of alternative fuel vehicles with repayment coming from operating and maintenance savings generated over the life of the vehicle, using consistent criteria for evaluating lifecycle costs.

- ✓ **Offer driver education and deploy telematic tools**. Fuel efficient driver training is available via SkillSoft and in the County's Defensive Driving course. Fleet Administration is piloting the use of telematics with two customers to determine the viability of the technology.

SUMMARY

The inclusion of alternative vehicle technology in the County's fleet is one of a suite of options that must be utilized to ensure the reduction of GHG by 10 percent by 2020. Although the technology is not fully adopted into the mainstream at this time, every effort is being made to ensure their testing so that as the research on the technology progresses, the bugs are worked out, and the purchase prices become more affordable, Fleet Administration will have identified the technology best suited for each type of County operation and seamlessly incorporated them into the fleet. This includes preparing customers for wholesale usage of these new technology vehicles. The adoption process will have to accommodate the build-out of a countywide fueling infrastructure that can support the operation of alternative technology /alternative fueled vehicles even during emergencies.

Given the level of funding, market penetration, state of the technology, user acceptance, and the prospect for change in these dynamics in the near and medium term, alternative vehicles will contribute to our 2020 GHG reduction target. It is also necessary to employ a systems approach that includes the improved technology of internal combustion engine vehicles, hybrid vehicles, better route planning, and improved driving habits of our employees.

The propane pilot project undertaken by Fleet Administration demonstrated the suitability of the technology in certain business applications. Currently, the potential barriers to the wholesale adoption of propane into the medium-duty pickup and van fleet are: the lower energy density of the fuel causing drivers to refuel more frequently, and the need for more widespread fuel availability when vehicles are being used continuously for emergency response such as a storm.

We believe the County will meet the GHG reduction targets through multiple initiatives that include the utilization of low carbon fuels and alternative fueled vehicles. However, these will not be the only tools used. As outlined in the carbon management hierarchy, reducing vehicle miles traveled, choosing replacement vehicles that are the smallest, most fuel efficient units for the job, and generally rethinking the way we use fleet vehicles, will all factor into achieving King County's GHG reduction goals in the fleet.

The actions outlined in the previous section will improve the consistency and uniformity of policies used to guide alternative vehicle purchases, replacement, and utilization.

RESOURCES

1. Alternative Fuels Data Center. *Alternative Fueling Station Locator* http://www.afdc.energy.gov/locator/stations/

2. Anair, Don; Mahmassani, Amine. June 2012. State of Charge: Electric Vehicles' Global Warming Emissions and Fuel-Cost Savings across the United States Available online: http://www.ucsusa.org/sites/default/files/legacy/assets/documents/clean_vehicles/electric-car-global-warming-emissions-report.pdf

3. Brubaker, L., Garvey, E., Poon, L, and Dean, D.April 28, 2015. *Light Duty Fleet: Costs and Emissions Could Be Reduced.* King County Auditor's Office http://www.kingcounty.gov/~/media/operations/auditor/documents/2015Documents/Fleets_Rpt_Final_0428.ashx?la=en

4. Caldwell, Jessica. "Drive by numbers: Tesla in all 50 States." January 29, 2014. *Edmunds.com*. http://www.edmunds.com/industry-center/analysis/drive-by-numbers-tesla-in-all-50-states.html?SID=idw0l8ibvh003bkr001ol&kw=flexibletexttool&PID=6154448&AID=10364102&mktid=cj260233&mktcat=affiliates

5. Clean Air-Cool Planet & Forum for the Future. Getting to Zero: Defining Corporate Carbon Neutrality.

6. Clean Cities, US Department of Energy, Energy Efficiency and Renewable Energy. September, 2014. *Cost Associated with Compressed Natural Gas Vehicle Fueling Infrastructure: Factors to consider in the implementation of fueling stations and equipment.* http://www.afdc.energy.gov/uploads/publication/cng_infrastructure_costs.pdf

7. Coley, David. 2008. *Energy and Climate Change: Creating a sustainable future*, West Sussex, England: John Wiley and Sons Ltd,

8. Eckerle, T, & Garderet, R. October 2013. *Hydrogen Network Investment Plan*. http://www.einow.org/images/stories/factsheets/h2nip_full_paper_final.pdf

9. Federal Vehicle Standards. http://www.c2es.org/federal/executive/vehicle-standards

10. German, John. *Hybrid Vehicles: Technology development and cost reduction,* International Council on Clean Transportation Technical Brief No. 1. http://theicct.org/sites/default/files/publications/ICCT_TechBriefNo1_Hybrids_July2015.pdf

11. Greene, D. 2010, February 9-10. Why the Market for New Passenger Cars Generally Undervalues Fuel Economy.

12. Kay, D., Hill, N., and Newman, D. *Powering Ahead: the Future of Low-carbon cars and fuels.* http://www.racfoundation.org/assets/rac_foundation/content/downloadables/powering_ahead-kay_et_al-apr2013.pdf

13. King County Strategic Climate Action Plan Web Site (http://www.kingcounty.gov/environment/climate/king-county/climate-action-plan.aspx

14. Loris, Nicolas and Morgan, Derrick. *Cap-and-Trade for Cars Means Higher Prices and Less Choice for Car Buyers* http://www.heritage.org/research/reports/2012/12/cap-and-trade-for-cars-means-higher-prices-and-less-choice-for-car-buyers

15. Navigant Research. *Automotive Fuel Efficiency Technologies Powertrain and Body Engineering Technologies for Improved fuel Economy: Global Market Analysis and Forecasts* http://www.navigantresearch.com/research/automotive-fuel-efficiency-technologies

16. Office of Sustainability. 2012. The University of South Carolina *AFV Barriers and Policies.* http://www.sc.edu/TII/BIAF.pdf accessed 4-10-15

17. Shrinking the Carbon Footprint of Metropolitan America 2008, Brookings – PowerPoint presentation. http://www3.imperial.ac.uk/pls/portallive/docs/1/50007735.PDF

18. Study: Seattle area No. 6 on list of smallest carbon footprint. May 28, 2008. *The Seattle Times*. http://www.seattletimes.com/seattle-news/study-seattle-area-no-6-on-list-of-smallest-carbon-footprint/

19. MURPHY. Brookings Study Misleads on Carbon Tax. http://instituteforenergyresearch.org/analysis/murphy-brookings-study-misleads-on-carbon-tax/

20. The Washington Plug-In Electric Vehicle Task Force. http://www.commerce.wa.gov/Documents/PEV-Task-Force-Gov-Rpt-2013.pdf

21. *Wedge Approach to Climate Change (The)* World Resources Institute. http://www.wri.org/print/38096

22. Mui, S., Alson, J. et al. EPA 2007. *A Wedge Analysis of the Transportation Sector* http://www.epa.gov/otaq/climate/420r07007.pdf pg. 7

23. Sierra Club (The). *Electric Vehicle Factsheet*. *http://content.sierraclub.org/evguide/factsheet*

24. Sierra Club (The). *Electric Vehicles: Myths vs. Reality*. *http://content.sierraclub.org/evguide/myths-vs-reality*

25. Smith, M., Gonzales, J. August 2014. *Cost Associated with Propane Vehicles Fueling Infrastructure: Factors to consider in the implementation of fueling stations and equipment.* Clean Cities, US Department of Energy, Energy Efficiency and Renewable Energy. http://www.afdc.energy.gov/uploads/publication/propane_costs.pdf

26. "Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies" published in: *Toward a Hydrogen Economy* (http://www.princeton.edu/mae/people/faculty/socolow/Science-2004-SW-1100103-PAPER-AND-SOM.pdf)

27. Seattle's electric vehicle paradox Tuesday 4, December 2012, http://crosscut.com/2012/12/seattles-ev-paradox/

APPENDIX A

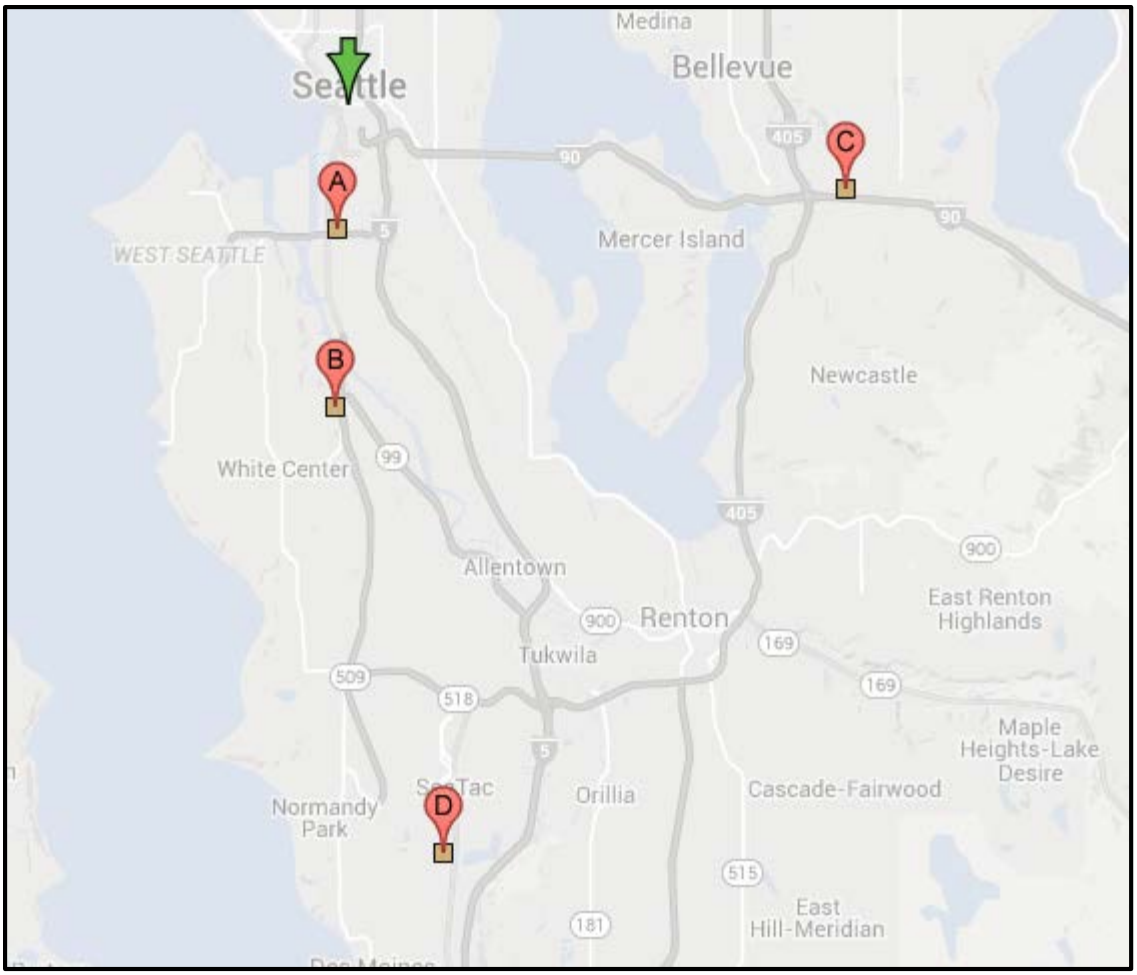
Locations of CNG Stations in King County

A Clean Energy - Seattle Wire and Cable Co
60 S Spokane St
Seattle, WA 98134
Phone: 866-809-4869

C Clean Energy - Bellevue PSE Factoria
13240 SE 32nd St
Bellevue, WA 98005
Phone: 866-809-4869

B Clean N' Green
149 SW Kenyon St
Seattle, WA 98108
Phone: 800-331-3441

D Clean Energy - Seattle-Tacoma International Airport
19425 28th Ave S
Seatac, WA 98188
Phone: 866-809-4869



Source: [Alternative Fuels Data Center]

[Blank Page]

ATTACHMENT 2

October 7, 2015

The Honorable Larry Phillips
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Phillips:

As required by Ordinance 17941, I am transmitting to the King County Council this report on the Role of Alternative Fuel Technology Fleet Vehicles in Achieving King County's Greenhouse Gas (GHG) Reduction Goals.

Ordinance 17941 includes a requirement in Section 125.P1 that states:

> Of this appropriation, $100,000 shall not be expended or encumbered until the executive transmits a report regarding the role of alternative fuel technology fleet vehicles in achieving King County's greenhouse gas reduction goals and a motion that approves the report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of motion.
>
> The report shall be informed by the county's work to update the Strategic Climate Action Plan and the performance audit of the King County 2012 Strategic Climate Action Plan. The report shall include, but not be limited to:
>
> A. An evaluation of the barriers to acquiring alternative fuel technology vehicles;
>
> B. Options for connecting vehicle replacement policies and actions to the County's Strategic Climate Action Plan and the GHG reduction goals;
>
> C. Options for uniform policies to guide alternative fuel technology vehicle acquisition; and

D. Finance and funding tools to help agencies purchase alternative fuel technology vehicles.

This proposed report details the ways in which Fleet Administration intends to incorporate alternative fuel technology vehicles and other advanced vehicle technologies and low carbon fuels in achieving the County's GHG reduction goals as expressed in the proposed 2015 Strategic Climate Action Plan. These efforts will also further the Environmental Sustainability goals of the King County Strategic Plan, including Strategy ES-4c which calls for the County to minimize its operational environmental footprint by, among other things, investing in alternative fuel transit and fleet vehicles to reduce emissions, fuel use, and fuel costs.

It is estimated that this report required approximately120 staff hours to produce, costing approximately $7,500. The estimated printing cost for this report is negligible.

I recommend that the King County Council pass this motion approving the report. If you have any questions, please contact Jennifer Lindwall, Director, Fleet Administration Division, at 206-477-3883.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Anne Noris, Clerk of the Council
Carrie S. Cihak, Chief of Policy Development, King County Executive Office
Dwight Dively, Director, Office of Performance, Strategy and Budget
Harold S. Taniguchi, Director, Department of Transportation (DOT)
Jennifer Lindwall, Director, Fleet Administration, DOT