



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 10, 2016

Ordinance 18230

Proposed No. 2015-0505.2

Sponsors Dembowski

1 AN ORDINANCE relating to the hearing examiner;
2 amending Ordinance 263, Art. 5, Section 2, as amended,
3 and K.C.C. 20.24.020, Ordinance 4461, Section 2, as
4 amended, and K.C.C. 20.24.080, Ordinance 12196, Section
5 25, and K.C.C. 20.24.072, Ordinance 4461, Section 1, as
6 amended, and K.C.C. 20.24.070, Ordinance 4461, Section
7 3, as amended, and K.C.C. 20.24.090, Ordinance 11502,
8 Section 12, and K.C.C. 20.24.095, Ordinance 4461, Section
9 5, as amended, and K.C.C. 20.24.140, Ordinance 11502,
10 Section 12, as amended, and K.C.C. 20.24.145, Ordinance
11 263, Art. 5, Section 11, as amended, and K.C.C. 20.24.150,
12 Ordinance 4461, Section 9, as amended, and K.C.C.
13 20.24.180, Ordinance 4461, Section 10, as amended, and
14 K.C.C. 20.24.190, Ordinance 13687, Section 7, as
15 amended, and K.C.C. 20.24.510, Ordinance 13147, Section
16 34, and K.C.C. 20.24.400, Ordinance 9544, Section 16, as
17 amended, and K.C.C. 20.24.195, Ordinance 9785, Section
18 10, as amended, and K.C.C. 20.24.197, Ordinance 4461,
19 Section 11, as amended, and K.C.C. 20.24.210, Ordinance

20 4461, Section 12, as amended, and K.C.C. 20.24.220,
21 Ordinance 263, Art. 5, Section 18, as amended, and K.C.C.
22 20.24.230, Ordinance 9544, Section 18, as amended, and
23 K.C.C. 20.24.235, Ordinance 4461, Section 15, as
24 amended, and K.C.C. 20.24.240, Ordinance 4461, Section
25 14, as amended, and K.C.C. 20.24.250, Ordinance 11502,
26 Section 17, and K.C.C. 20.24.300, Ordinance 11502,
27 Section 18, and K.C.C. 20.24.310, Ordinance 11502,
28 Section 19, and K.C.C. 20.24.320, Ordinance 11502,
29 Section 20, and K.C.C. 20.24.330, Ordinance 263, Art. 5,
30 Section 13, as amended, and K.C.C. 20.24.170, Ordinance
31 13320, Section 13, as amended, and K.C.C. 1.07.130,
32 Ordinance 13320, Section 15, as amended, and K.C.C.
33 1.07.150, Ordinance 11683, Section 21, as amended, and
34 K.C.C. 1.24.205, Ordinance 6444, Section 3, as amended,
35 and K.C.C. 2.34.030, Ordinance 13983, Section 9, as
36 amended, and K.C.C. 2.97.110, Ordinance 14033, Section
37 6, as amended, and K.C.C. 2.100.050, Ordinance 17096,
38 Section 3, as amended, and K.C.C. 4A.700.700, Ordinance
39 1888, Article III, Section 3, and K.C.C. 6.01.130,
40 Ordinance 1888, Article III, Section 5, and K.C.C.
41 6.01.150, Ordinance 13548, Section 20, and K.C.C.
42 6.09.190, Ordinance 6836, Section 4, and K.C.C. 6.26.040,

43 Ordinance 6836, Section 8, as amended, and K.C.C.
44 6.26.080, Ordinance 10159, Section 8, as amended, and
45 K.C.C. 6.27A.060, Ordinance 10159, Section 16, as
46 amended, and K.C.C. 6.27A.140, Ordinance 10159, Section
47 26, as amended, and K.C.C. 6.27A.240, Ordinance 16553,
48 Section 4, and K.C.C. 7.09.030, Ordinance 16553, Section
49 5, and K.C.C. 7.09.040, Ordinance 16553, Section 6, and
50 K.C.C. 7.09.050, Ordinance 16553, Section 13, and K.C.C.
51 7.09.120, Ordinance 7590, Section 9, as amended, and
52 K.C.C. 9.08.080, Ordinance 1396, Article II, Section 12, as
53 amended, and K.C.C. 11.04.140, Ordinance 1396, Article
54 III, Section 9, as amended, and K.C.C. 11.04.260,
55 Ordinance 1396, Article III, Section 10, as amended, and
56 K.C.C. 11.04.270, Ordinance 11992, Section 13, as
57 amended, and K.C.C. 12.16.115, Ordinance 13981, Section
58 7, as amended, and K.C.C. 12.17.060, Ordinance 7430,
59 Section 7, as amended, and K.C.C. 12.18.070, Ordinance
60 5280, Section 7, as amended, and K.C.C. 12.20.100,
61 Ordinance 8625, Section 7, as amended, and K.C.C.
62 12.22.070, Ordinance 10095, Section 8, as amended, and
63 K.C.C. 13.24.090, Ordinance 129, Section 1, as amended,
64 and K.C.C. 14.40.015, Ordinance 2799, Section 2, as
65 amended, and K.C.C. 14.40.020, Ordinance 10733, Section

66 8, as amended, and K.C.C. 14.60.080, Ordinance 11617,
67 Section 5, as amended, and K.C.C. 14.65.030, Ordinance
68 11617, Section 54, as amended, and K.C.C. 14.75.150,
69 Ordinance 6746, Section 19, as amended, and K.C.C.
70 16.32.170, Ordinance 13694, Section 41, as amended, and
71 K.C.C. 19A.08.060, Ordinance 13694, Section 67, and
72 K.C.C. 19A.16.070, Ordinance 13694, Section 69, and
73 K.C.C. 19A.16.090, Ordinance 263, Art. 1, Section 11, as
74 amended, and K.C.C. 20.08.120, Ordinance 16985, Section
75 4, as amended, and K.C.C. 20.12.205, Ordinance 13147,
76 Section 21, as amended, and K.C.C. 20.18.050, Ordinance
77 13687, Section 3, as amended, and K.C.C. 20.18.057,
78 Ordinance 13687, Section 4, as amended, and K.C.C.
79 20.18.058, Ordinance 12196, Section 16, as amended, and
80 K.C.C. 20.20.090, Ordinance 12196, Section 17, as
81 amended, and K.C.C. 20.20.100, Ordinance 1076, Section
82 2, as amended, and K.C.C. 20.36.020, Ordinance 6949,
83 Section 14, as amended, and K.C.C. 20.44.120, Ordinance
84 3064, Section 7, as amended, and K.C.C. 20.54.090,
85 Ordinance 3064, Section 10, as amended, and K.C.C.
86 20.54.100, Ordinance 3064, Section 11, and K.C.C.
87 20.54.110, Ordinance 4828, Section 11, as amended, and
88 K.C.C. 20.62.110, Ordinance 10870, Section 5, as

89 amended, and K.C.C. 21A.01.070, Ordinance 10870,
90 Section 19, as amended, and K.C.C. 21A.02.090,
91 Ordinance 10870, Section 38, and K.C.C. 21A.04.170,
92 Ordinance 10870, Section 25, and K.C.C. 21A.06.425,
93 Ordinance 1488, Section 12, as amended, and K.C.C.
94 21A.22.081, Ordinance 10870, Section 513, as amended,
95 and K.C.C. 21A.28.030, Ordinance 10870, Section 514, as
96 amended, and K.C.C. 21A.28.040, Ordinance 10870,
97 Section 515, as amended, and K.C.C. 21A.28.050,
98 Ordinance 10870, Section 523, and K.C.C. 21A.28.130,
99 Ordinance 11168, Section 3, as amended, and K.C.C.
100 21A.30.045, Ordinance 13274, Section 7, as amended, and
101 K.C.C. 21A.37.070, Ordinance 10870, Section 575, as
102 amended, and K.C.C. 21A.38.020, Ordinance 10870,
103 Section 617, as amended, and K.C.C. 21A.42.090,
104 Ordinance 10870, Section 618, as amended, and K.C.C.
105 21A.42.100, Ordinance 10870, Section 627, and K.C.C.
106 21A.44.060, Ordinance 17287, Section 3, and K.C.C.
107 21A.55.105, Ordinance 13263, Section 3, as amended, and
108 K.C.C. 23.02.010, Ordinance 13263, Section 8, as
109 amended, and K.C.C. 23.02.070, Ordinance 13263, Section
110 9, as amended, and K.C.C. 23.02.080, Ordinance 13263,
111 Section 10, as amended, and K.C.C. 23.02.090, Ordinance

112 13263, Section 11, as amended, and K.C.C. 23.02.100,
113 Ordinance 12024, Section 7, and K.C.C. 23.10.070,
114 Ordinance 13263, Section 16, as amended, and K.C.C.
115 23.20.020, Ordinance 13263, Section 17, as amended, and
116 K.C.C. 23.20.030, Ordinance 16278, Section 16, and
117 K.C.C. 23.20.060, Ordinance 16278, Section 18, and
118 K.C.C. 23.20.080, Ordinance 13263, Section 21, as
119 amended, and K.C.C. 23.24.020, Ordinance 13263, Section
120 22, as amended and K.C.C. 23.24.030, Ordinance 13263,
121 Section 29, as amended, and K.C.C. 23.24.100, Ordinance
122 13263, Section 41, as amended, and K.C.C. 23.32.050,
123 Ordinance 17191, Section 55, as amended, and K.C.C.
124 23.32.100, Ordinance 17191, Section 56, as amended, and
125 K.C.C. 23.32.110, Ordinance 17191, Section 57, as
126 amended, and K.C.C. 23.32.120, Ordinance 13263, Section
127 43, as amended, and K.C.C. 23.36.010, Ordinance 13263,
128 Section 44, and K.C.C. 23.36.020, Ordinance 16026,
129 Section 11, and K.C.C. 27.50.020, Ordinance 16026,
130 Section 15, and K.C.C. 27.50.060 and Ordinance 11034,
131 Section 9, and K.C.C. 28.84.100, adding a new section to
132 K.C.C. chapter 20.08, adding a new chapter to K.C.C. Title
133 20, adding a new chapter to K.C.C. Title 4A, recodifying
134 K.C.C. 20.24.020, K.C.C. 20.24.080, K.C.C. 20.24.072,

135 K.C.C. 20.24.070, K.C.C. 20.24.090, K.C.C. 20.24.095,
136 K.C.C. 20.24.140, K.C.C. 20.24.145, K.C.C. 20.24.150,
137 K.C.C. 20.24.180, K.C.C. 20.24.190, K.C.C. 20.24.510,
138 K.C.C. 20.24.400, K.C.C. 20.24.195, K.C.C. 20.24.520,
139 K.C.C. 20.24.197, K.C.C. 20.24.210, K.C.C. 20.24.220,
140 K.C.C. 20.24.230, K.C.C. 20.24.235, K.C.C. 20.24.240,
141 K.C.C. 20.24.250, K.C.C. 20.24.300, K.C.C. 20.24.310,
142 K.C.C. 20.24.320, K.C.C. 20.24.330 and K.C.C. 20.24.170,
143 decodifying K.C.C. 14.40.017 and repealing Ordinance
144 263, Art. 5, Section 1, and K.C.C. 20.24.010, Ordinance
145 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030,
146 Ordinance 263, Art. 5, Section 4, as amended, and K.C.C.
147 20.24.040, Ordinance 263, Art. 5, Section 5, as amended,
148 and K.C.C. 20.24.050, Ordinance 263, Art. 5, Section 6, as
149 amended, and K.C.C. 20.24.060, Ordinance 11502, Section
150 16, and K.C.C. 20.24.065, Ordinance 16026, Section 2, as
151 amended, and K.C.C. 20.24.085, Ordinance 11502, Section
152 14, as amended, and K.C.C. 20.24.097, Ordinance 11502,
153 Section 15, as amended, and K.C.C. 20.24.098, Ordinance
154 263, Art. 5, Section 7 (part), as amended, and K.C.C.
155 20.24.100, Ordinance 263, Art. 5, Section 8, and K.C.C.
156 20.24.110, Ordinance 263, Art. 5, Section 9, as amended,
157 and K.C.C. 20.24.120, Ordinance 4461, Section 4, as

158 amended, and K.C.C. 20.24.130, Ordinance 263, Art. 5, 12,
159 as amended, and K.C.C. 20.24.160, Ordinance 11502,
160 Section 13, as amended, and K.C.C. 20.24.175, Ordinance
161 12196, Section 41, as amended, and K.C.C. 20.24.222 and
162 Ordinance 13332, Section 7, as amended, and K.C.C.
163 20.24.450.

164 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

181 this ordinance, section 8 of this ordinance, K.C.C. 20.24.080, as recodified by this
182 ordinance, K.C.C. 20.24.072, as recodified by this ordinance, K.C.C. 20.24.070, as
183 recodified by this ordinance, section 16 of this ordinance, K.C.C. 20.24.090, as recodified
184 by this ordinance, K.C.C. 20.24.095, as recodified by this ordinance, section 21 of this
185 ordinance, K.C.C. 20.24.140, as recodified by this ordinance, K.C.C. 20.24.145, as
186 recodified by this ordinance, K.C.C. 20.24.150, as recodified by this ordinance, K.C.C.
187 20.24.180, as recodified by this ordinance, K.C.C. 20.24.190, as recodified by this
188 ordinance, K.C.C. 20.24.510, as recodified by this ordinance, K.C.C. 20.24.400, as
189 recodified by this ordinance, K.C.C. 20.24.195, as recodified by this ordinance, K.C.C.
190 20.24.520, as recodified by this ordinance, K.C.C. 20.24.197, as recodified by this
191 ordinance, section 43 of this ordinance, K.C.C. 20.24.210, as recodified by this
192 ordinance, section 46 of this ordinance, K.C.C. 20.24.220, as recodified by this
193 ordinance, K.C.C. 20.24.230, as recodified by this ordinance, K.C.C. 20.24.235, as
194 recodified by this ordinance, K.C.C. 20.24.240, as recodified by this ordinance, K.C.C.
195 20.24.250, as recodified by this ordinance, K.C.C. 20.24.300, as recodified by this
196 ordinance, K.C.C. 20.24.310, as recodified by this ordinance, K.C.C. 20.24.320, as
197 recodified by this ordinance, K.C.C. 20.24.330, as recodified by this ordinance, and
198 K.C.C. 20.24.170, as recodified by this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

225 H. "Party" means:

- 226 1. An applicant, proponent, petitioner or appellant;
227 2. The owner or owners of property subject to a hearing;
228 3. The responsible county department;
229 4. Another county department or division with jurisdiction or review authority
230 over a proposal or proceeding that has notified the office of the hearing examiner in
231 writing of its request to be a party to the proceeding;
232 5. The entity issuing a ruling that is appealed to the examiner; and
233 6. Another entity to whom the examiner grants party status.

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

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

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

241 SECTION 6. Ordinance 263, Art. 5, Section 2, as amended, and K.C.C.
242 20.24.020 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

274 SECTION 7. The following are each hereby repealed:

- 275 A. Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030;
- 276 B. Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040;
- 277 C. Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050;
- 278 D. Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060; and
- 279 E. Ordinance 11502, Section 16, and K.C.C. 20.24.065.

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

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

- 285 1. Issue final decisions, as set forth in K.C.C. 20.24.080, as recodified by this
286 ordinance;
- 287 2. Issue decisions, as set forth in K.C.C. 20.24.072, as recodified by this
288 ordinance;
- 289 3. Issue recommendations to the council, as set forth in K.C.C. 20.24.070, as
290 recodified by this ordinance;
- 291 4. Take other actions as prescribed by this chapter; and
- 292 5. Take other actions as directed by ordinance or motion.

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

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

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

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

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

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

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

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

- 316 3. Stipulated testimony or facts;
- 317 4. Prehearing dispositive motions, if applicable;
- 318 5. Prehearing conferences;
- 319 6. Voluntary mediation; and
- 320 7. Other methods to promote efficiency and to avoid delay.

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

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

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

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

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

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

339 4. Appeals of decisions regarding the abatement of a nonconformance;
340 5. Appeals of decisions of the director of the department of natural resources
341 and parks on requests for rate adjustments to surface and storm water management rates
342 and charges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

418 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
419 23.36.010.A.2;

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

422 BB. Appeals from decisions of the department of natural resources and parks
423 related to permits, discharge authorizations, violations and penalties under K.C.C.
424 28.84.050 and 28.84.060;

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

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

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

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

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

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

447 K.C.C. chapter 20.20.

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

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

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

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

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

458 ~~3. Applications for public benefit rating system assessed valuation on open~~
459 ~~space land and current use assessment on timber lands, except as provided in K.C.C.~~
460 ~~20.36.090;~~

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

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

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

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

468 ~~8. Proposals for establishment or modification of cable system rates))~~ A.

469 Proposals for establishment or modification of cable system rates under K.C.C.

470 6.27A.140;

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

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

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

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

482 F. Appeals of decisions to designate or reject a nomination for designation for a
483 landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter
484 20.62; ((and))

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

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

489 ~~((B. The examiner's recommendation may be to grant or deny the application or~~
490 ~~appeal, or the examiner may recommend that the council adopt the application or appeal~~
491 ~~with such conditions, modifications and restrictions as the examiner finds necessary to~~
492 ~~carry out applicable state laws and regulations and the regulations, including chapter~~
493 ~~43.21C RCW, policies, objectives and goals of the comprehensive plan, the community~~
494 ~~plan, subarea or neighborhood plans, the zoning code, the subdivision code and other~~
495 ~~official laws, policies and objectives of King County. In case of any conflict between the~~

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

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

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

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

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

- 509 1. Career service review, K.C.C. chapter 3.12A;
- 510 2. Licenses under K.C.C. Title 6, except for for-hire transportation, K.C.C.
511 chapter 6.64;
- 512 3. Discrimination and equal employment opportunity in employment by
513 contractors, subcontractors and vendors, K.C.C. chapter 12.16;
- 514 4. Unfair housing practices, K.C.C. chapter 12.20;
- 515 5. Discrimination in places of public accommodation, K.C.C. chapter 12.22
- 516 6. Regional motor sports facility, K.C.C. 21A.55.105;
- 517 7. Abandoned, wrecked, dismantled or inoperative vehicles, K.C.C. chapter
518 23.10;

- 519 8. Citations, K.C.C. chapter 23.20;
520 9. Penalty appeals, K.C.C. chapter 23.32;
521 10. Permit fee appeals, K.C.C. chapter 27.50; and
522 11. Other appeals that are prescribed by ordinance.

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

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

528 ~~((A. Except as otherwise provided in this section, a notice of appeal shall be filed~~
529 ~~with the county department or division issuing the original decision with a copy provided~~
530 ~~by the department or division to the office of the hearing examiner. The notice of appeal,~~
531 ~~together with the required appeal fee, shall be filed within the prescribed appeal period.~~
532 ~~Except as otherwise provided in K.C.C. chapter 27.50, the appeal period shall be fourteen~~
533 ~~calendar days and shall commence on the third day after the mailing of the notice of~~
534 ~~decision. In cases of appeals of Type 2 land use decisions made by the director, if WAC~~
535 ~~197-11-340(2)(a) applies the notice of appeal shall be filed within twenty-four days after~~
536 ~~the mailing of the notice of decision.~~

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

541 C. Except in the case of an appeal of citation under K.C.C. chapter 23.20, [and

542 [except as otherwise provided in K.C.C. chapter 27.50, if a notice of appeal has been filed

543 within the applicable time period [provided in this section], the appellant shall file a

544 statement of appeal with the county department or division issuing the original decision

545 or action within seven days after the filing deadline for the notice of appeal. A statement

546 of appeal is not required for an appeal of a citation issued under K.C.C. chapter 23.30.

547 Department or division staff shall:

548 1. Be available within a reasonable time to persons wishing to file a statement of

549 appeal subsequent to an agency ruling, and to respond to queries concerning the facts and

550 process of the county decision; and

551 2. Make available within a reasonable time a complete set of files detailing the

552 facts of the department or division ruling in question to persons wishing to file a

553 statement of appeal, subsequent to an agency ruling. If a department or division is unable

554 to comply with these provisions, the hearing examiner may authorize amendments to a

555 statement of appeal to reflect information not made available to an appellant within a

556 reasonable time due to a failure by a county agency to meet the foregoing requirements.

557 D. The statement of appeal shall:

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

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

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

561 4. Identify the relief sought.

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

563 the statement of appeal.

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

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

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

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

- 574 1. Include a copy of, or clearly identify, the decision being appealed;
- 575 2. Identify the location of the property subject to the appeal, if any;
- 576 3. Identify the legal interest of the appellant;
- 577 4. Identify the alleged errors in the decision;
- 578 5. State specific reasons why the decision should be reversed or modified;
- 579 6. State the harm suffered or anticipated by the appellant; and
- 580 7. Identify the relief sought.

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

583 E. In order that a person contemplating an appeal has the necessary information
584 on which to base the appeal, during the time between the issuance of the decision and the
585 deadline for delivering an appeal, the department or division shall:

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

587 2. Make available any files that detail the facts on which the department or
588 division based its ruling.

589 F. If a department or division is unable to comply with subsection E. of this
590 section, the examiner may authorize an amendment to an appeal statement to reflect
591 information subsequently made available to the appellant.

592 G. The scope of an appeal shall be limited to matters or issues raised in the
593 appeal statement and any amendments to the appeal statement the examiner may
594 authorize.

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

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

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

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

608 B. The examiner may dismiss an appeal that is not sufficiently specific to apprise
609 the parties of the factual basis upon which relief is sought or if the grounds stated do not

610 constitute a legally adequate basis for the appeal. Alternatively, the examiner may clarify
611 the issues on appeal or may require any party with the burden of proof to clarify the
612 issues on appeal.

613 NEW SECTION. SECTION 21. There is hereby added to the new chapter
614 established under section 2 of this ordinance a new section to read as follows:

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

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

626 2. For any appeal that requires the appeal statement to be delivered directly to
627 the office of the hearing examiner, the examiner shall hold a prehearing conference or a
628 hearing within forty-five days, and shall complete the appeal process, including issuing a
629 determination, within ninety days, of receiving the appeal statement.

630 C. For applications for which the responsible department or division issues a
631 recommendation and an examiner holds a public hearing and issues a decision or
632 recommendation, the examiner shall complete the application review, including holding a

633 public hearing and transmitting the report required by K.C.C. 20.24.210, as recodified by
634 this ordinance, within ninety days from the date the council refers the application to the
635 office of the hearing examiner. Any time required by the applicant or the responsible
636 department or division to obtain and provide additional information requested by the
637 examiner and necessary for the determination on the application and consistent with
638 applicable laws, regulations and adopted policies is excluded from the ninety-day
639 calculation.

640 D. At least fourteen days before a scheduled hearing, the examiner shall transmit
641 notice of the time and place of the hearing.

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

645 F. The examiner may extend the deadlines in this section for up to thirty days.
646 Extensions of over thirty days are permissible with the consent of all parties. When an
647 extension is made, the examiner shall state in writing the reason for the extension.

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

650 SECTION 22. The following are each hereby repealed:

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

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

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

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

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

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

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

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

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

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

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

672 ~~((A pre-hearing conference may be called by the examiner pursuant to this chapter
673 upon the request of a party, or on the examiner's own motion. A pre-hearing conference
674 shall be held in every appeal brought pursuant to this chapter if timely requested by any
675 party. The pre-hearing conference shall be held at such time as ordered by the examiner,
676 but not less than fourteen days prior to the scheduled hearing on not less than seven days
677 notice to those who are then parties of record to the proceeding. The purpose of a pre-
678 hearing conference shall be to identify to the extent possible, the facts in dispute, issues,~~

679 laws, parties and witnesses in the case. In addition the pre-hearing conference is intended
680 to establish a timeline for the presentation of the case. The examiner shall establish rules
681 for the conduct of pre-hearing conferences.

682 Any party who does not attend the pre-hearing conference, or anyone who
683 becomes a party of record after notice of the pre-hearing conference has been sent to the
684 parties, shall nevertheless be entitled to present testimony and evidence to the examiner at
685 the hearing.) A. On the examiner's own initiative, or at the request of a party, the
686 examiner may set a prehearing conference.

687 B. If a prehearing conference is set, it shall be held not less than fourteen days
688 before the scheduled hearing. At least seven days before the prehearing conference, the
689 examiner shall transmit notice of the date and location of the prehearing conference.

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

693 SECTION 28. Ordinance 263, Art. 5, Section 11, as amended, and K.C.C.
694 20.24.150 are each hereby amended to read as follows:

695 When an application or appeal has been set for ((public)) hearing, the responsible
696 ((county)) department shall coordinate and assemble the reviews of other departments
697 and governmental agencies having an interest in the application or appeal and shall
698 prepare a report summarizing the ((factors involved and the)) departments' findings and
699 recommendation or decision. At least fourteen ((calendar)) days ((prior to)) before the
700 scheduled hearing, the responsible department shall file the report((, and in the case of
701 appeals any written appeal arguments submitted to the county, shall be filed)) with the

702 office of the hearing examiner and ((copies thereof)) shall ((be mailed)) send the report
703 to all ((persons of record who have not previously received said materials)) parties and
704 interested persons.

705 SECTION 29. The following are each hereby repealed:

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

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

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

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

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

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

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

729 When the examiner issues a recommendation regarding an application for a zone
730 reclassification of property (~~((or for a shoreline environment redesignation))~~), the
731 recommendation shall include ~~((additional))~~ findings ~~((that support the conclusion that at~~
732 ~~least one of the following circumstances applies))~~ on whether the application meets both
733 of the following:

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

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

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

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

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

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

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

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

758 A. The proposed change shall implement and support:

759 1. The goals of the Comprehensive Plan;

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

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

762 4. F))the designation criteria of the proposed shoreline ((environment))

763 designation;

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

766 C. The impacts of development allowed by the proposed change ((shall be)) are
767 adequately addressed in a mitigation plan providing significant enhancement of the first

768 one hundred feet adjacent to the stream and improved habitat for species declared as

769 endangered or threatened under the Endangered Species Act, to the extent those impacts

770 may be determinable at the time of the shorelines redesignation. A full mitigation plan
771 shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

772 D. If ~~((greater intensity of development would be allowed as a result of))~~ the
773 shoreline redesignation results in greater density of development, the proposal ~~((shall))~~
774 utilizes clustering or a ~~((multi-story))~~ multistory design to pursue minimum densities
775 while minimizing lot coverage adjacent to the shoreline setback area.

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

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

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

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

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

798 B. The office of the hearing examiner shall compile the written recommendations
799 on all site-specific land use map amendments made in a year into a single report. The
800 report shall be filed by January 15 in the form of a paper original and an electronic copy
801 with the clerk of the council, who shall retain the original and provide an electronic copy
802 to all councilmembers, the council chief of staff and the lead staff for the transportation,
803 economy and environment committee or its successor.

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

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

809 When the examiner makes a decision regarding an application for a proposed
810 preliminary plat, the decision shall include additional findings as to whether:

811 A. Appropriate provisions are made for the public health, safety((;)) and general
812 welfare and for such open spaces, drainage ways, streets or roads, alleys, other public
813 ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,

814 playgrounds, schools and school grounds and all other relevant facts, including sidewalks
815 and other planning features that assure safe walking conditions for students who only
816 walk to and from school; and

817 B. The public use and interest will be served by ~~((the))~~ platting ~~((of such))~~ the
818 subdivision and dedication.

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

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

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

825 ~~((Whenever the examiner in the course of conducting hearings or reviewing~~
826 ~~preliminary plat applications receives documentation that the public schools in the district~~
827 ~~where the development is proposed would not meet the standards set out in K.C.C.~~
828 ~~21A.28.160 if the development were approved, the examiner shall remand to the~~
829 ~~department of permitting and environmental review to require or recommend phasing or~~
830 ~~provision of the needed facilities and sites as appropriate to address the deficiency, or~~
831 ~~deny the proposal if required by this chapter. The examiner shall prepare findings to~~
832 ~~document the facts that support the action taken. The examiner shall recommend such~~
833 ~~phasing as may be necessary to coordinate the development of the housing with the~~
834 ~~provision of sufficient school facilities, or shall require the provision of the needed~~
835 ~~facilities. An offer of payment of a school impact fee as required by ordinance shall not~~
836 ~~be a substitute for the phasing, but the fee is still assessable. The examiner shall~~

837 ~~recommend a payment schedule for the fee to coordinate the payment with phasing of an~~
838 ~~impact mitigation fee if the provision or payment is satisfactory to the district. The~~
839 ~~examiner must determine independently that the conditions of approval and assessable~~
840 ~~fees will provide for adequate schools.)) If the examiner determines that the public
841 schools in the district where the development is proposed would not meet the standards in
842 K.C.C. 21A.28.160 if the development were approved, the examiner either shall remand
843 the matter to the department of permitting and environmental review or shall require or
844 recommend phasing or provision of the needed facilities and sites as appropriate to
845 address the deficiency or shall deny the proposal. The examiner shall prepare findings to
846 document the facts that support the action taken. Payment of a school impact fee as
847 required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall
848 recommend a fee payment schedule to coordinate that payment with any phasing, if the
849 provision or payment satisfies the district and any deferral requirements. The examiner
850 must determine independently that the conditions of approval and assessable fees will
851 provide for adequate schools.~~

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

854 A. Enforcement of any notice and order under K.C.C. chapter 6.64 or K.C.C.
855 Title 11 shall be stayed during the pendency of an appeal therefrom which is properly and
856 timely filed, except impoundment of an animal that is vicious or cruelly treated.

857 B. In proceedings before the examiner for an appeal from a notice and order
858 under K.C.C. chapter 6.64 or K.C.C. Title 11, the records and licensing services division

859 shall bear the burden of proving by a preponderance of the evidence both the violation
860 and the appropriateness of the remedy it has imposed.

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

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

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

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

880 B.1. Examiner ((R))recommendations ((of the examiner)) in cases identified in
881 K.C.C. 20.24.070, as recodified by this ordinance, may be appealed to the council by a((n

882 aggrieved)) party by filing ~~((a notice of))~~ an appeal ~~((with the clerk of the council within~~
883 ~~fourteen calendar days of the date the examiner's written recommendation is mailed))~~
884 statement in accordance with section 46 of this ordinance.

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

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

894 b. the council by motion may refer the matter to a council committee or
895 remand to the examiner for the purpose of further hearing, receipt of additional
896 information or further consideration when determined necessary ~~((prior to))~~ before the
897 council~~((s taking))~~ takes final action ~~((thereon))~~.

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

904 ~~((E))~~ D. Final ~~((D))~~ decisions of the examiner in cases identified in K.C.C.
905 20.24.080, as recodified by this ordinance, shall be final and reviewable ~~((pursuant to))~~
906 under K.C.C. 20.24.240.B, as recodified by this ordinance.

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

909 A. A person initiates an appeal to the council from an examiner recommendation
910 or decision by filing an appeal statement with the clerk of the council and providing
911 copies of the appeal statement to the examiner and to all parties.

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

914 C. The appeal statement shall:

- 915 1. Include a copy of the decision being appealed;
- 916 2. Identify the location of the property subject to the appeal;
- 917 3. Identify the legal interest of the appellant;
- 918 4. Identify the alleged errors in the decision;
- 919 5. State specific reasons why the decision should be reversed or modified;
- 920 6. State the harm suffered or anticipated by the party filing the appeal; and
- 921 7. Identify the relief sought.

922 D. The person filing an appeal shall pay a fee as prescribed in section 77 of this
923 ordinance. The fee shall be paid at the time the appeal is filed and is not refundable.

924 E. The scope of an appeal shall be limited to matters or issues raised in the appeal
925 statement.

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

928 G. Within three days of receiving the appeal statement, the examiner shall notify
929 all interested persons and parties of the appeal filing and of the opportunity to respond
930 and shall post a copy of the examiner recommendation or decision and of the appeal
931 statement on the internet.

932 H. Within seventeen days of the date the appeal statement is filed, a respondent
933 shall file a response with the clerk of the council and provide copies of the response to
934 the examiner, to all parties and to the appellant.

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

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

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

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

945 A. ~~((If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant~~
946 ~~shall file with the office of the clerk of the county council within twenty one calendar~~
947 ~~days of the date of the examiner's written recommendation a written appeal statement~~
948 ~~specifying the basis for the appeal and any arguments in support of the appeal. If no~~

949 ~~written appeal statement or arguments are filed within the twenty-one calendar days, the~~
950 ~~clerk of the council shall place a proposed ordinance that implements the examiner's~~
951 ~~recommended action on the agenda of the next available council meeting. If written~~
952 ~~appeal arguments are filed, the clerk of the council shall cause notice to be given to other~~
953 ~~parties of record that a notice of appeal and appeal statement have been filed and that~~
954 ~~written appeal statements or arguments in response to the notice of appeal and appeal~~
955 ~~statement may be submitted to the clerk within fourteen calendar days of the date of such~~
956 ~~a notification by the clerk.)~~ The council shall process appeals as expeditiously as
957 possible, giving consideration to the procedural due process rights of the parties. The
958 council should schedule consideration of the appeal within sixty days of the filing of the
959 response to the appeal statement. Failure of the council to consider the appeal within the
960 time limit does not terminate the council's jurisdiction.

961 B. The council's ((C))consideration ((by the council of the appeal, except for
962 appeals of examiner recommendations on petitions for road vacations,)) of an appeal
963 from either a decision or recommendation of the examiner shall be based upon the record
964 as presented to the examiner at the public hearing and upon written appeal statements,
965 responses and replies based upon the record. ((, but t))The council also may allow parties
966 a period ((of time)) for oral argument based on the record. Consistent with RCW
967 36.70B.020(1)((, before or at the appeal hearing)) and upon the request of ((the council))
968 a councilmember, the ((hearing)) examiner ((or other county staff)) may provide a written
969 or oral summary, or both, of the ((appeal)) record, issues and arguments presented in an
970 appeal and may provide answers, based on the record, to questions with respect to issues
971 raised in ((an)) the appeal ((asked by councilmembers at the appeal hearing)). Nothing in

972 this subsection shall be construed as limiting the ability of the council to seek and receive
973 legal advice regarding a pending appeal from the office of the prosecuting attorney or
974 other county legal counsel either within or outside of the hearing.

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

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

982 1. An error in fact or procedure ~~((may))~~ exists or additional information or
983 clarification is desired, the council shall remand the matter to the examiner; or

984 2. The examiner's decision or recommendation ~~((of the examiner))~~ is based on
985 an error in judgment or conclusion, the council may modify or reverse the examiner's
986 decision or recommendation ~~((of the examiner))~~, ~~((but))~~ or the council ~~(('s land use appeal~~
987 ~~committee))~~ may retain the matter, refer it to ~~((either))~~ a council committee or remand to
988 the examiner for ~~((the purpose of))~~ further hearing, receipt of additional information or
989 further consideration ~~((if determined necessary))~~ before the ~~((council's taking))~~ council
990 takes final action on the matter.

991 ~~((E. Subsections B, C and D of this section do not apply to an appeal of an~~
992 ~~examiner's recommendation on a petition for a road vacation. In such an appeal, the~~
993 ~~council is not bound by the record presented to the hearing examiner. Before acting on a~~
994 ~~proposed road vacation for which an appeal of the hearing examiner's recommendation~~

995 ~~has been filed, the council shall hold a legislative public hearing to receive further~~
996 ~~information and testimony.))~~

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

999 SECTION 50. K.C.C. 20.24.230, as amended by this ordinance, is hereby
1000 recodified as a new section in the new chapter established under section 2 of this
1001 ordinance.

1002 SECTION 51. Ordinance 263, Art. 5, Section 18, as amended, and K.C.C.
1003 20.24.230 are each hereby amended to read as follows:

1004 A. The council shall take final action on any examiner recommendation ~~((of the~~
1005 ~~examiner))~~ or appeal from an examiner decision ~~((by the examiner))~~ by ordinance and,
1006 when so doing, ~~((it))~~ shall make ~~((and enter))~~ findings ~~((of fact))~~ and conclusions from
1007 the record of the public hearing conducted by the examiner. The findings and
1008 conclusions shall set forth and demonstrate the manner in which the action is consistent
1009 with~~((, carries out and helps implement applicable state laws and regulations and the~~
1010 ~~regulations, policies, objectives and goals of the comprehensive plan, the community~~
1011 ~~plans, the zoning code, the subdivision code and other official laws, policies and~~
1012 ~~objectives for the development of King County))~~ applicable laws, regulations and
1013 adopted policies. The council may adopt as its own all or portions of the examiner's
1014 findings and conclusions.

1015 ~~((Any))~~ B. The ordinance may contain conditions regarding the manner of
1016 development or other aspects regarding use of the property including, but not limited to,
1017 ~~((dedication of))~~ dedicating land, ((provision of)) providing public improvements ((to

1018 ~~serve the subdivision, and/)~~ or requiring impact fees authorized by chapter 82.02 RCW,
1019 or any combination thereof.

1020 ~~((Any))~~ C. The ordinance also may contain reasonable conditions, in accordance
1021 with ((state)) applicable laws, regulations and ((county ordinances)) adopted policies, that
1022 must be satisfied ((before the ordinance becomes effective)). The ordinance shall
1023 designate the time within which any such conditions must be satisfied and the official
1024 zoning maps shall not be amended until the conditions have been satisfied. ((; provided,
1025 the ordinance shall also designate the time period within which any such conditions must
1026 be satisfied. All authority pursuant to such ordinance shall expire i))If any of the
1027 conditions are not satisfied within the designated time ((period and)), the property shall
1028 continue to be subject to all laws, regulations and ((zoning)) adopted policies as if the
1029 ordinance had not been adopted((; provided, the council may extend the period for
1030 satisfaction of the conditions if, after a public hearing by the examiner, the council finds
1031 an extension will be in the public interest and the extension was requested by the
1032 applicant within the initial time period. As an alternative to the adoption of an ordinance
1033 containing conditions, the council may adopt an ordinance subject to the execution of a
1034 concomitant agreement between the county and the applicant regarding the manner of
1035 development of the property, any required improvements or any aspect regarding use of
1036 the property)). If, before the expiration of the time within which the conditions must be
1037 satisfied, the applicant submits a written request to the examiner for an extension of the
1038 time, the examiner shall hold a hearing and issue a recommendation on whether the
1039 extension is in the public interest and whether to grant or deny all or any part of the

1040 requested time extension. The examiner's recommendation may be appealed using the
1041 procedures in K.C.C. 20.24.210.B., as recodified by this ordinance.

1042 SECTION 52. K.C.C. 20.24.235, as amended by this ordinance, is hereby
1043 recodified as a new section in the new chapter established under section 2 of this
1044 ordinance.

1045 SECTION 53. Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235
1046 are each hereby amended to read as follows:

1047 A. In addition to the ~~((provisions of))~~ findings required by K.C.C. 20.24.230, as
1048 recodified by this ordinance, ((King County)) the council shall not approve a proposed
1049 subdivision and dedication unless it also finds that((:

1050 ~~1. Appropriate provisions are made for the public health, safety, and general~~
1051 ~~welfare and for such open spaces, drainage ways, streets or roads, alleys, other public~~
1052 ~~ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,~~
1053 ~~playgrounds, schools and school grounds and all other relevant facts, including sidewalks~~
1054 ~~and other planning features that assure safe walking conditions for students who only~~
1055 ~~walk to and from school; and~~

1056 ~~2. The public use and interest will be served by the platting of such subdivision~~
1057 ~~and dedication)) the requirements in K.C.C. 20.24.195, as recodified by this ordinance,~~
1058 are met.

1059 B. ~~((If it finds that the proposed subdivision and dedication make such~~
1060 ~~appropriate provisions and that the public use and interest will be served, then the council~~
1061 ~~shall approve the proposed subdivision and dedication. Dedication of land to any public~~
1062 ~~body, provision of public improvements to serve the subdivision, and/or impact fees may~~

1063 be required as a condition of subdivision approval. Dedications shall be clearly shown on
1064 the final plat.) The council may adopt as its own all or portions of the examiner's
1065 findings and conclusions.

1066 SECTION 54. K.C.C. 20.24.240, as amended by this ordinance, is hereby
1067 recodified as a new section in the new chapter established under section 2 of this
1068 ordinance.

1069 SECTION 55. Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240
1070 are each hereby amended to read as follows:

1071 A. ~~((Decisions of the e))~~Council action on examiner recommendations in cases
1072 identified in K.C.C. 20.24.070, as recodified by this ordinance, or ~~((in cases))~~ on
1073 examiner decisions appealed to the council as provided in K.C.C. 20.24.210~~((D)).C.~~, as
1074 recodified by this ordinance, shall be final and conclusive action unless ~~((within twenty-~~
1075 ~~one calendar days from the date of the council's adoption of an ordinance))~~ an appeal is
1076 timely filed ~~((in ((superior court, state of Washington, for the purpose of review of the~~
1077 ~~action taken; provided, no))~~ with the appropriate court or tribunal. However,
1078 development or related action may not occur ~~((during))~~ until the ~~((twenty-one day))~~
1079 applicable appeal period has run.

1080 B. Final ~~((D))~~decisions of the examiner in cases identified in K.C.C. 20.24.080,
1081 as recodified by this ordinance, shall be ~~((a))~~ final and conclusive action unless ~~((within~~
1082 ~~twenty-one calendar days from the date of issuance of the examiner's decision an~~
1083 ~~aggrieved person files))~~ an appeal is timely filed ~~((in superior court, state of Washington,~~
1084 ~~for the purpose of review of the action taken; provided, no))~~ with the appropriate court or
1085 tribunal. However, development or related action may not occur ~~((during))~~ until the

1086 ~~((twenty-one day))~~ applicable appeal period~~((; provided further, that))~~ has run, and the
1087 ~~((twenty-one day))~~ appeal period from examiner decisions on appeals of threshold
1088 determinations or the adequacy of a final ~~((EIS))~~ environmental impact statement shall
1089 not commence until final action on the underlying proposal.

1090 ~~((C. Prior to filing an appeal of a final decision for a conditional use permit or~~
1091 ~~special use permit, requested by a party that is licensed or certified by the Washington~~
1092 ~~state department of social and health services or the Washington state department of~~
1093 ~~corrections, an aggrieved party (other than a county, city or town) must comply with the~~
1094 ~~mediation requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time~~
1095 ~~limits for appealing a final decision are tolled during the mediation process.))~~

1096 SECTION 56. K.C.C. 20.24.250, as amended by this ordinance, is hereby
1097 recodified as a new section in the new chapter established under section 2 of this
1098 ordinance.

1099 SECTION 57. Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250
1100 are each hereby amended to read as follows:

1101 A. The ordinance implementing the council's final action on an examiner's
1102 recommendation or decision shall take effect ten days after its enactment, unless a request
1103 for reconsideration is filed according to this section.

1104 B.1. A~~((ny))~~ final action by the ~~((county))~~ council ~~((or hearing examiner))~~ may
1105 be reconsidered by the council ~~((or examiner, respectively))~~ if:

1106 ~~((1.))~~ a. ~~((F))~~the action was based in whole or in part on erroneous facts or
1107 information;

1108 ~~((2-))~~ b. ~~((F))~~the action ~~((when taken))~~ failed to comply with existing laws
1109 ~~((or))~~, regulations ~~((applicable thereto))~~ or adopted policies; or

1110 ~~((3-))~~ c. ~~((A))~~an error of procedure occurred ~~((which))~~ that prevented
1111 consideration of the interests of persons directly affected by the action.

1112 ~~((B. The council upon reconsideration shall refer the matter to the land use appeal
1113 committee to review the matter pursuant to the procedures and authority for appeals
1114 pursuant to K.C.C. 20.24.220.~~

1115 ~~C. The examiner shall reconsider a final decision pursuant to the rules of the
1116 hearing examiner.))~~ 2. A request for reconsideration must be made within ten days of
1117 the council's final action by filing a paper copy and an electronic copy with the clerk of
1118 the council and providing copies to the examiner and department or division issuing the
1119 original decision, all parties and all interested persons.

1120 3. The effective date of an ordinance adopted under this chapter and any time
1121 limits for filing appeals are stayed during the pendency of the request for reconsideration.

1122 C. A request for reconsideration shall be referred to the appropriate committee
1123 for an initial determination whether the request meets the criteria in subsection B. of this
1124 section. Within ten days of filing the request or at the next regular meeting of the
1125 committee, whichever is later, the committee may either refer the request to the council
1126 for its consideration or deny the request. The committee's denial of the request shall be
1127 considered the council's final action, and the ordinance shall be effective immediately.

1128 D. ~~The~~ ~~((A))~~authority of the council ~~((and examiner))~~ to reconsider does not
1129 affect the finality of a decision when made.

1130 SECTION 58. K.C.C. 20.24.300, as amended by this ordinance, is hereby
1131 recodified as a new section in the new chapter established under section 2 of this
1132 ordinance.

1133 SECTION 59. Ordinance 11502, Section 17, and K.C.C. 20.24.300 are each
1134 hereby amended to read as follows:

1135 The office of the hearing examiner shall maintain and publish on a quarterly basis
1136 a digest of all decisions, final decisions and recommendations of the ~~((examiner))~~ office.
1137 Decisions reported in the digest shall not be construed to establish ~~((any))~~ legal
1138 precedent.

1139 SECTION 60. K.C.C. 20.24.310, as amended by this ordinance, is hereby
1140 recodified as a new section in the new chapter established under section 2 of this
1141 ordinance.

1142 SECTION 61. Ordinance 11502, Section 18, and K.C.C. 20.24.310 are each
1143 hereby amended to read as follows:

1144 The office of the hearing examiner shall issue a citizen's guide ~~((on))~~ that
1145 describes the ~~((office of hearing))~~ examiner process, including making an appeal or
1146 participating in a hearing.

1147 SECTION 62. K.C.C. 20.24.320, as amended by this ordinance, is hereby
1148 recodified as a new section in the new chapter established under section 2 of this
1149 ordinance.

1150 SECTION 63. Ordinance 11502, Section 19, and K.C.C. 20.24.320 are each
1151 hereby amended to read as follows:

1152 The ~~((chief))~~ office of the hearing examiner shall prepare a ~~((semi-annual))~~
1153 semiannual report to the ~~((King County))~~ council detailing the length of time required for
1154 hearings in the previous six months, categorized both on average and by type of
1155 proceeding. The report shall provide commentary on ~~((examiner))~~ office operations and
1156 identify any need for clarification of county policy or development regulations. The
1157 ~~((semi-annual))~~ office shall file the report ~~((shall be presented to the council))~~ by March
1158 1~~((st))~~ and September 1~~((st))~~ of each year, in the form of a paper original and an
1159 electronic copy with the clerk of the council, who shall retain the original and provide an
1160 electronic copy to all councilmembers.

1161 SECTION 64. K.C.C. 20.24.330, as amended by this ordinance, is hereby
1162 recodified as a new section in the new chapter established under section 2 of this
1163 ordinance.

1164 SECTION 65. Ordinance 11502, Section 20, and K.C.C. 20.24.330 are each
1165 hereby amended to read as follows:

1166 As to any application or appeal ~~((pursuant to))~~ under K.C.C. ~~((20.24 which))~~
1167 chapter 20.xx (the new chapter created under section 2 of this ordinance) that is or could
1168 become the subject of a public hearing, the responsible county department, the council or
1169 the ~~((hearing))~~ examiner~~((s))~~ may at ~~((their))~~ his or her own discretion or at the request of
1170 the applicant or any person with standing to the application or appeal~~((s))~~ initiate a
1171 mediation process to resolve disputes as to the application or appeal at any stage of the
1172 proceedings on the application or appeal~~((, initiate a mediation process to resolve~~
1173 ~~disputes as to such application or appeal))~~. The mediation process ~~((shall be voluntarily~~
1174 ~~agreed to by all participants to the hearing process, and conducted by an independent~~

1175 ~~impartial mediator who shall not be a county employee or any person who will have any~~
1176 ~~role in making any recommendation or decision on the application or appeal. The~~
1177 ~~mediation)) shall be conducted in accordance with rules ((of mediation)) prepared by the~~
1178 hearing examiner.

1179 SECTION 66. Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450 is
1180 hereby repealed.

1181 SECTION 67. K.C.C. 20.24.170, as amended by this ordinance, is hereby
1182 recodified as a new section in the new chapter established under section 2 of this
1183 ordinance.

1184 SECTION 68. Ordinance 263, Art. 5, Section 13, as amended, and K.C.C.
1185 20.24.170 are each hereby amended to read as follows:

1186 A.1. The ~~((examiner))~~ council shall, by motion, adopt rules ~~((, including any))~~
1187 and amendments to the rules((;)) for ((the conduct of hearings)) conducting the examiner
1188 process, including prehearing conferences and ((for any)) mediation ((process consistent
1189 with this chapter)).

1190 2. The hearing examiner may propose rules or amendments to the rules by filing
1191 a draft of the rules or amendments ~~((and a draft of a motion approving the amendments~~
1192 ~~in))~~ with the ~~((office of the))~~ clerk of the council, for distribution to all councilmembers
1193 for review. At the same time as the filing of the draft rules or amendments, the hearing
1194 examiner shall also distribute ~~((for comment))~~ a copy ~~((of the proposed rules or~~
1195 ~~amendments))~~ to any county department that has appeared before the examiner in the
1196 year before ~~((the))~~ filing ~~((of))~~ the proposed rules or amendments and to any other
1197 ~~((parties))~~ person who ~~((have))~~ requested to be notified of proposed amendments to the

1198 rules and shall post a copy ((of the proposed rules or amendments)) on the Internet.

1199 Comments ((to the proposed rules or amendments)) may be filed with the clerk of the
1200 council, for distribution to all councilmembers, for sixty days after the proposed rules or
1201 amendments are distributed for comment. The rules or amendments shall take effect
1202 when they have been approved by the council by motion.

1203 3. The office of the hearing examiner shall publish the rules and any
1204 amendments to the rules and make them available to the public in printed and electronic
1205 forms and shall post the rules and any amendments to the Internet.

1206 ~~((B. The examiner shall have the power to issue summons and subpoena to
1207 compel the appearance of witnesses and production of documents and materials, to order
1208 discovery, to administer oaths and to preserve order.~~

1209 ~~C. To avoid unnecessary delay and to promote efficiency of the hearing process,
1210 the examiner shall limit testimony, including cross examination, to that which is relevant
1211 to the matter being heard, in light of adopted county policies and regulations and shall
1212 exclude evidence and cross examination that is irrelevant, cumulative or unduly
1213 repetitious. The examiner may establish reasonable time limits for the presentation of
1214 direct oral testimony, cross examination and argument.~~

1215 ~~D. Any written submittals will be admitted only when authorized by the examiner
1216 under pertinent and promulgated administrative rules.))~~

1217 SECTION 69. Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130
1218 are each hereby amended to read as follows:

1219 A. Prepare, publish and update, as appropriate, documents written in plain
1220 language explaining the provisions of this chapter and, further, develop and implement

1221 other methods to educate the public, including, but not limited to, grassroots campaign
1222 lobbying groups, employers and lobbyists concerning the requirements of this chapter;

1223 B. Develop and provide forms for the reports and statements required to be made
1224 under this chapter;

1225 C. Prepare and publish a manual setting forth recommended uniform methods of
1226 bookkeeping and reporting for use by persons required to make reports and statements
1227 under this chapter;

1228 D. Compile and maintain a current list of all filed reports and statements;

1229 E. Annually publish and disseminate a directory of lobbyists which sets forth the
1230 name, employer, if applicable, and telephone number of each lobbyist;

1231 F. Determine whether properly completed statements and reports have been filed
1232 within the times required by this chapter;

1233 G. Prepare and publish an annual report to the council as to the effectiveness of
1234 this chapter and its enforcement, provided that with the first annual report the executive
1235 shall include recommendations on whether the preparation of legislation by the executive
1236 branch and/or promulgating rules should be activities within the definition of "lobbying."
1237 These recommendations shall be based on a review of the questions by a task force
1238 established by the board of ethics;

1239 H. Review at least every five years the monetary reporting thresholds and
1240 penalties of this chapter. The focus of this review shall include recognition of economic
1241 changes and any related changes promulgated by rule. Upon completion of its review,
1242 the department shall recommend to the council necessary changes, if any, to the monetary
1243 reporting thresholds and penalties of this chapter;

1244 I. Adopt ~~((administrative))~~ rules to carry out the policies and purposes of this
1245 chapter~~((The initial administrative rules shall be effective upon approval by the~~
1246 metropolitan King County council by motion. The department shall transmit the initial
1247 administrative rules for council approval within four months after November 20, 1998.
1248 The department shall consult with an advisory group of citizens when preparing these
1249 initial administrative rules. Thereafter, the department shall adopt administrative rules
1250 pursuant to)) in a manner prescribed in K.C.C. chapter 2.98;

1251 J. Prepare and publish such reports as in its judgment will address the purposes of
1252 this chapter including reports and statistics concerning lobbying and enforcement of this
1253 chapter;

1254 K. Audit the registrations and reports of lobbyists, sponsors of professional grass
1255 roots lobbying campaigns and lobbyists' employers;

1256 L. Give a written warning for the first violation to any person registered under
1257 this chapter who fails to file required statements and reports within the timelines
1258 established herein by certified mail, return receipt requested. Each subsequent violation
1259 after the initial warning has been given shall be assessed a late report filing fee of fifty
1260 dollars and an additional late fee of ten dollars per day for up to thirty days. Late fees
1261 shall be assessed by the department and may be appealed in accordance with K.C.C.
1262 20.24.090 ~~((within thirty days of assessment))~~, as recodified by this ordinance.

1263 SECTION 70. Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150
1264 are each hereby amended to read as follows:

1265 A. Any respondent aggrieved by an order of the ombudsman may ~~((request in~~
1266 ~~writing within twenty days of the service of the order upon the respondent an appeal~~

1267 ~~hearing before the hearing examiner. The request shall cite the order appealed from and~~
1268 ~~specify with particularity the findings being contested. The request shall be filed with the~~
1269 ~~hearing examiner with a copy to the ombudsman and the complainant)) appeal that order~~
1270 ~~by complying with K.C.C. 20.24.090, as recodified by this ordinance, and by providing a~~
1271 ~~copy of the appeal to the complainant.~~

1272 B. ~~((Any order issued by the ombudsman pursuant to K.C.C. 1.07.140 shall~~
1273 ~~become final twenty days after service of the order unless a written request for an appeal~~
1274 ~~hearing as set forth above is received by the hearing examiner within the twenty day~~
1275 ~~period.~~

1276 C.) If an order of the ombudsman has been timely appealed, ~~((a hearing))~~ an
1277 examiner shall ((be conducted by the)) conduct a hearing ((examiner for the purpose of
1278 affirming, denying or modifying)) and shall affirm, deny or modify the order. The parties
1279 to the hearing shall be the respondent and the ombudsman. There shall be a verbatim
1280 record kept of the hearing and the hearing examiner shall have the power to administer
1281 oaths and affirmations, issue subpoenas, compel attendance, take evidence and require
1282 the production of any books, papers, correspondence, memoranda or other documents
1283 relevant or material to the hearing, except information which is covered by the attorney-
1284 client privilege. The burden of proving that a violation occurred shall at all times be
1285 upon the ombudsman. The decision of the hearing examiner shall be based upon a
1286 preponderance of the evidence. Such a hearing shall be conducted within a reasonable
1287 time after receipt of the request for appeal. Written notice of the time and place of the
1288 hearing shall be given to the parties and the complainant at least ten days ~~((prior to))~~
1289 before the date of the hearing.

1290 ~~((D.))~~ C. At the hearing each party shall have the following rights:

1291 1. To call and examine witnesses on any matter relevant to the issues raised by
1292 the order of the ombudsman;

1293 2. To introduce documentary and physical evidence;

1294 3. To cross-examine opposing witnesses on any relevant matter;

1295 4. To impeach any witness regardless of which party first called the witness to
1296 testify;

1297 5. To rebut evidence against ~~((him or her))~~ the party; and

1298 6. To represent himself or herself or to be represented by anyone of ~~((his or
1299 her))~~ the party's choice who is lawfully permitted to do so.

1300 ~~((E.))~~ D. Following review of the evidence submitted the hearing examiner shall,
1301 within a reasonable time, enter written findings and conclusions and shall affirm or
1302 modify the order previously issued if the hearing examiner finds that one or more
1303 violations of this chapter have occurred. The hearing examiner shall reverse the order if
1304 he or she finds that no violations of this chapter have occurred. A copy of the hearing
1305 examiner's decision shall be served or mailed, by certified mail, return receipt requested,
1306 to the ombudsman, the respondent and the complainant. The original of the hearing
1307 examiner's decision shall be filed with clerk of the council.

1308 ~~((F.))~~ E. A decision of the hearing examiner shall be a final and conclusive action
1309 unless within twenty-one calendar days from the date of issuance of the hearing
1310 examiner's decision an aggrieved person files an appeal in superior court, state of
1311 Washington, for the purpose of review of the action taken.

1312 SECTION 71. Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205

1313 are each hereby amended to read as follows:

1314 A.1. A motion for reconsideration on the final adoption or passage of legislation
1315 must be made during the meeting at which the vote on final passage is taken. A vote on a
1316 motion for reconsideration on the final adoption or passage of legislation must be taken at
1317 the same meeting the vote was taken unless the council votes to postpone the vote for
1318 reconsideration until the next council meeting.

1319 2. While the motion for reconsideration is pending, the legislation shall not be
1320 considered adopted or passed. The clerk of the council may not transmit an ordinance to
1321 the county executive until the question of reconsideration is decided.

1322 B. If a motion to reconsider carries, the original question is placed before the
1323 council in the exact position the original question occupied before the original question
1324 was voted upon.

1325 C. If a motion to reconsider fails, no other motion for reconsideration on the
1326 same vote may be made.

1327 D. Only a member who voted on the prevailing side may move for
1328 reconsideration.

1329 E. A motion to reconsider an amendment may only be made before the ordinance
1330 is passed.

1331 F. Reconsideration of an action under K.C.C. chapter ~~((20.24))~~ 20.xx (the new
1332 chapter created under section 2 of this ordinance) is governed by K.C.C. 20.24.250, as
1333 recodified by this ordinance.

1334 SECTION 72. Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030 are
1335 each hereby amended to read as follows:

1336 A. The board may administer oaths and affirmations and shall hear and decide all
1337 appeals from any valuation in property by the department of assessments, examine other
1338 matters related to assessment of the property of the county as provided by general law
1339 and hear appeals from any other orders by an executive department or administrative
1340 office as provided by ordinance.

1341 B. In conformity with RCW 84.48.010 through 84.48.046 relating to the
1342 equalization of assessments and in addition to those powers relating to valuation provided
1343 for in Section 720 of the King County Charter, the board shall hear and decide all appeals
1344 as are provided by statute, including the following appeals:

1345 1. Appeals of exemption denials related to public corporations under RCW
1346 35.21.755;

1347 2. Appeals for a change in appraised value if the Department of Revenue
1348 establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b)
1349 based on an appraisal done by the county assessor at the request of the Department of
1350 Revenue;

1351 3. Appeals of decisions or disputes related to historic property under RCW
1352 84.26.130;

1353 4. Any forest land determination under chapter 84.33 RCW;

1354 5. Current use determinations under chapter 84.34 RCW;

1355 6. Appeals related to senior citizen exemption denials under RCW 84.36.385;

1356 7. Appeals related to cessation of exempt use under RCW 84.36.812;

- 1357 8. Determinations related to property tax deferrals under RCW 84.38.040;
- 1358 9. Determinations related to omitted property or value under RCW 84.40.085;
- 1359 10. Valuation appeals of taxpayers under RCW 84.48.010;
- 1360 11. Appeals from a decision of the assessor relative to a claim for either real or
- 1361 personal property tax exemption, under RCW 84.48.010; and
- 1362 12. Destroyed property appeals under RCW 84.70.010((;
- 1363 ~~13. The granting, denial, suspension or revocation of business licenses under~~
- 1364 ~~K.C.C. 6.01.150;~~
- 1365 ~~14. Grievances related to actions of the director of the animal control authority~~
- 1366 ~~under K.C.C. chapter 11.04;~~
- 1367 ~~15. The fire marshal's decisions on fireworks permits under K.C.C. chapter~~
- 1368 ~~6.26;~~
- 1369 ~~16. Assessments by lake management districts, with the final decision made by~~
- 1370 ~~the council)).~~

1371 SECTION 73. Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110 are

1372 each hereby amended to read as follows:

1373 A person against whom the manager under this chapter imposes sanctions may

1374 appeal ((~~within fifteen days from the date the manager's decision is mailed to the person~~

1375 ~~being sanctioned, by filing a notice of appeal with the office of the hearing examiner))~~

1376 those sanctions in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

1377 Within forty-five days after receiving the appeal statement, the hearing examiner shall

1378 convene the appeal hearing. The hearing examiner shall provide written notice of the

1379 hearing date, location and time to the appellant and to the department of executive

1380 services, finance and business operations division, at least ~~((thirty))~~ fourteen days before
1381 the hearing. Within ~~((thirty days))~~ the time prescribed in K.C.C. 20.24.210, as recodified
1382 by this ordinance, after conclusion of the appeal hearing, the hearing examiner presiding
1383 at the hearing shall prepare a written decision and order. The hearing examiner shall file
1384 ~~((F))~~ the final decision ~~((shall be filed by the hearing examiner))~~ as a public record with
1385 the county clerk, recorder's office, and shall mail copies of the final decision ~~((mailed))~~ to
1386 each party of record and to the manager.

1387 SECTION 74. Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050
1388 are each hereby amended to read as follows:

1389 A. Except as provided in subsection B. of this section, the director's decision is
1390 the county's final decision.

1391 B. If the director determines that a code interpretation is necessary for review of a
1392 specific development proposal that is currently before the department, and the
1393 development project is subject to an administrative appeal, any appeal of the code
1394 interpretation shall be consolidated with and is subject to the same appeal process as the
1395 underlying development project. If the director determines that a code interpretation
1396 request relates to a code enforcement action, any appeal of the code interpretation shall
1397 be consolidated with and is subject to the same appeal process as the code enforcement
1398 action. If the King County hearing examiner makes the county's final decision with
1399 regard to the underlying permit, other approval type or code enforcement action
1400 regarding which the interpretation was requested, the hearing examiner's decision
1401 constitutes the county's final decision on the code interpretation request. If the King
1402 County council, acting as a quasi-judicial body, makes the county's final decision with

1403 regard to the underlying permit or other approval type regarding which the interpretation
1404 was requested, the King County council's decision constitutes the county's final decision
1405 on the code interpretation request.

1406 SECTION 75. Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700
1407 are each hereby amended to read as follows:

1408 A. User fees are established for public use of electric vehicle charging station
1409 stalls located on property owned or leased by King County.

1410 B. The department of transportation shall set the user fees for the use of electric
1411 vehicle charging stations stalls in accordance with this section.

1412 C. The user fees shall not exceed five dollars per use. The user fees shall be
1413 calculated as single, per-use fees intended to cover the county's cost of operations related
1414 to public use.

1415 1. The county's cost of operations includes, but is not limited to, planning,
1416 outreach and administration, maintenance, charging station vendor costs, utility costs
1417 related to the charging stations and facility enforcement costs.

1418 2. Differing user fees may be established at particular locations and for uses
1419 other than typical daytime parking, such as overnight parking, monthly reservations,
1420 special event rates and other specific circumstances.

1421 D. The department of transportation shall review all user fees twice each year and
1422 adjust the fees based on consideration for the costs established in subsections A., B. and
1423 C. of this section.

1424 E. All user fees and civil penalties authorized in this section shall be deposited
1425 into the public transportation operating account of the public transportation fund and used
1426 to support the electric vehicle charging station program.

1427 F. The department of transportation shall post user fees, rules for using the
1428 electric vehicle charging station stalls and the penalties for improper use of electric
1429 vehicle charging station stall at or near the stalls either via the electronic screen on the
1430 charging device or by signage affixed on or near the charging device. The department
1431 also shall post the fees, rules and penalties in an appropriate location on the department of
1432 transportation website.

1433 G. Failure to pay the applicable user fee or remaining in an electric vehicle
1434 charging station stall longer than entitled as a result of the user fee paid, is a violation of
1435 this section.

1436 H. The penalty for a violation under subsection G. of this section may result in a
1437 civil penalty in an amount established by the department by rule, in accordance with
1438 K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil
1439 penalty shall be as follows:

1440 1. The department shall issue a notice and order and serve it as provided for in
1441 this section when the department determines that a violation described in subsection H. of
1442 this section has occurred. The notice and order shall contain:

1443 a. a description of the vehicle parked in violation of this section, including
1444 make, model, color and license plate number;

1445 b. date and time the notice and order was issued;

1446 c. a description sufficient to identify the area where the vehicle was parked
1447 when the violation was discovered;

1448 d. a statement that the vehicle is parked in violation of subsection G. of this
1449 section, with a brief and concise description of the conditions that established the
1450 violation;

1451 e. a statement that the department is assessing a civil penalty, the amount of
1452 the penalty and a time certain by which the penalty shall be paid from the date of the
1453 order; and

1454 f. statements advising that:

1455 (1) the director of transportation may review and reconsider the notice and
1456 order, but only if a request for review and reconsideration is made in writing as provided
1457 in this section and filed with the director within ten days from the date of service of the
1458 notice and order;

1459 (2) the address to which the request for review and reconsideration must be
1460 sent; and

1461 (3) ~~((the director's decision may be appealed to the hearing, but only if the
1462 appeal is made in writing and filed with the director within fourteen days from the
1463 mailing of the director's decision, as provided in K.C.C. chapter 20.24; and~~

1464 (4)) failure to timely request director's review and reconsideration will
1465 constitute a waiver of all rights to any administrative hearing and determination of the
1466 matter;

1467 2. The notice and order, and any amended or supplemental notice and order,
1468 shall be served by affixing the notice and order to the vehicle for which is the subject of
1469 the violation, in a conspicuous location on the vehicle;

1470 3. Proof of service of the notice and order shall be made at the time of service
1471 by a written declaration under penalty of perjury, executed by the person effecting service
1472 and declaring the time, date and manner in which service was made. A copy of the notice
1473 and order shall be kept on file by the department of transportation;

1474 4. A person served with a notice and order under this section may request in
1475 writing, within ten days of being served with a notice and order, that the director review
1476 and reconsider the notice and order;

1477 5. The review shall be performed without a hearing and be based solely on
1478 written information provided by the person requesting review and by county personnel or
1479 agents;

1480 6. Upon review, the director may uphold the notice and order or waive or
1481 reduce the fine or any other penalty contained in the notice and order;

1482 7. The director shall mail the written decision to the person requesting review;

1483 8. The decision shall notify the person requesting review of the right to appeal
1484 the director's decision (~~((under this section and the procedure for filing the notice of~~
1485 ~~appeal of the director's decision))~~ in accordance with K.C.C. 20.24.090, as recodified by
1486 this ordinance;

1487 9. The King County office of the hearing examiner shall hear appeals of the
1488 director's decisions under this section;

1489 10. Any person having received a director's decision under this section may
1490 appeal that decision (~~((by filing a notice of appeal under K.C.C. chapter 20.24))~~) in
1491 accordance with K.C.C. 20.24.090, as recodified by this ordinance;

1492 11. The procedures for initiating and conducting the appeal shall be governed by
1493 K.C.C. chapter (~~((20.24))~~) 20.xx (the new chapter created under section 2 of this
1494 ordinance);

1495 12. Enforcement of any notice and order of the department shall be stayed
1496 during the pendency of a director's review or an appeal therefrom that is properly and
1497 timely filed in accordance with K.C.C. chapter (~~((20.24))~~) 20.xx (the new chapter created
1498 under section 2 of this ordinance);

1499 13. The registered owner of a vehicle is liable to pay any civil penalty imposed
1500 for a violation under this section. However, the registered owner of a vehicle may avoid
1501 liability if the owner proves that the vehicle was reported to the police as a stolen vehicle
1502 before the notice and order was issued, and the vehicle had not been recovered;

1503 14. Except as otherwise provided in subsection H.13. of this section, a civil
1504 penalty imposed for failure to pay a user fee at a King County department of
1505 transportation facility is a personal obligation of the registered owner of the vehicle
1506 involved; and

1507 15. If the penalties assessed by the department are not paid to King County
1508 within thirty days from the service of the notice, the mailing of the director's decision, or
1509 the mailing of the hearing examiner's decision, whichever occurs last, then the
1510 department may send a final warning letter to the registered owner of the vehicle to the
1511 address on file with the state Department of Licensing. If the civil penalties are not paid

1512 within ten days after the final warning letter is sent, then the department may pursue other
1513 applicable legal remedies. In pursuing payment of civil penalties that remain delinquent
1514 after the final warning letter is sent, and to cover administrative expenses associated with
1515 the pursuit of the penalties, the department may charge the registered owner of the
1516 vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

1517 I. In addition or as an alternative to the civil penalty authorized in subsection I. of
1518 this section, the department may impound the vehicle without giving prior notice in
1519 accordance with the process provided in K.C.C. chapter 46.08. When impoundment is
1520 authorized by this section, a vehicle may be impounded by a towing contractor acting at
1521 the request of the director or the director's designee. The director or the director's
1522 designee shall provide to the towing contractor a signed authorization for the tow and the
1523 impound before the towing contractor may proceed with the impound.

1524 SECTION 76. Section 77 of this ordinance should constitute a new chapter in
1525 K.C.C. Title 4A.

1526 NEW SECTION. SECTION 77. A. Except as otherwise provided in subsection
1527 B. of this section, the fee for filing an appeal to the office of the hearing examiner under
1528 K.C.C. 20.24.090, as recodified by this ordinance, is two hundred fifty dollars.

1529 B.1. The fee for filing an appeal to the office of the hearing examiner under
1530 K.C.C. 20.24.090, as recodified by this ordinance, of a permit fee estimate and billing
1531 under K.C.C. chapter 27.50 is fifty dollars.

1532 2. There is no fee for filing an appeal to the office of the hearing examiner of an
1533 enforcement or penalty action under K.C.C. Title 6, K.C.C. Title 11 or K.C.C. Title 23.

1534 C. The fee for filing an appeal to the council under section 46.D. of this
1535 ordinance is two hundred fifty dollars.

1536 SECTION 78. Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130 are
1537 each hereby amended to read as follows:

1538 A. The director shall issue a notice and order, pursuant to ~~((Section))~~ K.C.C.
1539 6.01.120, directed to the person whom the director has determined to be in violation of
1540 any of the terms and provisions of any business license ordinance. The notice and order
1541 shall contain:

1542 1. The street address, when available, and a legal description sufficient for
1543 identification of the premises upon which the violation occurred;

1544 2. A statement that the director has found the conduct of the person to be in
1545 violation of any business license ordinance, with a brief and concise description of the
1546 conditions found to render ~~((such))~~ the person in violation of ~~((such))~~ the business license
1547 ordinance;

1548 3. A statement of any action required to be taken as determined by the director.
1549 If the director has determined to assess a civil penalty, the order shall require that the
1550 penalty shall be paid within a time certain from the date of the order as determined by the
1551 director to be reasonable;

1552 4. A statement of any action taken by the director; and

1553 5. Statements advising that:

1554 a.(1) ~~((that))~~ the person may appeal from the notice and order of any action of
1555 the director arising under K.C.C. chapter 6.64, for-hire transportation, to the ~~((King~~
1556 ~~County board of appeals, provided the appeal is made in writing as provided in this~~

1557 ~~chapter and filed with the director within seven days from the date of service of such~~
1558 ~~notice and order)) office of the hearing examiner in accordance with K.C.C. 20.24.090, as~~
1559 ~~recodified by this ordinance; or~~

1560 (2) the person may appeal from the notice and order any action of the director,
1561 other than those arising under K.C.C. chapter 6.64, to the office of the hearing examiner,
1562 but only if the appeal is made in writing as provided in this chapter and filed with the
1563 director within seven days from the date of service of such notice and order; and

1564 b. the failure to appeal will constitute a waiver of all right to an administrative
1565 hearing and determination of the matter.

1566 B. The notice and order, and any amended or supplemental notice and order,
1567 shall be served upon the person either personally or by mailing a copy of ~~((such))~~ the
1568 notice and order by certified mail, postage prepaid, return receipt requested to ~~((such))~~
1569 the person at ~~((his))~~ the person's address as it appears on the license, registration or
1570 permit. Service by certified mail in the manner ~~((herein))~~ provided in this section shall be
1571 effective on the date of mailing.

1572 C. Proof of service of the notice and order shall be made at the time of service by
1573 a written declaration under penalty of perjury executed by the person effecting service,
1574 declaring the time, date, and manner in which service was made.

1575 SECTION 79. Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150 are
1576 each hereby amended to read as follows:

1577 A. The ~~((King County board of appeals as established by Article 7 of the King~~
1578 ~~County Charter))~~ office of the hearing examiner is designated to hear appeals by parties
1579 aggrieved by actions of the director pursuant to any business license ordinance. The

1580 ((board)) examiner may adopt reasonable rules or regulations for conducting its business.

1581 Copies of all rules and regulations adopted by the ((board)) examiner shall be delivered to
1582 the director, who shall make them freely accessible to the public. All decisions and
1583 findings of the ((board)) examiner shall be rendered to the appellant in writing, with a
1584 copy to the director.

1585 B. For-hire transportation appeals under chapter 6.64 shall be filed in accordance
1586 with K.C.C. 20.24.090, as recodified by this ordinance, and the hearing process
1587 conducted in accordance with K.C.C. chapter 20.xx (the new chapter created under
1588 section 2 of this ordinance). Subsections C. through H. of this section do not apply to this
1589 subsection B.

1590 ((B)) C. Any person entitled to service ((pursuant to Section)) under K.C.C.
1591 6.01.130 ((of this chapter)) may appeal ((from)) any notice and order or any action of the
1592 director by filing at the office of the director within seven days from the date of service of
1593 such order, a written appeal containing((;)):

1594 1. A heading in the words: "Before the ((Board of Appeals of the County of
1595 King)) Office of the Hearing Examiner";

1596 2. A caption reading: "Appeal of _____" giving the names of all appellants
1597 participating in the appeal;

1598 3. A brief statement setting forth the legal interest of each of the appellants in
1599 the business or entertainment involved in the notice and order;

1600 4. A brief statement in concise language of the specific order or action
1601 protested, together with any material facts claimed to support the contentions of the
1602 appellant;

1603 5. A brief statement in concise language of the relief sought, and the reasons
1604 why it is claimed the protested order or action should be reversed, modified, or otherwise
1605 set aside;

1606 6. The signatures of all parties named as appellants, and their official mailing
1607 addresses; and

1608 7. The verification (by declaration under penalty of perjury) of at least one
1609 appellant as to the truth of the matters stated in the appeal.

1610 ~~((C.))~~ D. As soon as practicable after receiving the written appeal, the ~~((board of~~
1611 ~~appeals))~~ examiner shall fix a date, time~~((,))~~ and place for the hearing of the appeal ~~((by~~
1612 ~~the board))~~. ~~((Such))~~ The date shall be ~~((not))~~ neither less than ten days nor more than
1613 sixty days from the date the appeal was filed with the director. Written notice of the time
1614 and place of the hearing shall be given at least ten days ~~((prior to))~~ before the date of the
1615 hearing to each appellant by the ~~((clerk/manager of the board))~~ examiner either by
1616 causing a copy of ~~((such))~~ the notice to be delivered to the appellant personally or by
1617 mailing a copy thereof, postage prepaid, addressed to the appellant at ~~((his))~~ the
1618 appellant's address shown on the appeal.

1619 ~~((D.))~~ E. At the hearing the appellant shall be entitled to appear in person and be
1620 represented by counsel and offer such evidence as is pertinent and material to the action
1621 of the director.

1622 ~~((E.))~~ F. Only those matters or issues specifically raised by the appellant in the
1623 written notice of appeal shall be considered in the hearing of the appeal.

1624 ~~((F.))~~ G. Failure of any person to file an appeal in accordance with the provisions
1625 of this section shall constitute a waiver of his right to an administrative hearing and
1626 adjudication of the notice and order, or any portion thereof.

1627 ~~((G.))~~ H. Enforcement of any notice and order of the director shall be stayed
1628 during the pendency of an appeal therefrom which is properly and timely filed.

1629 SECTION 80. Ordinance 13548, Section 20, and K.C.C. 6.09.190 are each
1630 hereby amended to read as follows:

1631 A. A person whose application for a license has been denied by the director may
1632 appeal the denial to the ~~((board of appeals))~~ office of the hearing examiner in accordance
1633 with K.C.C. 6.01.150 as modified by the following, which shall apply to ~~((such))~~ the
1634 appeals:

1635 1. ~~((A))~~ The examiner shall hold a hearing on a timely filed appeal ~~((shall be~~
1636 ~~held by the board))~~ not less than ten days nor more than twenty days from the date the
1637 appeal was filed with the director, unless the person filing the appeal agrees to a hearing
1638 at a later date;

1639 2. During the course of the proceeding before the ~~((board of appeals))~~ examiner,
1640 the burden of proof shall be on the director;

1641 3. The ~~((board of appeals))~~ examiner shall render ~~((its))~~ a written decision on
1642 the appeal not more than thirty days after the close of the hearing; and

1643 4. A person need not appeal the director's denial of a license to the ~~((board of~~
1644 ~~appeals))~~ examiner before seeking court review. In the event a person files an action
1645 seeking court review of the director's denial or files an action seeking court review of a
1646 decision of the ~~((board of appeals))~~ examiner upholding ~~((such))~~ the denial, either in an

1647 action brought in superior court (~~(pursuant to)~~) under chapter 7.16 RCW(~~(, Certiorari,~~
1648 ~~Mandamus, and Prohibition,)~~) or in any other action at law or equity, the county shall
1649 provide the person with an opportunity for a prompt court review and decision by: in an
1650 action to review the decision of the (~~(board of appeals)~~) examiner, filing the record of the
1651 (~~(board of appeals)~~) examiner with the court within twenty days after receipt of the writ
1652 of review; and in any case, expediting the filing of responsive pleadings and proposing an
1653 expedited briefing and hearing schedule with the objective of obtaining a final
1654 determination from the court within sixty days after commencement of the action. If the
1655 court has not entered a final determination within sixty days or such a longer time
1656 (~~(period)~~) as may have been agreed to by the person challenging the license denial, the
1657 director shall issue a temporary license, which shall be valid only until the court renders
1658 its determination either affirming the license denial or requiring the issuance of an annual
1659 license. A person issued such a temporary license shall be subject to all the provisions of
1660 this chapter including but not limited to the license suspension and revocation provisions.

1661 B. An action of the director taken under this chapter suspending or revoking a
1662 license or denying a license renewal may be appealed in accordance with the procedures
1663 in K.C.C. 6.01.150. However, the following also applies:

1664 1. If the director determines that a condition exists on the premises of an adult
1665 entertainment business which condition constitutes a threat of immediate serious injury or
1666 damage to a person or property, a business license may be immediately suspended. The
1667 director shall issue a notice setting forth the basis for the action and the facts that
1668 constitute a threat of serious injury or damage to a person or property and informing the

1669 license holder of the right to appeal the suspension. A suspension based on threat of
1670 immediate serious injury or damage may not be stayed during the pendency of an appeal;

1671 2. During the course of proceeding before the ~~((board of appeals))~~ examiner, the
1672 burden of proof is on the director; and

1673 3. Enforcement of a notice and order of the director shall be stayed during the
1674 pendency of a timely and properly filed action seeking judicial review of a decision of the
1675 ~~((board of appeals))~~ examiner.

1676 SECTION 81. Ordinance 6836, Section 4, and K.C.C. 6.26.040 are each hereby
1677 amended to read as follows:

1678 A. The ~~((county))~~ council hereby delegates the power to grant all permits
1679 required under this chapter to the ~~((King County))~~ fire marshal. As a condition of any
1680 permit, the fire marshal may specify additional safeguards as necessary to provide for the
1681 public safety. The fire marshal shall investigate all permit applications to determine
1682 potential hazard to property or individuals and shall file a written report if ~~((he))~~ the fire
1683 marshal denies a permit. These reports will be kept in the office of the fire marshal and
1684 shall be available for review by the ~~((King County board of appeals))~~ office of the
1685 hearing examiner.

1686 B. The ~~((King County))~~ fire marshal, or ~~((his duty))~~ the fire marshal's authorized
1687 representative, is designated the enforcing officer of this chapter. In addition to all the
1688 grounds for revocation of a permit set forth in the general provisions of this chapter, any
1689 failure or refusal on the part of any person holding a permit issued hereunder, or any
1690 person employed by the permit holder, to obey any rule or regulation or request of the
1691 ~~((King County))~~ fire marshal, or ~~((his duty))~~ the fire marshal's authorized representative,

1692 concerning the manufacture, storage, use, sale or display of fireworks, is a violation of
1693 this chapter and is grounds for the revocation of the fireworks permit.

1694 C. The ~~((King County))~~ fire marshal shall have the authority to request the
1695 assistance of the ~~((King County))~~ sheriff in enforcing the provisions of this chapter.

1696 D. Unless otherwise specified in this chapter, the ~~((King County))~~ council
1697 specifically designates the ~~((King County board of appeals))~~ office of the hearing
1698 examiner to hear on its behalf, all appeals from decisions of the fire marshal within seven
1699 days of any decision so appealed. The examiner's decision ~~((of the King County board of~~
1700 ~~appeals will be))~~ is final unless appealed to a court of competent jurisdiction within
1701 fourteen days after a final order is issued.

1702 SECTION 82. Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080 are
1703 each hereby amended to read as follows:

1704 A. ~~((Application for permit.))~~ Any person desiring to give public displays of
1705 fireworks, shall make an application for a permit to operate the public display, in writing,
1706 to the ~~((King County))~~ fire marshal. ~~((Such))~~ The application shall set forth:

- 1707 1. The name of the organization sponsoring the display, together with the names
1708 of persons actually in charge of the firing of the display;
- 1709 2. The date and time of day at which the display is to be held;
- 1710 3. The exact location planned for the display;
- 1711 4. The number and kind of fireworks to be discharged;
- 1712 5. The manner and place of storage of ~~((such))~~ the fireworks ~~((prior to))~~ before
1713 the display;

1714 6. A diagram of the grounds on which the display is to be held showing the
1715 point at which the fireworks are to be discharged, the location of all buildings, highways
1716 and other lines of communication within two hundred feet of the point of discharge, the
1717 lines or other overhead obstructions.

1718 B. ~~((Fee for public display permit.))~~ The fee for the permit shall be the maximum
1719 authorized by the laws of the ~~((S))~~state of Washington. The permit required by this
1720 section shall be in addition to the license required by the state fire marshal.

1721 C. ~~((Investigation of site; certificate of compliance by the fire marshal—Notice of
1722 approval by the King County department of public safety.))~~ Upon receipt of ~~((such))~~ the
1723 application, at least twenty days in advance of the date set for the display, the fire marshal
1724 shall make an investigation of the site of the proposed display for the purpose of
1725 determining whether the provisions of these regulations are complied with in the case of
1726 the particular display. If the fire marshal is satisfied that the display is lawful and there
1727 has or will be full compliance with the law, then the fire marshal shall issue a written
1728 recommendation for or against the permit, which shall be kept on file in the fire marshal's
1729 office and available for review by the ~~((King County board of appeals))~~ office of the
1730 hearing examiner. If the fire marshal finds that the permit applicant has complied with
1731 the law, the fire marshal may issue a certificate of compliance stating the display is in
1732 conformance with all parts of the law and with these regulations. For any scheduled
1733 public display, applicants must submit~~((s))~~ such information as deemed appropriate by the
1734 ~~((King County department of public safety))~~ sheriff's office to ~~((insure))~~ ensure that
1735 adequate traffic control and crowd protection policing has either been arranged through
1736 private security agencies or, has been contracted for with the ~~((King County department~~

1737 ~~of public safety))~~ sheriff's office. A written notice that the applicant has complied with
1738 the requirement shall be issued by the ~~((director of the King County department of public~~
1739 ~~safety))~~ sheriff before a public display permit is issued~~((, provided, that))~~. ~~((i))~~ If the
1740 applicant ~~((should))~~ contracts for traffic control and crowd protection policing with
1741 ~~((King))~~ the ~~((C))~~ county, in no event should the sum agreed upon in payment for ~~((such))~~
1742 the policing be less than the actual expense incurred by the county in providing that
1743 service. ~~((Such))~~ The consideration shall be calculated for personnel resources in the
1744 hourly rate for overtime under the current collective bargaining agreement~~((,))~~ plus that
1745 percentage then being paid for fringe benefits, and all sums paid under ~~((such))~~ the
1746 contract shall be paid in accordance with procedures specified by the ~~((King County~~
1747 ~~office of))~~ finance and business operations division.

1748 D. Every public display of fireworks shall be handled by at least one state
1749 licensed operator and one assistant at least ~~((18))~~ eighteen years of age, and shall be so
1750 located, discharged~~((,))~~ or fired, that, in the opinion of the fire marshal, after proper
1751 investigation, it will not constitute a hazard to property or endanger any person.

1752 E. All fireworks must be fired under the direction of a pyrotechnician licensed by
1753 the ~~((S))~~ state of Washington.

1754 F. A bond or certificate of insurance must be furnished to the fire marshal before
1755 a permit is issued. The bond shall be in the amount of one million dollars
1756 ~~(((\$1,000,000)))~~ and shall be conditioned upon the applicant's payment of all damages to
1757 persons and property resulting from or caused by ~~((such))~~ that public display of
1758 fireworks, or by any negligence on the part of the applicant or its agents, servants,
1759 employees or subcontractors in the presentation of the display. The certificate of

1760 insurance shall evidence a comprehensive general liability insurance policy providing
1761 limits of one million dollars ~~(((\$1,000,000)))~~ combined single limit, per occurrence and
1762 annual aggregate, and naming ~~((King))~~ the ((€))county as an additional insured. Any
1763 such a bond or insurance policy must be approved by the ~~((King County))~~ fire marshal.

1764 G. A cash deposit in the amount of one hundred ~~((and))~~ fifty dollars ~~(((\$150.00)))~~
1765 must be posted with the fire marshal at least ~~((30))~~ thirty days in advance of the public
1766 display date to provide for costs of site cleanup. The deposit shall be forfeited to ~~((King))~~
1767 the ((€))county if the operator fails to perform ~~((such))~~ the cleanup within ~~((6))~~ six days
1768 of the public display. If the operator properly performs the cleanup, the deposit shall be
1769 returned to the operator.

1770 H. ~~((Construction of Shells--))~~ The construction of shells for public display shall
1771 be in accordance with the National Fire Protection Association (NFPA) Standard #1123,
1772 Outdoor Display of Fireworks, 1990 edition, together with amendments ~~((contained))~~ in
1773 this section.

1774 I. ~~((Storage--))~~ 1. The storage of fireworks for public display shall be in
1775 conformance with the National Fire Protection Association Standard #1123, Outdoor
1776 Display of Fireworks, 1990 edition, together with amendments ~~((contained))~~ in this
1777 section.

1778 2. There shall be at least two 2A-rated fire extinguishers (two and one half
1779 gallon water), UL approved kept as widely separated as possible within the actual area
1780 where the discharging will occur.

1781 J. ~~((Preparation of Site and Crowd Control--))~~ 1. The site preparation and crowd
1782 control for public displays shall be in conformance with the National Fire Protection

1783 Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with
1784 amendments ((~~contained~~)) in this section.

1785 2. All dry grass, weeds and other combustible waste matter within 50 feet of the
1786 firing site shall be removed.

1787 3. The site shall be located so that the trajectory of shells shall not come within
1788 50 feet of any overhead object including but not limited to above ground telephone,
1789 telegraph or electrical lines, trees or wooded areas.

1790 K. (~~Installation of Mortars.~~) 1. The installation of mortars for public displays
1791 shall be in conformance with the National Fire Protection Association Standard #1123,
1792 Outdoor Display of Fireworks, 1990 edition, together with amendments ((~~contained~~)) in
1793 this section.

1794 L. (~~Electrical Firing Unit.~~) The design and use of electrical firing units for
1795 public display shall be in conformance with the National Fire Protection Association
1796 Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments
1797 ((~~contained~~)) in this section.

1798 M. (~~Operation of the Display and Firing of Shells.~~) 1. The operation of public
1799 displays and the firing of shells shall be in conformance with the National Fire Protection
1800 Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with
1801 amendments ((~~contained~~)) in this section.

1802 2. Only permitted fireworks are authorized for use.

1803 3. When the display is fired from a barge or vessel, a security area shall be
1804 established in conformance with National Fire Protection Association Standard #1123,
1805 Outdoor Display of Fireworks, 1990 Edition, together with amendments ((~~contained~~)) in

1806 this section. No boats shall be allowed within this security area. A boat shall be on
1807 standby to remove personnel from the barge or water in an emergency.

1808 4. No smoking or open flames shall be allowed within ~~((50))~~ fifty feet of the
1809 firing or storage area as long as shells are present. Signs to this effect shall be
1810 conspicuously posted.

1811 5. Any fireworks remaining unfired after the display shall be immediately
1812 disposed of or removed from the county in a safe manner.

1813 6. The debris from discharged fireworks shall be properly disposed.

1814 N. The denial by the fire marshal of a permit for the public display of fireworks
1815 may be appealed to the ~~((King County board of appeals))~~ office of the hearing examiner
1816 as provided for in K.C.C. 6.26.040.

1817 SECTION 83. Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060
1818 are each hereby amended to read as follows:

1819 A. Franchises may be renewed using either the formal process specified in the
1820 Cable Act and in subsection B₂ of this section or the informal process specified in
1821 subsection C₂ of this section.

1822 B. The following procedure shall be used for all formal renewals effected under
1823 the Cable Act:

1824 1. During the six-month period ~~((which))~~ that begins with the thirty-sixth month
1825 ~~((prior to))~~ before the expiration of a franchise, the county may on its own initiative, and
1826 shall at the request of the franchisee, commence proceedings ~~((which))~~ that afford the
1827 public in the franchise area appropriate notice and participation to identify the future

1828 cable-related community needs and interests and to review the franchisee's performance
1829 under the franchise((-));

1830 2. Upon completion of the proceeding, the franchisee may, on its own initiative
1831 or at the request of the county, submit a proposal for renewal. All such proposals must
1832 meet the requirements of this chapter. If the county requests a renewal proposal, it shall
1833 establish a date when the renewal proposal shall be due, which shall not be less than
1834 thirty (~~((30))~~) days after the request is made((-);

1835 3. Upon submittal of a completed proposal for renewal by the due date, the
1836 county shall notify the public of the proposal and, during the four (~~((4))~~)-month period,
1837 which begins on the date of submission of the cable operator's proposal (~~((pursuant to))~~)
1838 under subsection B.2., the county shall issue a preliminary assessment that the franchise
1839 should not be renewed or the county shall grant the renewal. The county's failure to
1840 make a preliminary assessment or to grant the renewal within the four (~~((4))~~)-month
1841 period shall be deemed to be a preliminary assessment that the franchise should not be
1842 renewed and shall entitle the franchisee to the procedure (~~((set out))~~) in (~~((subparagraph))~~)
1843 subsection B.4. of this section(-);

1844 4.a. Whenever a preliminary assessment is made that a (~~((franchisee))~~) franchise
1845 should not be renewed, the county may on its own (~~((initiative))~~), and shall at the request of
1846 the franchisee, commence an administrative proceeding by the (~~((King County))~~) hearing
1847 examiner (~~((pursuant to))~~) under K.C.C. (~~((20.24.080 A.19))~~) 20.24.080, as recodified by this
1848 ordinance, after providing notice to the public and the franchisee, to consider whether:

1849 (~~((a.))~~) (1) the franchisee has substantially complied with the material terms of
1850 the existing franchise and with applicable law;

1851 ~~((b.))~~ (2) the quality of the franchisee's service, including signal quality,
1852 response to consumer complaints~~((;))~~ and billing practices, but without regard to the mix,
1853 quality~~((;))~~ or level of cable services or other services provided over the system, has been
1854 reasonable in light of community needs;

1855 ~~((e.))~~ (3) the franchisee has the financial, legal~~((;))~~ and technical ability to
1856 provide the services, facilities~~((;))~~ and equipment as set forth in the franchisee's proposal;
1857 and

1858 ~~((d.))~~ (4) the franchisee's proposal is reasonable to meet the future cable-
1859 related community needs and interests, taking into account the cost of meeting ~~((such))~~
1860 those needs and interests.

1861 b. The franchisee and the cable office shall be afforded fair opportunity for full
1862 participation in the proceeding. At the completion of the proceeding, the hearing
1863 examiner ~~((county))~~ shall issue a written final decision granting or denying the renewal
1864 based upon the record of ~~((such))~~ the proceeding, and transmit a copy to the
1865 franchisee~~((;))~~;

1866 5. Any denial of a renewal shall be based on one or more adverse findings made
1867 with respect to the factors described in ~~((subparagraphs a. through d. of))~~ subsection
1868 B.4.a.(1) through (4) of this section, ~~((pursuant to))~~ under the record of proceeding under
1869 ~~((that))~~ subsection B.4.a.(1) through (4) of this section. The county may not base a denial
1870 of renewal on conditions listed in ~~((subparagraphs a. or b.))~~ of subsection B.4.a.(1) or (2)
1871 of this section unless the county has provided the franchisee with notice and the
1872 opportunity to cure, or in any case ~~((in which it is documented))~~ that the county has
1873 waived its right to object~~((;))~~ or has effectively acquiesced~~((;))~~; and

1874 6. Any franchisee whose renewal proposal has been denied by a final decision
1875 of the county made ~~((pursuant to))~~ in accordance with this subsection B. or has been
1876 adversely affected by a failure of the county to act in accordance with procedural
1877 requirements of this subsection B. may appeal such a final decision or failure ~~((pursuant~~
1878 ~~to the provisions of))~~ in accordance with the Cable Act.

1879 C. Notwithstanding ~~((the provisions of))~~ subsection B. of this section, a
1880 franchisee may submit an informal renewal application ~~((pursuant to))~~ in accordance with
1881 this subsection at any time. The following procedure shall be used for all informal
1882 renewal applications:

1883 1. A franchisee may submit a renewal application meeting the requirements of
1884 this chapter. Submission of a renewal application in accordance with this subsection
1885 shall not invoke the formal application process contained in subsection B. of this section;

1886 2. Upon submittal of a completed application, the county shall notify the public
1887 of the application and solicit public comments~~((:));~~;

1888 3. After receiving the public comments and completing any other review, the
1889 county shall either deny or grant the renewal. In determining whether to grant or deny
1890 the renewal, the county may consider whether:

1891 a. the franchisee has the technical, legal~~((:))~~ and financial ability to provide the
1892 services, facilities~~((:))~~ and equipment as set forth in the franchisee's proposal;

1893 b. the franchisee has substantially complied with the material terms of the
1894 existing franchise and with applicable law;

1895 c. the quality of the franchisee's service, including signal quality, response to
1896 consumer complaints, billing practices, service mix~~((;))~~ or service level, has been
1897 reasonable in light of community needs;

1898 d. the franchisee's proposal is reasonable to meet the future cable-related
1899 community needs and interests, taking into account the cost of meeting ~~((such))~~ those
1900 needs and interests; and

1901 e. such other factors consistent with the intent of this chapter and the Cable
1902 Act~~((;))~~; and

1903 4. The denial of a renewal ~~((pursuant to))~~ under this subsection shall not affect
1904 action on a renewal application that is submitted in accordance with subsection B. of this
1905 section.

1906 SECTION 84. Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140
1907 are each hereby amended to read as follows:

1908 A.1. A franchisee must charge uniform prices throughout the geographic area in
1909 which cable service is provided over its cable system, except that different rates may be
1910 offered to commercial rate subscribers, and provided further that reduced rates may be
1911 offered to:

1912 ~~((1.))~~ a. new subscribers,

1913 ~~((2.))~~ b. subscribers adding a service that they have not previously received, or

1914 ~~((3.))~~ c. disabled, senior citizen, low income or bulk rate subscribers.

1915 2. To the extent provided by federal law, a franchisee may change its rates and
1916 charges only if it has given a minimum of thirty ~~((30))~~ calendar days prior written
1917 notice to subscribers and the cable office.

1918 B. The county may regulate rates except to the extent it is prohibited from doing
1919 so by state or federal law. Any regulated rate shall be adopted by ordinance and shall be
1920 processed in accordance with the provisions of K.C.C. 20.24.070, as recodified by this
1921 ordinance. The cable office shall promptly notify the hearing examiner of any proposed
1922 rate changes. The director of the department of information technology is authorized to
1923 issue an order to toll the effective date of proposed rates in accordance with the
1924 provisions of the FCC rules and to take any other action necessary to implement rate
1925 regulation. The director of the department of information technology shall adopt rules
1926 governing the regulation of rates that:

- 1927 1. ~~((a))~~Are consistent with the FCC's regulations~~((;))~~_;
1928 2. ~~((p))~~Provide a reasonable opportunity for consideration of the views of
1929 interested parties~~((;))~~_; and
1930 3. ~~((e))~~Establish procedures analogous to those set forth by the FCC governing
1931 requests that proprietary information produced in the course of a rate proceeding be
1932 treated as confidential, to the extent permitted by law

1933 SECTION 85. Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240
1934 are each hereby amended to read as follows:

1935 A. Any remedy imposed by administrative notice and order shall be imposed
1936 following the procedure outlined in this section.

1937 B. The notice and order shall contain:

- 1938 1. ~~((a))~~A statement that the county has found the person to be in violation of this
1939 chapter, the cable rules, a franchise agreement or any applicable law, with a brief and
1940 concise description of the conditions found to be in violation;

1941 2. ((a))A statement of any corrective action required to be taken. If the county
1942 has determined that corrective action is required, the order shall require that all corrective
1943 action commence within such time and be completed within such time as the county
1944 determines is reasonable under the circumstances;

1945 3. ((a))A statement specifying the amount of the civil penalty assessed, if any,
1946 on account of the violation and, if applicable, the conditions on which assessment of such
1947 civil penalty is contingent;

1948 4. ((a))A statement advising that the order shall become final unless, ~~((no later~~
1949 ~~than ten days))~~ after the notice and order are served, any person aggrieved by the order
1950 ~~((requests in writing an appeal before the hearing examiner))~~ files an appeal in
1951 accordance with K.C.C. 20.24.090, as recodified by this ordinance.

1952 C. Service of the notice and order shall be made upon all persons identified in the
1953 notice and order either personally or by mailing a copy of such notice and order by
1954 certified mail, postage prepaid, return receipt requested. If the address of any such a
1955 person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to
1956 such person at the address of the location of the violation. The failure of any such a
1957 person to receive such notice shall not affect the validity of any proceedings taken under
1958 this chapter. Service by certified mail shall be effective on the date of postmark.

1959 D. Any person aggrieved by the order of the county may ~~((request in writing~~
1960 ~~within ten days of the service of the notice and order an appeal hearing before the King~~
1961 ~~County hearing examiner pursuant to K.C.C. 20.24.080 A.19.~~ The request shall cite the
1962 ~~notice and order appealed from and contain a brief statement of the reasons for seeking~~

1963 ~~the appeal hearing))~~ appeal that order in accordance with K.C.C. 20.24.090 , as recodified
1964 by this ordinance.

1965 E.1. The appeal hearing shall be conducted on the record and the hearing
1966 examiner shall have such rule-making and other powers necessary for conduct of the
1967 hearing as specified by K.C.C. ~~((20.24.150))~~ chapter 20.xx (the new chapter created
1968 under section 2 of this ordinance). ~~((Such))~~ The appeal hearing shall be conducted within
1969 a reasonable time after receipt of the request for appeal. Written notice of the time and
1970 place of the hearing shall be given at least ten days prior to the date of the hearing to each
1971 appealing party, to the cable manager~~((s))~~ and to other interested person who have
1972 requested in writing that they be so notified. The county may submit a report and other
1973 evidence indicating the basis for the enforcement order. Each party shall have the
1974 following rights, among others:

- 1975 a. to call and examine witnesses on any matter relevant to the issues of the
1976 hearing;
- 1977 b. to introduce documentary and physical evidence;
- 1978 c. to cross-examine opposing witnesses on any matter relevant to the issues of
1979 the hearing;
- 1980 d. to impeach any witness regardless of which party first called ~~((him))~~ the
1981 witness to testify;
- 1982 e. to rebut evidence against ~~((him))~~ the party; and
- 1983 f. to represent himself or herself or to be represented by anyone of ~~((his))~~ the
1984 party's choice who is lawfully permitted to do so.

1985 2. Following review of the evidence submitted, the hearing examiner shall make
1986 written findings and conclusions, and shall affirm or modify the order previously issued if
1987 ~~((he))~~ the hearing examiner finds that a violation has occurred. ~~((He))~~ The hearing
1988 examiner shall reverse the order if ~~((he))~~ the hearing examiner finds that no violation
1989 occurred. The written decision of the hearing examiner shall be mailed by certified mail,
1990 postage prepaid, return receipt requested to all the parties.

1991 ~~((E. Any order duly issued by the county pursuant to the procedures contained in~~
1992 ~~this chapter shall become final ten days after service of the notice and order unless a~~
1993 ~~written request for hearing is received by the hearing examiner within the ten-day~~
1994 ~~period.))~~ F. Enforcement of any notice and order of the county issued ~~((pursuant to))~~
1995 under this chapter shall be stayed during the pendency of any appeal under this chapter.

1996 ~~((F.))~~ G. An order ~~((which))~~ that is subjected to the appeal procedure shall
1997 become final twenty days after mailing of the hearing examiner's decision unless within
1998 that time ~~((period))~~ an aggrieved person initiates review by writ of certiorari in King
1999 County ~~((S))~~superior ~~((C))~~court.

2000 SECTION 86. Ordinance 16553, Section 4, and K.C.C. 7.09.030 are each hereby
2001 amended to read as follows:

2002 A. The director shall issue a notice and order when the director determines that
2003 an applicable parking fee has not been paid. The notice and order shall contain:

2004 1. A description of the vehicle parked in violation of this title, including make,
2005 model, color and license plate number;

2006 2. Date and time issued;

2007 3. A description sufficient to identify the area where the vehicle was parked
2008 when the violation was discovered such as lot identification letter;

2009 4. A statement that the director has found the vehicle parked in violation of
2010 parking fee requirements, with a brief and concise description of the conditions that
2011 establish the violation;

2012 5. A statement that the director is assessing a civil penalty, the amount of the
2013 penalty and a time certain by which the penalty shall be paid from the date of the order;
2014 and

2015 6. Statements advising:

2016 a. the director may review and reconsider the notice and order, provided that a
2017 request for review and reconsideration is made in writing as provided in this chapter and
2018 filed with the director within ten days from the date of service of the notice and order;

2019 b. the address to which the request for review and reconsideration should be
2020 sent;

2021 c. the director's decision may be appealed ~~((to the King County office of the~~
2022 ~~hearing examiner provided the appeal is made in writing and filed with the director~~
2023 ~~within 14 days from the mailing of the director's decision, as provided in K.C.C. chapter~~
2024 ~~20.24))~~ in accordance with K.C.C. 20.24.090, as recodified by this ordinance;

2025 d. failure to timely request director's review and reconsideration will constitute
2026 a waiver of all rights to any administrative hearing and determination of the matter;

2027 e. a vehicle with three or more unpaid notice and orders may be immobilized
2028 in accordance with any applicable legal requirements and a vehicle with five or more
2029 unpaid notice and orders or a vehicle that has been immobilized for more than twenty-

2030 four hours may be towed and impounded without prior notice and at the owner's expense,
2031 under this chapter and K.C.C. chapter 46.08; and

2032 f. if, in accordance with K.C.C. 7.09.040, the director chooses to provide a
2033 uniform automatic civil penalty reduction for prompt payment of a notice and order, then
2034 the notice and order shall also include a statement advising how to qualify for that
2035 reduction.

2036 B. The notice and order, and any amended or supplemental notice and order,
2037 shall be served by affixing the notice and order to the vehicle for which the parking fee
2038 was not paid, in a conspicuous location, usually the windshield.

2039 C. Proof of service of the notice and order shall be made at the time of service by
2040 a written declaration under penalty of perjury, executed by the person effecting service
2041 and declaring the time, date, and manner in which service was made. A copy of the
2042 notice and order shall be kept on file by the department of natural resources and parks.

2043 SECTION 87. Ordinance 16553, Section 5, and K.C.C. 7.09.040 are each hereby
2044 amended to read as follows:

2045 A. A person served with a notice and order pursuant to this chapter may request
2046 in writing, within ten days of being served with a notice and order, that the director
2047 review and reconsider the notice and order.

2048 B. The review shall be performed without a hearing and be based solely on
2049 written information provided by the person requesting review and by county personnel or
2050 agents.

2051 C. Upon review, the director may uphold the notice and order or waive or reduce
2052 the fine or any other penalty contained in the notice and order.

2053 D. The director shall mail the written decision to the person requesting review.

2054 E. The decision shall notify the person requesting review of the right to appeal
2055 the director's decision (~~((pursuant to this chapter and the procedure for filing the notice of~~
2056 ~~appeal of the director's decision))~~ in accordance with K.C.C. 20.24.090, as recodified by
2057 this ordinance.

2058 F. In addition, the director may implement a uniform system to automatically
2059 reduce civil penalties that are paid within a specified period. If the director chooses to
2060 implement such an automatic penalty reduction for prompt payment, then the director
2061 shall notify the public of that option, and take steps to facilitate the public's ability to
2062 promptly pay a reduced civil penalty. The amount of the penalty reduction, the duration
2063 of the grace period, and the penalty collection mechanism shall be established by the
2064 director in the director's sole discretion. However, the director may not change the
2065 amount of the reduction, the duration of the grace period, or the penalty collection system
2066 more frequently than once every six months.

2067 SECTION 88. Ordinance 16553, Section 6, and K.C.C. 7.09.050 are each hereby
2068 amended to read as follows:

2069 A. The (~~King County~~) office of the hearing examiner shall hear appeals of the
2070 director's decisions under this chapter.

2071 B. Any person having received a director's decision under K.C.C. 7.09.040 may
2072 appeal that decision (~~((by filing a notice of appeal pursuant to K.C.C. chapter 20.24))~~) in
2073 accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2074 C. The procedures for initiating and conducting the appeal shall be governed by
2075 K.C.C. (~~chapter 20.24~~) 20.xx (the new chapter created under section 2 of this
2076 ordinance).

2077 D. Enforcement of any notice and order of the director shall be stayed during the
2078 pendency of a director's review or an appeal therefrom which is properly and timely filed
2079 pursuant to K.C.C. chapter 20.24.090, as recodified by this ordinance.

2080 SECTION 89. Ordinance 16553, Section 13, and K.C.C. 7.09.120 are each
2081 hereby amended to read as follows:

2082 A. Service of a notice and order under K.C.C. 7.09.030 shall be deemed effective
2083 on the date the notice and order is placed on the vehicle.

2084 B. Service of a director's decision under K.C.C. 7.09.040 shall be deemed
2085 effective three days after a written copy of the decision is mailed to the person requesting
2086 review.

2087 C. Service of a hearing examiner's decision under K.C.C. 7.09.050 shall be
2088 deemed effective (~~three days after~~) on the date a written copy of the decision is mailed
2089 to the person appealing the director's decision.

2090 SECTION 90. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are
2091 each hereby amended to read as follows:

2092 A. Any person billed for service charges may file a request for rate adjustment
2093 with the division within three years of the date from which the bill was sent. However,
2094 filing of such a request does not extend the period for payment of the charge.

2095 B. Requests for rate adjustment may be granted or approved by the director only
2096 when one of the following conditions exists:

2097 1. The parcel is owned and is the personal residence of a person or persons
2098 determined by the county assessor as qualified for a low income senior citizen property
2099 tax exemption authorized under RCW 84.36.381. Parcels qualifying under this
2100 subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;

2101 2. The acreage of the parcel charged is in error;

2102 3. The parcel is nonresidential and the actual impervious surface coverage of the
2103 parcel charged places it in a different rate category than the rate category assigned by the
2104 division;

2105 4. The parcel is nonresidential and the parcel meets the definition of open space
2106 in K.C.C. 9.08.010. Parcels qualifying under this subsection B.4. shall be charged only
2107 for the area of impervious surface and at the rate that the parcel is classified under using
2108 the total parcel acreage;

2109 5.~~((a-))~~ The parcel is nonresidential and is served by one or more of the
2110 following types of controls used to mitigate the impacts of surface and storm water runoff
2111 from the impervious surfaces of the parcel, and any source control best management
2112 practices applicable to the facilities or activities occurring on the parcel must be
2113 implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent
2114 contaminants from entering surface water, storm water or ground water:

2115 ~~(((1)))~~ a. one or more flow control facilities that are required under K.C.C.
2116 chapter 9.04, or that is demonstrated by the property owner to provide flow control of
2117 surface and storm water to the standards in K.C.C. chapter 9.04, when any such a facility
2118 is maintained at the expense of the parcel owner to the standards required by the
2119 department. Parcels qualifying under this subsection B.5.a.~~(((1)))~~ shall receive a twenty

2120 percent discount when runoff is controlled on fifty percent or more of the property's
2121 impervious surface by the single or multiple flow control facilities;

2122 (~~(2)~~) b. one or more flow control facilities that are required under K.C.C.
2123 chapter 9.04 and designed to the standards in the 1990 or later editions of the Surface
2124 Water Design Manual, or that is demonstrated by the property owner to provide flow
2125 control of surface and storm water to the standards in the 1990 or later editions of the
2126 Surface Water Design Manual, when any such a facility is maintained at the expense of
2127 the parcel owner to the standards required by the department. Parcels qualifying under
2128 this subsection B.5.~~(a.2)~~b. shall receive a twenty percent discount when runoff is
2129 controlled on fifty percent or more of the property's impervious surface by the qualifying
2130 single or multiple flow control facilities. This discount is available in addition to other
2131 qualifying discounts in this subsection B.5.~~(a.)~~;

2132 (~~(3)~~) c. one or more flow control best management practices or infiltration
2133 facilities that are either required under K.C.C. chapter 9.04, or is demonstrated by the
2134 property owner to provide absorption or dispersion of surface and storm water to the
2135 standards in K.C.C. chapter 9.04, when any such a practice or facility is maintained at the
2136 expense of the parcel owner to the standards required by the department. Parcels
2137 qualifying under this subsection B.5.~~(a.3)~~c. shall receive a twenty percent discount
2138 when runoff is absorbed or dispersed on fifty percent or more of the property's
2139 impervious surface by flow control best management practices or infiltration facilities.
2140 This discount is available in addition to other qualifying discounts in this subsection
2141 B.5.~~(a.)~~;

2142 ~~((4))~~ d. one or more water quality treatment facilities that are required under
2143 K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water
2144 quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,
2145 when any such a facility is maintained at the expense of the parcel owner to the standards
2146 required by the department. Parcels qualifying under this subsection B.5.~~((a.4))~~d. shall
2147 receive a twenty percent discount when runoff is treated on fifty percent or more of the
2148 property's impervious surface by the single or multiple water quality treatment facilities.
2149 This discount is available in addition to other qualifying discounts in this subsection
2150 B.5.~~((a.))~~;

2151 ~~((5))~~ e. increased surface and storm water management activities conducted
2152 by the parcel owner as mandated by the state through a National Pollutant Discharge
2153 Elimination System permit for post construction stormwater discharges. The activities
2154 include, but are not limited to, frequent facility inspections, surface water monitoring,
2155 reporting of facility performance and prompt correction of identified surface water
2156 problems. Satisfactory compliance with the permit is required for this discount, as
2157 determined by the department. Parcels qualifying under this subsection B.5.~~((a.5))~~e.
2158 shall receive a ten percent discount in addition to other qualifying discounts in this
2159 subsection B.5.~~((a.))~~; and

2160 ~~((6))~~ f. when the requirements of subsection B.5.a.~~((1))~~ through ~~((4))~~ d. of
2161 this section stating the specified facilities must address the impacts of at least fifty
2162 percent of the impervious surfaces on-site cannot be met, the discounts provided in said
2163 subsections shall be prorated as follows:

2164 ~~((a))~~ (1) forty to less than fifty percent of impervious surface: sixteen percent
2165 discount;

2166 ~~((b))~~ (2) thirty to less than forty percent of impervious surface: twelve
2167 percent discount;

2168 ~~((c))~~ (3) twenty to less than thirty percent of impervious surface: eight
2169 percent discount; and

2170 ~~((d))~~ (4) four to less than twenty percent of impervious surface: four percent
2171 discount((:

2172 ~~b. Applications for a two-rate discount on surface water management fees, as
2173 authorized in subsection B.5. of this section, as amended by Ordinance 16958 and
2174 Ordinance 17246, shall not be accepted after December 31, 2012));~~

2175 6. The parcel is residential and is served by one or more flow control or water
2176 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the
2177 property owner to provide flow control or water quality treatment of surface and storm
2178 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the
2179 expense of the parcel owner to the standards required by the department. In addition any
2180 source control best management practices applicable to the facilities or activities
2181 occurring on the parcel must be implemented in accordance with the standards in K.C.C.
2182 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground
2183 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty
2184 percent discount;

2185 7. The parcel contains at least sixty-five percent forest and no more than twenty
2186 percent impervious surface, the runoff from which is dispersed through the forested area

2187 to the standards in the surface water management fee protocols, resulting in an effective
2188 impervious area of no more than ten percent for the entire parcel. In addition to the
2189 previous requirement, any source control best management practices applicable to the
2190 facilities or activities occurring on the parcel must be implemented in accordance with
2191 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,
2192 storm water, or ground water. Nonresidential parcels qualifying under this subsection
2193 B.7. shall receive an eighty percent discount. Residential parcels qualifying under this
2194 subsection B.7. shall receive a fifty percent discount. The discounts in this subsection
2195 B.7. may be applied in lieu of but not in addition to other qualifying discounts in
2196 subsection B.5. and B.6.((:));

2197 8. The parcel is owned or leased by a public school district that provides
2198 activities that directly benefit the surface water management program. The activities may
2199 include, but are not limited to: curriculum specific to the issues and problems of surface
2200 and storm water management, and student activities in the community to expose students
2201 to the efforts required to restore, monitor or enhance the surface and storm water
2202 management system. According to RCW 36.89.085, the amount of the rate adjustment
2203 shall be determined by the director based upon the cost of the activities to the school
2204 district but not to exceed the value of the activity to the surface water management
2205 program. Determination of which activities qualify for the surface water management
2206 service charge reduction shall be made by the division. Reductions in surface water
2207 management service charges may only be granted to school districts that provide
2208 programs that have been evaluated by the division. The rate adjustment for the school

2209 district activity may be applied to any parcel in the service area that is owned or operated
2210 by the school district;

2211 9. The parcel is owned by a federally recognized tribe or member of such tribe
2212 and is located within the historical boundaries of a reservation and thus is not subject to
2213 the charges provided for in this chapter; or

2214 10. The service charge bill was otherwise not calculated in accordance with this
2215 chapter.

2216 C. The dollar amount of debt service on revenue or general obligation bonds
2217 issued to finance storm water control facilities shall not be reduced by the rate
2218 adjustments referred to in subsection B.5., 6. and 7. of this section.

2219 D. The property owner shall have the burden of proving that the rate adjustment
2220 sought should be granted.

2221 E. Decisions on requests for rate adjustments shall be made by the director based
2222 on information submitted by the applicant and by the division within thirty days of the
2223 adjustment request except when additional information is needed. The applicant shall be
2224 notified in writing of the director's decision. If an adjustment is granted under
2225 subsection((s)) B.1., 2., 3. and 4. of this section that reduces the charge for the current
2226 year or two prior years, the applicant shall be refunded the amount overpaid in the current
2227 and two prior years. The adjustments provided for in subsection B.5., 6. and 7. of this
2228 section are prospective only from January 1, 2013. A reduction in charges for the billing
2229 years before January 1, 2013, shall not be granted under subsection B.5., 6. and 7. of this
2230 section.

2231 F. If the director finds that a service charge bill has been undercharged, then
2232 either an amended bill shall be issued that reflects the increase in the service charge or the
2233 undercharged amount shall be added to the next year's bill. The amended bill shall be
2234 due and payable under K.C.C. 9.08.100. The director may include in the bill the amount
2235 undercharged for two previous billing years in addition to the current bill.

2236 G. Decisions of the director on requests for rate adjustments shall be final unless
2237 ~~((within thirty days of the date the decision was mailed, the applicant submits in writing~~
2238 ~~to the director a notice of appeal setting forth a brief statement of the grounds for appeal~~
2239 ~~and requesting a hearing before the King County hearing examiner)) the applicant files an
2240 appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance. The
2241 examiner's decision shall be a final decision as authorized by K.C.C. 20.24.080, as
2242 recodified by this ordinance.~~

2243 SECTION 91. Ordinance 1396, Article II, Section 12, as amended, and K.C.C.
2244 11.04.140 are each hereby amended to read as follows:

2245 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog
2246 purveyors, guard dog trainers and guard dog purveyors, guard dog trainers and guard dog
2247 owners - additional conditions. The manager of the regional animal services section is
2248 authorized to promulgate rules and regulations not in conflict with this title as they
2249 pertain to the conditions and operations of animal shelters, hobby kennels, kennels,
2250 hobby catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard
2251 dog trainers and guard dog owners. The rules and regulations may be enacted only after
2252 a public hearing has been held regarding the rules and regulations. Enforcement of these

2253 rules and regulations may be appealed to the ((county board of appeals)) office of the
2254 hearing examiner.

2255 SECTION 92. Ordinance 1396, Article III, Section 9, as amended, and K.C.C.
2256 11.04.260 are each hereby amended to read as follows:

2257 A. Whenever the manager of the regional animal services section or animal care
2258 and control officer has found an animal maintained in violation of this chapter, the
2259 manager of the regional animal services section shall commence proceedings to cause the
2260 abatement of each violation.

2261 B. The manager of the regional animal services section or animal care and
2262 control officer shall issue a notice of violation and an order directed to the owner or the
2263 person presumed to be the owner of the animal maintained in violation of this chapter.
2264 The notice and order shall contain:

2265 1. The name and address if known of the owner or person presumed to be the
2266 owner of the animal in violation of this chapter;

2267 2. The license number, if available, and description of the animal in violation
2268 sufficient for identification;

2269 3. A statement to the effect that the manager or animal care and control officer
2270 has found the animal maintained illegally with a brief and concise description of the
2271 conditions, which caused the animal to be in violation of this chapter, including reference
2272 to the specific sections of code or statute violated and, where relevant, reference to the
2273 specific sections of code or statute authorizing removal of the animal;

2274 4. A statement of the action required to be taken to abate the violation, as
2275 determined by the manager of the regional animal services section.

2276 a. If the manager has determined the animal in violation must be disposed of,
2277 the order shall require that the abatement be completed within a specified time from the
2278 order as determined by the manager to be reasonable;

2279 b. If the manager of the regional animal services section determined to assess a
2280 civil penalty, the order shall require that the penalty shall be paid within fourteen days
2281 from the order((-));

2282 5. Statements advising that if any required abatement is not commenced within
2283 the time specified, the manager of the regional animal services section shall proceed to
2284 cause abatement and charge the costs thereof against the owner; and

2285 6. Statements advising:

2286 a. that a person having a legal interest in the animal may appeal from the
2287 notice of violation and order or any action of the manager of the regional animal services
2288 section to the ~~((board of appeals, but only if the appeal is made in writing as provided by
2289 this chapter and filed with the manager of the regional animal services section within
2290 fourteen days from the service of the notice of violation and order))~~ office of the hearing
2291 examiner by filing an appeal with the section in accordance with K.C.C. 20.24.090, as
2292 recodified by this ordinance; and

2293 b. that failure to appeal constitutes a waiver of all right to an administrative
2294 hearing and determination of the matter.

2295 C. The notice and order shall be served on the owner or presumed owner of the
2296 animal in violation.

2297 D. Service of the notice of violation and order shall be made upon all persons
2298 entitled thereto:

2299 1. Personally;
2300 2. By mailing a copy of the notice of violation and order by certified mail,
2301 postage prepaid, return receipt requested, to the person at the person's last known address;
2302 or

2303 3. By posting the notice of violation and order on the front door of the living
2304 unit of the owner or person with right to control the animal if the owner or person is not
2305 home.

2306 E. Proof of service of the notice of violation and order shall be made at the time
2307 of service by a written declaration under penalty of perjury executed by the person
2308 effecting service, declaring the time, date and manner in which service was made.

2309 SECTION 93. Ordinance 1396, Article III, Section 10, as amended, and K.C.C.
2310 11.04.270 are each hereby amended to read as follows:

2311 ~~((A.))~~ The ~~((King County board of appeals as established by Article 7 of the King~~
2312 ~~County Charter))~~ office of the hearing examiner is designated to hear appeals by parties
2313 aggrieved by actions of the manager of the regional animal services section under this
2314 chapter. The ~~((board))~~ examiner may adopt reasonable rules or regulations for
2315 conducting its business. Copies of all rules and regulations adopted by the ~~((board))~~
2316 examiner shall be delivered to the manager of the regional animal services section, who
2317 shall make them freely accessible to the public. All examiner decisions and findings ~~((of~~
2318 ~~the board))~~ shall be rendered to the appellant in writing with a copy to the manager of the
2319 regional animal services section.

2320 ~~((B. Any person entitled to service under K.C.C. 11.04.260.B. may appeal from~~
2321 ~~any notice and order or any action of the manager of the regional animal services section~~

2322 under this chapter by filing at the office of the manager of the regional animal services
2323 section within fourteen days from the service of the order, a written appeal containing:

2324 1. A heading in the words: "Before the Board of Appeals of the County of
2325 King";

2326 2. A caption reading: "Appeal of _____ giving the names of all
2327 appellants participating in the appeal;

2328 3. A brief statement setting forth the legal interest of each of the appellants in
2329 the animal involved in the notice and order;

2330 4. A brief statement in concise language of the specific order or action
2331 protested, together with any material facts claimed to support the contentions of the
2332 appellant;

2333 5. A brief statement in concise language of the relief sought, and the reasons
2334 why it is claimed the protested order or action should be reversed, modified or otherwise
2335 set aside;

2336 6. The signatures of all parties' names as appellants, and their official mailing
2337 addresses; and

2338 7. The verification, by declaration under penalty of perjury, of at least one
2339 appellant as to the truth of the matters stated in the appeal.

2340 C. The board of appeals shall set a time and place, not more than thirty days from
2341 the notice of appeal for a hearing on the appeal. Written notice of the time and place of
2342 hearing shall be given at least ten days before the hearing to each appellant by the
2343 manager-clerk of the board.

2344 D. ~~At the hearing, the appellant shall be entitled to appear in person, to be~~
2345 ~~represented by counsel and to offer evidence that is pertinent and material to the action of~~
2346 ~~the manager of the regional animal services section. Only those matters or issues~~
2347 ~~specifically raised by the appellant in the written notice of appeal shall be considered.~~

2348 E. ~~Failure of any person to file an appeal in accordance with this section shall~~
2349 ~~constitute a waiver of the right to an administrative hearing.~~

2350 F. ~~Enforcement of any notice and order of the manager of the regional animal~~
2351 ~~services section issued under this chapter shall be stayed during the pending of an appeal,~~
2352 ~~except impoundment of an animal that is vicious or dangerous or cruelly treated.~~

2353 G. ~~In proceedings before the board, the regional animal services section shall~~
2354 ~~bear the burden of proving by a preponderance of the evidence both the violation and the~~
2355 ~~appropriateness of the remedy it has imposed.))~~

2356 SECTION 94. Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115
2357 are each hereby amended to read as follows:

2358 A. Where a complaint alleging a violation of this chapter has been filed by any
2359 individual or entity, including a contract awarding authority, within six months of the
2360 completion of all work on a contract alleging a violation of this chapter by a contractor or
2361 where, within that same ((time)) period, evidence of a violation is discovered from
2362 information gained through compliance monitoring or auditing, the administrator shall
2363 cause to be served or mailed, by certified mail, return receipt requested, a copy of the
2364 complaint or notice of investigation on the respondent within twenty days after the filing
2365 of said charge and shall promptly make an investigation thereof. If a party selected by
2366 the administrator conducts the investigation, the costs of such an investigation shall be

2367 borne by the department or project, as applicable, for which the contract was awarded.
2368 The investigation shall be directed to ascertain the facts concerning the violation alleged
2369 in the complaint and shall be conducted in an objective and impartial manner. During
2370 such an investigation, the administrator shall consider any statement of position or
2371 evidence with respect to the allegations of the complaint ((which)) that the complainant
2372 or the respondent wishes to submit.

2373 1.a. The administrator shall have the authority to sign and issue subpoenas
2374 requiring the attendance and testimony of witnesses, the production of evidence including
2375 but not limited to books, records, correspondence or documents in the possession or
2376 under the control of the person or entity subpoenaed, and access to evidence for the
2377 purpose of examination and copying as is necessary for the investigation. The
2378 administrator shall consult with the prosecuting attorney before issuing any subpoena
2379 under this section.

2380 b. If an individual or entity fails to obey a subpoena issued hereunder, or obeys
2381 a subpoena but refuses to testify when requested concerning any matter under
2382 investigation, the administrator may seek the assistance of the county prosecuting
2383 attorney by requesting that the prosecuting attorney petition the superior court for King
2384 County for an order or other appropriate action necessary to secure enforcement of the
2385 subpoena.

2386 2. The results of the investigation shall be reduced to written findings of fact
2387 and a finding shall be made that there either is or is not reasonable cause for believing
2388 that a violation has been or is being committed. If a finding is made that there is no
2389 reasonable cause, said finding shall be served on the complainant and respondent. Within

2390 thirty days after service of such negative finding, the complainant shall have the right to
2391 file a written request with the administrator asking for reconsideration of the finding.
2392 The administrator shall respond to such request in writing within a reasonable time by
2393 granting or denying the request and specifying the reasons for either granting or denying
2394 the request.

2395 B.1. If the finding is made initially or on request for reconsideration that
2396 reasonable cause exists to believe that a violation by a contractor subcontractor has
2397 occurred, the administrator shall endeavor to remedy the violation by conference,
2398 conciliation and persuasion, which may, by agreement of the parties, include monetary
2399 compensation, the creation of additional opportunities for the employment of persons on
2400 other contracts, or such other requirements as may lawfully be agreed upon by the parties
2401 and the administrator. Any settlement agreement shall be reduced to writing and signed
2402 by both parties. An order shall then be entered by the administrator setting forth the
2403 terms of the agreement. Copies of such an order shall be delivered to all affected parties
2404 and the original thereof recorded with the records and licensing services division.

2405 2. If no agreement can be reached, a finding to that effect shall be made by the
2406 administrator and incorporated in a preliminary order, with a copy thereof furnished to
2407 the complainant and respondent. The preliminary order shall also include:

2408 ~~((1-A))~~ a. a finding that a violation has occurred; and

2409 ~~((2-))~~ b. ~~((F))~~the basis for such a finding.

2410 C.1. In the case of failure to reach an agreement for the elimination of such a
2411 violation, and upon the entry of a preliminary order, the complaint and any and all

2412 findings made and remedies ordered shall be certified by the administrator to the office of
2413 the county hearing examiner for hearing.

2414 2. A hearing shall thereafter be conducted by the office of the hearing examiner
2415 for the purpose of affirming, denying or modifying the preliminary order. The hearing
2416 shall be conducted on the record and the hearing examiner shall have such rule making
2417 and other powers necessary for conduct of the hearing as are specified by K.C.C.

2418 ~~((20.24.170))~~ chapter 20.xx (the new chapter created under section 2 of this ordinance).

2419 Such hearings shall be conducted within a reasonable time after receipt of the
2420 certification. Written notice of the time and place of the hearing shall be given at least
2421 ten days ~~((prior to))~~ before the date of the hearing to each affected party and to the
2422 administrator.

2423 3. Each party ~~((shall have))~~ has the following rights, among others:

2424 ~~((1.))~~ a. ~~((F))~~ to call and examine witnesses on any matter relevant to the issues
2425 of the complaint;

2426 ~~((2.))~~ b. ~~((F))~~ to introduce documentary and physical evidence;

2427 ~~((3.))~~ c. ~~((F))~~ to cross-examine opposing witnesses on any matter relevant to the
2428 issues of the complaint;

2429 ~~((4.))~~ d. ~~((F))~~ to impeach any witness regardless of which party first called such
2430 witness to testify;

2431 ~~((5.))~~ e. ~~((F))~~ to rebut evidence presented against a party; and

2432 ~~((6.))~~ f. ~~((F))~~ to self-representation or to be represented by anyone of a party's
2433 choice who is lawfully permitted to do so.

2434 D. Following review of the evidence submitted, the hearing examiner presiding at
2435 the hearing shall enter written findings and conclusions, shall render a written decision
2436 and shall order one or more of the following:

2437 1. Dismissal of the complaint when a violation is found not to have occurred;

2438 2. Cancellation of the contract in part or in whole;

2439 3. Disqualification of the violator from participation in county contracts for a
2440 period of up to five years;

2441 4. Exclusion of the violator from future contracts or vending until demonstration
2442 of compliance; and

2443 5. Enforcement of any provision of the contract providing remedies, such as
2444 penalties or liquidated damages for violation of contractual provisions or enforcement of
2445 any other remedy available under the laws of the county. Upon a finding by the hearing
2446 examiner that a contractor has in fact failed to abide by the provisions of this chapter,
2447 liquidated damages shall be imposed unless the hearing examiner finds that the
2448 imposition of such damages would be clearly inequitable, in which case the hearing
2449 examiner may grant such other relief as may be lawful and appropriate.

2450 E. In the case where the alleged violator is the contract awarding authority and a
2451 finding is made that there is reasonable cause to believe that the contract awarding
2452 authority has committed a violation, the finding shall be forwarded to the executive, who
2453 shall review the evidence and may order one or more of the following:

2454 1. Dismissal of the complaint when a violation is found not to have occurred;

2455 2. Corrective personnel action;

2456 3. Disqualification and suspension of authority of all members, any board,
2457 commission, or other body constituting the violating contract awarding authority; and

2458 4. Enforcement of any other remedy available under the laws of the county.

2459 F. In addition to any other remedy available under the laws of the county and the
2460 state of Washington, any person, firm, corporation, business, union or organization that
2461 prevents or interferes with or retaliates against a contractor or subcontractor's efforts to
2462 comply with this chapter or that submits false or misleading information to any county
2463 department or employee concerning compliance with this chapter shall be subject to a
2464 civil penalty of up to five thousand dollars for each occurrence, the county having
2465 previously complied with the notice and hearing provisions of this chapter. Each
2466 submission of false or misleading information shall constitute a separate occurrence.

2467 SECTION 95. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060
2468 are each hereby amended to read as follows:

2469 A.~~((1-))~~ A party aggrieved by an order of the office of civil rights may ~~((request~~
2470 ~~in writing within thirty days of the service of the order an appeal hearing before the~~
2471 ~~county office of the hearing examiner. The request for hearing shall be filed with the~~
2472 ~~office of civil rights. The request for hearing must identify clearly and specifically:~~

2473 ~~a. the errors that the appellant believes were made in the action or decision that~~
2474 ~~is being appealed, or the procedural irregularities associated with that action or decision;~~

2475 ~~b. specific reasons why the county's action should be reversed or modified; and~~

2476 ~~c. the desired outcome of the appeal.~~

2477 ~~2. Unless the hearing examiner authorizes an amendment to the statement of~~
2478 ~~appeal, the identification of errors and the statement of reasons for reversal or~~

2479 ~~modification defines and limits the issues that the examiner may consider))~~ appeal in
2480 accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2481 B. ~~((An order issued by the office of civil rights in accordance with procedures in~~
2482 ~~this chapter becomes final thirty days after service of the order unless a written request~~
2483 ~~for hearing is filed with the office of civil rights within the thirty-day period.~~

2484 C.) If the order of the office of civil rights is appealed, the office of the hearing
2485 examiner shall conduct a hearing for the purpose of affirming, denying or modifying the
2486 order. There shall be a verbatim record kept of the hearing and the hearing examiner
2487 shall have such rule-making and other power necessary for the conduct of the hearing as
2488 are specified by K.C.C. ~~((20.24.170))~~ chapter 20.xx (the new chapter created under
2489 section 2 of this ordinance). The order of the office of civil rights shall not be presumed
2490 correct. The hearing examiner's decision shall be based upon a preponderance of the
2491 evidence. The hearing shall be conducted within a reasonable time after receipt of the
2492 request for appeal. Written notice of the time and place of the hearing shall be given at
2493 least ten days before the date of the hearing to each affected party and to the office of
2494 civil rights.

2495 ~~((D.))~~ C. Each party has the following rights, among others:

- 2496 1. To call and examine witnesses on any matter relevant to the issues of the
2497 complaint;
- 2498 2. To introduce documentary and physical evidence;
- 2499 3. To cross-examine opposing witnesses on any matter relevant to the issues of
2500 the complaint;

2501 4. To impeach any witness regardless of which party first called the witness to
2502 testify;

2503 5. To rebut evidence against the party;

2504 6. To represent himself or herself or to be represented by anyone of the party's
2505 choice who is lawfully permitted to do so.

2506 ~~((E.))~~ D. Following review of the evidence submitted, the hearing examiner
2507 presiding at the hearing shall enter written findings and conclusions and shall affirm or
2508 modify the order previously issued if the hearing examiner finds that a violation has
2509 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that
2510 a violation did not occur. The hearing examiner may grant any relief that the office of
2511 civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's
2512 decision shall be delivered to all affected parties. The order of the hearing examiner is
2513 final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this
2514 ordinance.

2515 SECTION 96. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are
2516 each hereby amended to read as follows:

2517 A.~~((1.))~~ Any respondent or charging party, after by an order of the office of civil
2518 rights is made in accordance with K.C.C. 12.18.060.B, may ~~((request an appeal hearing~~
2519 ~~before the hearing examiner by filing a written request for hearing within thirty days of~~
2520 ~~the service of the order. The request for hearing shall be filed with the office of civil~~
2521 ~~rights. The request for hearing must identify clearly and specifically:~~

2522 a. ~~the errors that the appellant believes were made in the action or decision that~~
2523 ~~is being appealed, or the procedural irregularities associated with that action or decision;~~

2524 ~~b. specific reasons by the county's action should be reversed or modified; and~~
2525 ~~e. the desired outcome of the appeal.~~

2526 ~~2. Unless the hearing examiner authorizes an amendment to the statement of~~
2527 ~~appeal, the identification of errors and the statement of reasons for reversal or~~
2528 ~~modification defines and limits the issues the examiner may consider)) appeal that order~~
2529 ~~in accordance with K.C.C. 20.24.090, as recodified by this ordinance.~~

2530 B. ~~((Any order issued by the office of civil rights in accordance with procedures~~
2531 ~~in this chapter becomes final thirty days after service of the order unless a written request~~
2532 ~~for hearing is filed with the office of civil rights within the thirty day period.)) If the~~
2533 order of the office of civil rights is appealed, the hearing examiner shall conduct a
2534 hearing for the purpose of affirming, denying or modifying the order. There shall be a
2535 verbatim record kept of the hearing. The hearing examiner has such rule-making and
2536 other powers necessary for the conduct of the hearing as are specified by K.C.C.

2537 ~~((20.24.170)) chapter 20.xx (the new chapter created under section 2 of this ordinance).~~
2538 The order of the office of civil rights shall not be presumed correct. The hearing
2539 examiner's decision shall be based upon a preponderance of the evidence. The hearing
2540 shall be conducted within a reasonable time after receipt of the request for appeal.

2541 Written notice of the time and place of the hearing shall be given at least ten days before
2542 the date of the hearing to each affected party and to the office of civil rights.

2543 C. Each party may, among exercising other rights:

2544 1. Call and examine witnesses on any matter relevant to the issues of the
2545 complaint;

2546 2. Introduce documentary and physical evidence;

2547 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
2548 complaint;

2549 4. Impeach any witness regardless of which party first called the witness to
2550 testify;

2551 5. Rebut evidence against him or her; and

2552 6. Represent himself or herself or be represented by anyone of his or her choice
2553 who is lawfully permitted to do so.

2554 D. Following review of the evidence submitted, the hearing examiner presiding at
2555 the hearing shall enter written findings and conclusions and shall affirm or modify the
2556 order previously issued if the hearing examiner finds that a violation occurred. The
2557 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
2558 not occur. The hearing examiner may grant as relief any relief that the office of civil
2559 rights could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision
2560 shall be delivered to all affected parties. The order of the hearing examiner is final unless
2561 reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

2562 SECTION 97. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are
2563 each hereby amended to read as follows:

2564 A.1. Any charging party, respondent or aggrieved person on whose behalf the
2565 finding was made, after an order of the office of civil rights is made in accordance with
2566 K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which
2567 reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a
2568 hearing before the hearing examiner. The office of civil rights shall provide the charging
2569 party, respondent and aggrieved person on whose behalf the finding was made with

2570 information regarding how to make the election. This election must be made not later
2571 than thirty days after the receipt by the electing person of service of the order. The
2572 person making the election shall give notice of the election stating which forum is elected
2573 to the office of civil rights and to all other charging parties and respondents to whom the
2574 complaint relates. The notice of election should identify clearly and specifically:

- 2575 a. the errors that the appellant believes were made in the action or decision that
2576 is being appealed, or the procedural irregularities associated with that action or decision;
2577 b. specific reasons by the county's action should be reversed or modified; and
2578 c. the desired outcome of the appeal.

2579 2. Any order issued by the office of civil rights under K.C.C. 12.20.090.B,
2580 becomes final thirty days after service of the order unless a written notice of election is
2581 filed with the office of civil rights within the thirty-day period. If the order becomes
2582 final, parties violating the order are subject to the enforcement provisions of K.C.C.
2583 12.20.120.

2584 B. If no election of civil action is made, and an election for hearing is made, the
2585 complaint, any and all findings made and either affirmative action measures or civil
2586 penalties, or both, required shall be certified by the office of civil rights to the office of
2587 the hearing examiner for hearing.

2588 C. A hearing shall be conducted by the office of the hearing examiner for the
2589 purpose of affirming, denying or modifying the order. There shall be a verbatim record
2590 kept of the hearing. The hearing examiner shall have such rule-making and other powers
2591 necessary for conduct of the hearing as are specified by K.C.C. (~~20.24.170~~) chapter
2592 20.xx (the new chapter created under section 2 of this ordinance). The office of civil

2593 rights shall maintain the action and the order of the office of civil rights shall not be
2594 presumed correct. The hearing examiner's decision shall be based upon a preponderance
2595 of the evidence. The hearing shall be conducted within a reasonable time after receipt of
2596 the certification. Written notice of the time and place of the hearing shall be given at
2597 least ten days before the date of the hearing to each affected party and to the office of
2598 civil rights.

2599 D. Each party may, among exercising other rights:

- 2600 1. Call and examine witnesses on any matter relevant to the issues of the
2601 complaint;
- 2602 2. Introduce documentary and physical evidence;
- 2603 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
2604 complaint;
- 2605 4. Impeach any witness regardless of which party first called him or her to
2606 testify;
- 2607 5. Rebut evidence against him or her; and
- 2608 6. Represent himself or herself or to be represented by anyone of his or her
2609 choice who is lawfully permitted to do so.

2610 E. Following review of the evidence submitted, the hearing examiner presiding at
2611 the hearing shall enter written findings and conclusions and shall affirm or modify the
2612 order previously issued if the hearing examiner finds that a violation is about to occur or
2613 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that
2614 a violation is not about to occur or did not occur. The hearing examiner may grant as
2615 relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A

2616 copy of the hearing examiner's findings, conclusions and decision shall be served on all
2617 affected parties. The order of the hearing examiner is final unless reviewed by a court
2618 under K.C.C. 20.24.240.B., as recodified by this ordinance.

2619 SECTION 98. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are
2620 each hereby amended to read as follows:

2621 A.1. Any respondent or charging party, after an order of the office of civil rights
2622 is made in accordance with K.C.C. 12.22.060.B, may request an appeal hearing before
2623 the hearing examiner by filing a written request for hearing within thirty days of the
2624 service of the order. The request for hearing shall be filed with the office of civil rights.
2625 The request for hearing must identify clearly and specifically:

- 2626 a. the errors that the appellant believes were made in the action or decision that
2627 is being appealed, or the procedural irregularities associated with that action or decision;
2628 b. specific reasons why the county's action should be reversed or modified; and
2629 c. the desired outcome of the appeal.

2630 2. Unless the hearing examiner authorizes an amendment to the statement of
2631 appeal, the identification of errors and the statement of reasons for reversal or
2632 modification defines and limits the issues that the examiner may consider.

2633 B. Any order issued by the office of civil rights in accordance with procedures in
2634 this chapter becomes final thirty days after service of the order unless a written request
2635 for hearing is filed with the office of civil rights within the thirty-day period.

2636 C. If the order of the office of civil rights is appealed, the hearing examiner shall
2637 conduct a hearing for the purpose of affirming, denying or modifying the order. There
2638 shall be a verbatim record kept of the hearing. The hearing examiner has such rule-

2639 making and other powers necessary for the conduct of the hearing as are specified by
2640 K.C.C. ((20.24.170)) chapter 20.xx (the new chapter created under section 2 of this this
2641 ordinance. The order of the office of civil rights shall not be presumed correct. The
2642 hearing examiner's decision shall be based upon a preponderance of the evidence. The
2643 hearing shall be conducted within a reasonable time after receipt of the request for
2644 appeal. Written notice of the time and place of the hearing shall be given at least ten days
2645 before the date of the hearing to each affected party and to the office of civil rights.

2646 D. Each party may, among exercising other rights:

2647 1. Call and examine witnesses on any matter relevant to the issues of the

2648 complaint;

2649 2. Introduce documentary and physical evidence;

2650 3. Cross-examine opposing witnesses on any matter relevant to the issues of the

2651 complaint;

2652 4. Impeach any witness regardless of which party first called the witness to

2653 testify;

2654 5. Rebut evidence against him or her; and

2655 6. Represent himself or herself or be represented by anyone of his or her choice

2656 who is lawfully permitted to do so.

2657 E. Following review of the evidence submitted, the hearing examiner presiding at

2658 the hearing shall enter written findings and conclusions and shall affirm or modify the

2659 order previously issued if the hearing examiner finds that a violation occurred. The

2660 hearing examiner shall reverse the order if the hearing examiner finds that a violation did

2661 not occur. The hearing examiner may grant as relief any relief that the office of civil

2662 rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision
2663 shall be delivered to all affected parties. The order of the hearing examiner is final unless
2664 reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

2665 SECTION 99. Ordinance 10095, Section 8, as amended and K.C.C. 13.24.090
2666 are each hereby amended to read as follows:

2667 A. The utilities technical review committee shall ensure that the provisions of
2668 K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be
2669 responsible for providing the notification to tribal governments provided for in K.C.C.
2670 13.20.020 for actions under that section that fall within the authority of the committee.

2671 B. The utilities technical review committee shall:

2672 1. Review and make recommendations to the King County executive and the
2673 King County council on the adequacy of all sewer and water system comprehensive plans
2674 and related matters, and determine their consistency with the King County
2675 Comprehensive Plan;

2676 2. Have the authority to approve additions and betterments to council-approved
2677 sewer and water comprehensive plans without referral to the council in order to serve
2678 developments that have received preliminary approval from the King County council;

2679 3.a. Serve as the appeal body to hear issues relating to the creation of new
2680 public water systems and the extension of existing public water service within the
2681 boundaries of a critical water supply service area as provided for in the utility service
2682 review procedures contained in the coordinated water system plans, based on whether an
2683 existing water purveyor can provide service in a timely and reasonable manner (WAC
2684 246-293-190).

2685 b. An appeal under subsection B.3.a. of this section is subject to all of the
2686 following:

2687 (1) A notice of appeal or request to find that water service is or is not
2688 available in a timely and reasonable manner shall be filed with the utilities technical
2689 review committee and shall be accompanied by a nonrefundable fee as prescribed in
2690 K.C.C. 4A.710.100;

2691 (2) Written materials from the appellant and the water purveyor and any
2692 interested parties may be submitted on forms developed by the utilities technical review
2693 committee. The committee shall evaluate such submittals and any other submitted
2694 written materials in light of applicable state laws, regulations and policies. The
2695 committee shall issue a final written determination, including findings and conclusions,
2696 within thirty days of the date that the written record is complete;

2697 (3) The utilities technical review committee shall provide its written
2698 determination together with the procedures for administrative appeals, to the appellant, to
2699 the water purveyor, and to any person, who, before the determination, has requested
2700 notice of the determination; and

2701 (4) The written determination by the utilities technical review committee shall
2702 be the final county action, unless further appeal is made to the office of the hearing
2703 examiner, in accordance with K.C.C. 20.24.080, as recodified by this ordinance, and
2704 20.24.090, as recodified by this ordinance. In such an appeal to the hearing examiner, the
2705 written determination shall constitute the department report for the purposes of K.C.C.
2706 20.24.150, as recodified by this ordinance.

2707 c. The utilities technical review committee is authorized to establish by rule the
2708 procedures and timeframes for submittal to the committee of any requests for an appeal
2709 as provided for under this chapter and K.C.C. chapter 13.28; and

2710 4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136
2711 relative to sewer expansion in rural and resource areas. The determination that sewer
2712 expansion in rural and resource areas is necessary shall be based on information
2713 concerning the feasibility of alternative treatment technologies as provided by the Seattle-
2714 King County department of public health.

2715 SECTION 100. Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015 are
2716 each hereby amended to read as follows:

2717 A. The ~~((zoning and subdivision))~~ office of the hearing examiner shall hold
2718 public hearings on vacations which have been recommended for approval by the
2719 department of transportation, and provide a recommendation to the ~~((King County))~~
2720 council, as prescribed by RCW 36.87.060.

2721 B. In the event the report by the department of transportation recommends denial
2722 of the vacation petition, the following shall be the operating procedure:

2723 1. The department of transportation shall transmit ~~((W))~~ written notification
2724 ~~((shall be transmitted))~~ to the petitioner, ~~((by the department of transportation))~~ citing the
2725 rationale for the denial and indicating that the denial may be appealed to the ~~((zoning and~~
2726 ~~subdivision))~~ office of the hearing examiner for hearing and recommendation to the
2727 council. ~~((A))~~ The department of transportation shall file a copy of the notice of denial
2728 ~~((shall be filed))~~ with the council clerk's office.

2729 2. The notice of denial shall be final unless the petitioner files an an ~~((written~~
2730 ~~appeal including a two hundred dollar administrative fee with the council clerk within~~
2731 ~~thirty calendar days of the issuance of the notice of denial. The petitioner's written~~
2732 ~~appeal shall specify the basis for the appeal and any arguments in support of the appeal))~~
2733 appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2734 3. Any appeal filed by a petitioner shall be processed by the ~~((zoning and~~
2735 ~~subdivision))~~ office of the hearing examiner in the same manner as vacations
2736 recommended for approval.

2737 SECTION 101. K.C.C. 14.40.017 is hereby decodified.

2738 SECTION 102. Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020
2739 are each hereby amended to read as follows:

2740 The amount of compensation, if required in this chapter, shall be recommended
2741 by the hearing examiner and shall be determined by the council according to the
2742 following criteria:

2743 A. Vacation of all county roads included in Classes A, B~~((;))~~ and C, if granted,
2744 shall require compensation: at the full appraised value of the vacated road for Class A
2745 vacations; at ~~((75%))~~ seventy-five percent of the full appraised value for Class B
2746 vacations; and at ~~((50%))~~ fifty percent of full appraised value for class C vacations as of
2747 the effective date of the vacation, which amount, for the purposes of this chapter, may be
2748 determined from the records of the department of assessments~~((; Provided, that));~~
2749 however, the hearing examiner may propose and the council shall have the authority to
2750 accept real property of equal or greater value in lieu of cash compensation. The council
2751 shall have the authority to waive some or all of the compensation, except two hundred

2752 dollars administrative costs for processing the vacation of a county road, where the
2753 petitioner is providing an alternative road to the county of equal or greater value and said
2754 alternative will fulfill the public purposes of the previous transportation circulation plan.

2755 B. Vacation of all county roads included in Class D, or those roads vacated by
2756 operation of law under the laws of 1889-1890 and affirmed by council action, if granted,
2757 shall require a two hundred dollar fee as compensation for the administrative costs of the
2758 vacation.

2759 C. In the recommendation to the council pursuant to K.C.C. 20.24.070, as
2760 recodified by this ordinance, the ~~((zoning and subdivision))~~ hearing examiner may
2761 recommend the acceptance of real property of equal or greater value in lieu of cash
2762 compensation, or may recommend the waiver of some or all of the compensation required
2763 by this section.

2764 D. When a road is vacated for a governmental agency, compensation shall be in
2765 accordance with the classification of the road, except that some or all of the
2766 compensation may be waived at the discretion of the council.

2767 E. The council may waive some or all of the compensation for any classification
2768 of road, if it determines that it would benefit King County to do so

2769 SECTION 103. Ordinance 10733, Section 8, as amended, and K.C.C. 14.60.080
2770 are each hereby amended to read as follows:

2771 Any affected employer may request reconsideration of a decision by the director.
2772 ~~((A written appeal to the hearing examiner must be filed within the time period~~
2773 ~~prescribed by K.C.C. chapter 20.24. The appeal must state the decision being appealed~~
2774 ~~and the grounds for the appeal. The appeal shall be reviewed in accordance with K.C.C.~~

2775 ~~chapter 20.24.))~~ If the director denies the request for reconsideration in whole or in part,
2776 the director's final decision may be appealed in accordance with K.C.C. 20.24.090, as
2777 recodified by this ordinance.

2778 SECTION 104. Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030
2779 are each hereby amended to read as follows:

2780 ~~((A. Appeals of t))~~The department's final decisions relative to MPS and IS ((shall
2781 be filed with the director or the director's designee.

2782 ~~B. The appeals shall be in written form, stating the grounds for the appeal, and~~
2783 ~~shall be filed within ten calendar days of the receipt of notification of the department's~~
2784 ~~final appealable decision in the matter being))~~ may be appealed in accordance with
2785 K.C.C. 20.24.090, as recodified by this ordinance.

2786 SECTION 105. Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150
2787 are each hereby amended to read as follows:

2788 In order to obtain an appealable final decision the developer must:

2789 A. Request in writing a review of the fee amount by department staff. The
2790 department staff shall consider any studies and data submitted by the developer seeking
2791 to adjust the amount of the fee; and

2792 B. Request in writing reconsideration by the director or the director's designee of
2793 an adverse decision by staff. Such request for reconsideration shall state in detail the
2794 grounds for the request. After reviewing the request, ((F)) the director or the director's
2795 designee shall issue a final ~~((, appealable decision after reviewing the request))~~ decision,
2796 which is appealable in accordance with K.C.C. 20.24.090, as recodified by this
2797 ordinance.

2798 SECTION 106. Ordinance 6746, Section 19, as amended and K.C.C. 16.32.170

2799 are each hereby amended to read as follows:

2800 A.1. A board of appeals shall be established and shall consist of six voting
2801 members as follows:

2802 ~~((1.))~~ a. ~~((Θ))~~ one member representing journeyman plumbers;

2803 ~~((2.))~~ b. ~~((Θ))~~ one member representing plumbing contractors;

2804 ~~((3.))~~ c. ~~((Θ))~~ one member representing professional mechanical engineers;

2805 ~~((4.))~~ d. ~~((Θ))~~ one member representing and building owners; and

2806 ~~((5.))~~ e. ~~((⦶))~~ two members representing the public.

2807 2. The authority having jurisdiction shall serve as a nonvoting member of the
2808 board. The board of appeals shall elect a chair and a secretary who shall serve at the
2809 pleasure of the board.

2810 B. Any party aggrieved by a decision of the authority having jurisdiction made
2811 pursuant to this code either in the context of a specific project or permit application or in
2812 the context of an application for approval of an alternate material or method of
2813 construction, or both, may file a written petition for appeal to the board accompanied by a
2814 nonrefundable fee of one hundred dollars. Appeals shall be heard at reasonable times at
2815 the convenience of the board, but not later than thirty days after receipt of the petition.

2816 However, this time requirement may be waived by written agreement between the
2817 authority having jurisdiction and the appellant if doing so will facilitate resolution of the
2818 dispute. The appellant shall be entitled to appear in person before the board, to be
2819 represented by an attorney, and to introduce evidence in support of such petition. The
2820 appellant shall cause to be made at the appellant's own expense any test or research

2821 required by the board for the substantiation of any claim or claims made by the appellant.
2822 The board of appeals shall determine whether a correct interpretation of this code has
2823 been made by the authority having jurisdiction.

2824 C. Decisions of the board shall be in writing, distributed to the authority having
2825 jurisdiction and the appellant and apply only to the case being heard. Board decisions are
2826 deemed issued on the date that the decision is delivered to the appellant or the appellant's
2827 counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a
2828 decision of the board may appeal the decision of the board to the King County hearing
2829 examiner as provided in K.C.C. chapter ((20.24)) 20.xx (the new chapter created under
2830 section 2 of this ordinance).

2831 D. The board may make recommendations to the authority having jurisdiction
2832 for changes in the code.

2833 SECTION 107. Ordinance 13694, Section 41, as amended, and K.C.C.
2834 19A.08.060 are each hereby amended to read as follows:

2835 Applications for approvals ((pursuant to)) under this title shall be reviewed in
2836 accordance with the applicable procedures of any combination of this title and K.C.C.
2837 chapters 20.20 and ((20.24)) 20.xx (the new chapter created under section 2 of this
2838 ordinance). Furthermore, applications for subdivisions, short subdivisions and binding
2839 site plans may be approved, approved with conditions or denied in accordance with the
2840 following adopted county and state rules, regulations, plans and policies including, but
2841 not limited to:

- 2842 A. Chapter 43.21C RCW (SEPA);
- 2843 B. Chapter 58.17 RCW (Subdivisions);

- 2844 C. Chapters 36.70A and 36.70B RCW (Growth Management and Project
2845 Review);
- 2846 D. K.C.C. Title 9 (Surface Water Management);
- 2847 E. K.C.C. Title 13 (Sewer and Water);
- 2848 F. K.C.C. Title 14 (Roads and Bridges);
- 2849 G. K.C.C. Title 17 (Fire Code);
- 2850 H. K.C.C. chapter 20.44 (SEPA);
- 2851 I. K.C.C. Title 21A (Zoning);
- 2852 J. K.C.C. Title 23 (Code Enforcement);
- 2853 K. Administrative rules adopted (~~(pursuant to)~~) under K.C.C. chapter 2.98;
- 2854 L. King County board of (~~(public)~~) health rules and regulations;
- 2855 M. King County approved utility comprehensive plans;
- 2856 N. King County Comprehensive Plan;
- 2857 O. (~~(County wide)~~) Countywide Planning Policies; and
- 2858 P. This title.

2859 SECTION 108. Ordinance 13694, Section 67, and K.C.C. 19A.16.070 are each
2860 hereby amended to read as follows:

- 2861 A. Alterations shall be processed in accordance with RCW 58.17.215 through
2862 58.17.218 and shall comply with regulations in effect at the time the alteration
2863 application was submitted. Alteration applications and recording documents shall
2864 contain the signatures of the majority of those persons having an ownership interest in
2865 lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to
2866 be altered.

2867 B. If the subdivision is subject to restrictive covenants that were filed at the time
2868 of the approval of the subdivision, and the application for alteration would result in the
2869 violation of a covenant, the application shall contain an agreement signed by all parties
2870 subject to the covenants providing that the parties agree to terminate or alter the relevant
2871 covenants to accomplish the purpose of the alteration of the subdivision or portion
2872 thereof.

2873 C. Notice of alterations shall comply with the notice provisions of K.C.C. Title
2874 20. Mailing notification shall also include owners of each lot or parcel of property within
2875 the subdivision to be altered.

2876 D. An application shall be processed as a Type 3 permit pursuant to K.C.C.
2877 ~~((€))~~chapter 20.20 and K.C.C. 20.24.080, as recodified by this ordinance. The
2878 application may be approved if the proposed alteration is consistent with the required
2879 findings of K.C.C. 20.24.195, as recodified by this ordinance.

2880 E. After approval of an alteration, the applicant shall produce a revised drawing
2881 of the approved alteration of the final plat, to be processed in the same manner as set
2882 forth for final plats in this title.

2883 SECTION 109. Ordinance 13694, Section 69, and K.C.C. 19A.16.090 are each
2884 hereby amended to read as follows:

2885 A. Plat and short plat vacations shall be processed as follows and in accordance
2886 with ~~((the provisions of))~~ RCW 58.17.212.

2887 B. All plat and short plat vacation applications shall be referred to the hearing
2888 examiner for public hearing and consideration ~~((pursuant to))~~ in accordance with K.C.C.
2889 20.24.070, as recodified by this ordinance. Following the public hearing the hearing

2890 examiner shall determine if the proposed vacation is consistent with the required findings
2891 of K.C.C. 20.24.195, as recodified by this ordinance. If the proposal is found to serve
2892 such purposes, the hearing examiner may recommend that the county council approve the
2893 application.

2894 C. Applications for vacations of county roads may be processed (~~pursuant to~~)
2895 under this chapter only when such road vacations are proposed in conjunction with the
2896 vacation of the plat. Vacations limited to county roads shall be processed in accordance
2897 with chapter 36.87 RCW.

2898 SECTION 110. Ordinance 263, Art. 1, Section 11, as amended, and K.C.C.
2899 20.08.120 are each hereby amended to read as follows:

2900 "Examiner" means the office of the hearing examiner as established by K.C.C.
2901 chapter (~~(20.24)~~) 20.xx (the new chapter created under section 2 of this ordinance).

2902 NEW SECTION. SECTION 111. There is hereby added to K.C.C. chapter 20.08
2903 a new section to read as follows:

2904 "SEPA" means the State Environmental Policy Act.

2905 SECTION 112. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205
2906 are each hereby amended to read as follows:

2907 The following King County Code sections that are in effect (~~(on)~~) as of April 7,
2908 2013, are adopted as land use and development regulations within the shoreline
2909 jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, do
2910 not apply to the shoreline jurisdiction until approved by the Washington state Department
2911 of Ecology as provided in RCW 90.58.090. The department of permitting and
2912 environmental review shall, within ten days after the date of (~~(Washington state)~~)

2913 Department of Ecology's approval, file a copy of the ((state)) Department of Ecology's
2914 approval, in the form of a paper copy and an electronic copy, with the clerk of the
2915 council, who shall retain the paper copy and forward electronic copies to all
2916 councilmembers and the lead staff of the transportation, economy and environment
2917 committee, or its successor:

2918 A. The following sections ((within)) in K.C.C. Title 20:

- 2919 1. K.C.C. 20.18.040;
- 2920 2. K.C.C. 20.18.050;
- 2921 3. K.C.C. 20.18.056;
- 2922 4. K.C.C. 20.18.057;
- 2923 5. K.C.C. 20.18.058; and
- 2924 6. K.C.C. 20.24.510, as recodified by this ordinance; and

2925 B. The following sections ((within)) in K.C.C. Title 21A:

- 2926 1. K.C.C. 21A.06.118;
- 2927 2. K.C.C. 21A.06.156;
- 2928 3. K.C.C. 21A.06.181;
- 2929 4. K.C.C. 21A.06.181.E₂;
- 2930 5. K.C.C. 21A.06.181.G₂;
- 2931 6. K.C.C. 21A.06.182;
- 2932 7. K.C.C. 21A.06.333.A₂;
- 2933 8. K.C.C. 21A.06.401;
- 2934 9. K.C.C. 21A.06.469;
- 2935 10. K.C.C. 21A.06.573;

- 2936 11. K.C.C. 21A.06.653;
- 2937 12. K.C.C. 21A.06.738;
- 2938 13. K.C.C. 21A.06.796;
- 2939 14. K.C.C. 21A.06.796.A.;
- 2940 15. K.C.C. 21A.06.825
- 2941 16. K.C.C. 21A.06.892;
- 2942 17. K.C.C. 21A.06.913;
- 2943 18. K.C.C. 21A.06.971;
- 2944 19. K.C.C. 21A.06.1081;
- 2945 20. K.C.C. 21A.06.1082.A.;
- 2946 21. K.C.C. 21A.06.1082.B.;
- 2947 22. K.C.C. 21A.06.1082.C.;
- 2948 23. K.C.C. 21A.06.1082.D.;
- 2949 24. K.C.C. 21A.06.1083;
- 2950 25. K.C.C. 21A.06.1083.A.;
- 2951 26. K.C.C. 21A.06.1268;
- 2952 27. K.C.C. 21A.06.1385;
- 2953 28. K.C.C. 21A.06.1386;
- 2954 29. K.C.C. 21A.06.1388;
- 2955 30. K.C.C. 21A.06.1389;
- 2956 31. K.C.C. 21A.24.045;
- 2957 32. K.C.C. 21A.24.051;
- 2958 33. K.C.C. 21A.24.055;

- 2959 34. K.C.C. 21A.24.070.A., D. and E.;
- 2960 35. K.C.C. 21A.24.125;
- 2961 36. K.C.C. 21A.24.130;
- 2962 37. K.C.C. 21A.24.133;
- 2963 38. K.C.C. 21A.24.200;
- 2964 39. K.C.C. 21A.24.210;
- 2965 40. K.C.C. 21A.24.220;
- 2966 41. K.C.C. 21A.24.230;
- 2967 42. K.C.C. 21A.24.240;
- 2968 43. K.C.C. 21A.24.250;
- 2969 44. K.C.C. 21A.24.260;
- 2970 45. K.C.C. 21A.24.275;
- 2971 46. K.C.C. 21A.24.280;
- 2972 47. K.C.C. 21A.24.290;
- 2973 48. K.C.C. 21A.24.300;
- 2974 49. K.C.C. 21A.24.310;
- 2975 50. K.C.C. 21A.24.316;
- 2976 51. K.C.C. 21A.24.325;
- 2977 52. K.C.C. 21A.24.335;
- 2978 53. K.C.C. 21A.24.340;
- 2979 54. K.C.C. 21A.24.358;
- 2980 55. K.C.C. 21A.24.365;
- 2981 56. K.C.C. 21A.24.380;

2982 57. K.C.C. 21A.24.382;

2983 58. K.C.C. 21A.24.386;

2984 59. K.C.C. 21A.24.388;

2985 60. K.C.C. 21A.32.045;

2986 61. K.C.C. 21A.50.030; and

2987 62. K.C.C. chapter 21A.25.

2988 SECTION 113. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050

2989 are each hereby amended to read as follows:

2990 A. Site-specific land use map and shoreline master program map amendments are
2991 legislative actions that may ~~((only))~~ be initiated by property owner application, by
2992 council motion or by executive proposal. All site-specific land use map and shoreline
2993 master program map amendments must be evaluated by the hearing examiner before
2994 adoption by the council in accordance with this chapter.

2995 1. If initiated by council motion, the motion shall refer the proposed site-
2996 specific land use map or shoreline master program map amendment to the department of
2997 permitting and environmental review for preparation of a recommendation to the hearing
2998 examiner. The motion shall also identify the resources and the work program required to
2999 provide the same level of review accorded to applicant-~~((generated))~~initiated
3000 amendments. An analysis of the motion's fiscal impact shall be provided to the council
3001 before adoption. If the executive determines that additional funds are necessary to
3002 complete the work program, the executive may transmit an ordinance requesting the
3003 appropriation of supplemental funds~~((;))~~.

3004 2. If initiated by executive proposal, the proposal shall refer the proposed site-
3005 specific land use map or shoreline master program map amendment to the department of
3006 permitting and environmental review for preparation of a recommendation to the hearing
3007 examiner(~~(; and)~~).

3008 3. If initiated by property owner application, the property owner shall submit a
3009 docket(~~(ed)~~) request for a site-specific land use map or shoreline master program map
3010 amendment(~~(. Upon receipt of a docketed request for a site-specific land use map or~~
3011 ~~shoreline master program map amendment, the request shall be referred)~~) to the
3012 department of permitting and environmental review for preparation of a recommendation
3013 to the hearing examiner.

3014 B. A shoreline redesignation initiated by an applicant must include the following
3015 information in addition to the requirements in this section:

3016 1. Applicant information, including signature, telephone number and address;

3017 2. The applicant's interest in the property, such as owner, buyer or consultant;

3018 and

3019 3. Property owner concurrence, including signature, telephone number and

3020 address.

3021 C. All proposed site-specific land use map or shoreline master program map
3022 amendments, whether initiated by property owner application, by council motion or by
3023 executive proposal shall include the following:

3024 1. Name and address of the owner or owners of record;

3025 2. Description of the proposed amendment;

3026 3. Property description, including parcel number, property street address and
3027 nearest cross street;

3028 4. County assessor's map outlining the subject property; and

3029 5. Related or previous permit activity.

3030 ~~((C.))~~ D. Upon initiation of a site-specific land use map or shoreline master
3031 program map amendment, an initial review conference ~~((will))~~ shall be scheduled by the
3032 department of permitting and environmental review. The owner or owners of record of
3033 the property shall be notified of and invited to attend the initial review conference. At the
3034 initial review conference, the department ~~((will))~~ of permitting and environmental review
3035 shall review the proposed amendment's consistency with applicable county policies or
3036 regulatory enactments including specific reference to ~~((e))~~ Comprehensive ~~((p))~~ Plan
3037 policies, countywide planning policies and state Growth Management Act requirements.
3038 The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and
3039 ~~((this information either will))~~ the classification shall be provided at the initial review
3040 conference or in writing to the owner or owners of record within thirty days after the
3041 initial review conference.

3042 ~~((D.))~~ E. If a proposed site-specific land use map or shoreline master program
3043 map amendment is initiated by property owner application, the property owner shall,
3044 following the initial review conference, submit the completed application including an
3045 application fee and an environmental checklist to the department of permitting and
3046 environmental review to proceed with review of the proposed amendment.

3047 ~~((E.))~~ F. If a proposed site-specific land use map or shoreline master program
3048 map amendment is initiated by council motion, following the initial review conference,

3049 the council shall submit an environmental checklist to the department of permitting and
3050 environmental review to proceed with review of the proposed amendment.

3051 ~~((F.))~~ G. If a proposed site-specific land use map or shoreline master program
3052 map amendment is initiated by executive proposal(~~((S))~~) following the initial review
3053 conference, the executive shall submit an environmental checklist to the department of
3054 permitting and environmental review to proceed with review of the proposed amendment.

3055 ~~((G.))~~ H. Following the submittal of the information required by subsection(~~((S~~
3056 ~~D.))~~) E. (~~((E.))~~) F. or G. of this section, the department of permitting and environmental
3057 review shall submit a report including an executive recommendation on the proposed
3058 amendment to the hearing examiner within one hundred twenty days. The department of of
3059 permitting and environmental review shall provide notice of a public hearing and notice
3060 of threshold determination in accordance with K.C.C. 20.20.060.F., G.~~((S))~~ and H. The
3061 hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400,
3062 as recodified by this ordinance. Following the public hearing, the hearing examiner shall
3063 prepare a report and recommendation on the proposed amendment in accordance with
3064 K.C.C. 20.24.400, as recodified by this ordinance. A compilation of all completed
3065 reports will be considered by the council in accordance with K.C.C. 20.18.070.

3066 ~~((H.))~~ I. A property-owner-initiated docket request for a site-specific land use
3067 map or shoreline master program map amendment may be accompanied by an application
3068 for a zone reclassification to implement the proposed amendment, in which case
3069 administrative review of the two applications shall be consolidated to the extent practical,
3070 consistent with (~~((Ordinance 13147))~~) this chapter and K.C.C. chapter 20.20. The council's
3071 consideration of a site-specific land use map or shoreline master program map

3072 amendment is a legislative decision (~~((which will))~~) that should be determined before and
3073 separate from (~~((their))~~) its consideration of a zone reclassification, which is a quasi-
3074 judicial decision. If a zone reclassification is not proposed in conjunction with an
3075 application for a site-specific land use map or shoreline master program map amendment
3076 and the amendment is adopted, the property shall be given potential zoning. A zone
3077 reclassification in accordance with K.C.C. 20.20.020 (~~((will be))~~) is required in order to
3078 implement the potential zoning.

3079 ~~((I.))~~ J. Site-specific land use map or shoreline master program map amendments
3080 for which a completed recommendation by the hearing examiner has been submitted to
3081 the council by January 15 will be considered concurrently with the annual amendment to
3082 the ~~((e))~~Comprehensive ~~((p))~~Plan. Site-specific land use map or shoreline master
3083 program map amendments for which a recommendation has not been issued by the
3084 hearing examiner by January 15 (~~((will))~~) shall be included in the next appropriate review
3085 cycle following issuance of the examiner's recommendation.

3086 ~~((J.))~~ K.1. ~~((No))~~ An amendment to a land use designation or shoreline
3087 environment designation for a property may not be initiated unless at least three years
3088 have elapsed since council adoption or review of the current designation for the property.
3089 This time limit may be waived by the executive or the council if the proponent
3090 establishes that there exists either an obvious technical error or a change in circumstances
3091 justifying the need for the amendment.

3092 2. A waiver by the executive shall be considered after the proponent has
3093 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall

3094 render a waiver decision within forty-five days of receiving a docket request and shall
3095 mail a copy of this decision to the proponent.

3096 3. A waiver by the council shall be considered by motion.

3097 ~~((K.))~~ L. A shoreline master program map amendment and redesignation must
3098 meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington
3099 state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master
3100 program map amendment and redesignation must be approved by the Washington state
3101 Department of Ecology.

3102 SECTION 114. Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057
3103 are each hereby amended to read as follows:

3104 A. ~~((A shoreline redesignation initiated by an applicant must include the
3105 following information in addition to the requirements in K.C.C. 20.18.050:~~

- 3106 1. ~~Applicant information, including signature, telephone number and address;~~
3107 2. ~~The applicant's interest in the property, such as owner, buyer or consultant;~~
3108 3. ~~Property owner concurrence, including signature, telephone number and
3109 address;~~

3110 4.)) In addition to the requirements of K.C.C. 20.18.050, a shoreline
3111 redesignation initiated by an applicant must include:

- 3112 1. A mitigation plan providing for significant enhancement of the first one
3113 hundred feet adjacent to the shoreline and improved habitat for species declared as
3114 endangered or threatened under the Endangered Species Act, to the extent that the
3115 impacts of development can be determined at the time of the proposed shoreline
3116 redesignation; and

3117 ~~((5.))~~ 2. A discussion of how the proposed shorelines redesignation meets the
3118 criteria in K.C.C. 20.24.510, as recodified by this ordinance.

3119 B. The examiner shall make a recommendation to the council based on the
3120 criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

3121 SECTION 115. Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058
3122 are each hereby amended to read as follows:

3123 A. ~~((A))~~ In addition to the requirements in K.C.C. 20.18.050, a council motion
3124 initiating a shoreline redesignation must be accompanied by the information required ~~((to~~
3125 ~~be provided in))~~ by K.C.C. 20.18.057 ~~((in addition to the requirements in K.C.C.~~
3126 ~~20.18.050))~~.

3127 B. A motion initiating a site-specific shoreline redesignation must identify the
3128 resources and the work program required to provide the same level of review accorded to
3129 an applicant-~~((generated))~~ initiated shoreline redesignation. Before adoption of the
3130 motion, the executive shall have the opportunity to provide an analysis of the motion's
3131 fiscal impact. If the executive determines that additional funds are necessary to complete
3132 the work program, the executive may transmit an ordinance requesting the appropriation
3133 of supplemental funds. The council may consider the supplemental appropriation
3134 ordinance concurrently with the proposed motion referring the shoreline redesignation
3135 proposal to the examiner.

3136 C. The examiner shall make a recommendation to the council on the proposed
3137 site-specific shoreline redesignation based on the criteria for review in K.C.C. 20.24.510,
3138 as recodified by this ordinance.

3139 SECTION 116. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090
3140 are each hereby amended to read as follows:

3141 A. In accordance with K.C.C. 20.20.100, ~~((F))~~the department shall provide notice
3142 ~~((in a timely manner))~~ of:

3143 1. ~~((i))~~Its final ~~((decision or recommendation on permits requiring Type 2, 3 and~~
3144 ~~4 land use decisions and on))~~ Type 1 decision~~((s))~~ subject to SEPA, including the
3145 threshold determination, if any, ~~the dates for any public hearings and~~);

3146 2. Its Type 2 decision; and

3147 3. Its Type 3 and 4 recommendations.

3148 B. The notice shall include the applicable procedures for either an administrative
3149 appeal~~((s, if any))~~ to, or further consideration by, the examiner.

3150 C. The ~~((N))~~notice shall be provided to:

3151 1. ~~((t))~~The applicant~~((, t))~~;

3152 2. If required by SEPA, the Department of Ecology and to agencies with
3153 jurisdiction ~~((if required by K.C.C. chapter 20.44, t))~~ as defined in chapter 197-11
3154 WAC;

3155 3. If required by chapter 90.58 RCW, the Department of Ecology and the
3156 Attorney General ~~((as provided in chapter 90.58 RCW,))~~;

3157 4. ~~((t-a))~~Any person who, ~~((prior t))~~ before the decision or recommendation,
3158 had requested notice of the decision or recommendation from, or submitted comments to,
3159 the department; and

3160 5. ~~((to property o))~~Owners of record~~((, as provided in K.C.C. 20.20.060 H))~~ of
3161 property in an area within five hundred feet of the site. The area shall be expanded when

3162 the department determines it is necessary to send mailed notices to at least twenty
3163 different property owners.

3164 ((B.)) D. Except for decisions regarding shoreline substantial development
3165 permits, shoreline variances and shoreline conditional uses, which are only appealable to
3166 the state Shorelines Hearings Board, ((all notices of appeal to the hearing examiner of
3167 Type 2 land use decisions made by the director shall be filed as provided in K.C.C.
3168 20.24.090)) any administrative appeal or further consideration by the examiner is subject
3169 to K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance).

3170 SECTION 117. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100
3171 are each hereby amended to read as follows:

3172 A. The department shall issue its Type 3 or Type 4 recommendation to the office
3173 of the hearing examiner ((on a Type 3 or Type 4 land use decision)) within one hundred
3174 fifty days from the date the ((applicant is notified by the)) department ((pursuant to this
3175 chapter)) notifies the applicant that the application is complete. The ((time)) periods for
3176 action by ((the hearing)) an examiner ((on a Type 3 or Type 4 land use decision)) shall be
3177 governed by K.C.C. chapter 20.xx (the new chapter created under section 2 of this
3178 ordinance) and the rules of the office of the hearing examiner((s rules)).

3179 B.1. Except as otherwise provided in subsection B.2. of this section, the
3180 department shall issue its final decision on a Type 1 or Type 2 ((land use)) decision
3181 within one hundred twenty days from the date the department notified the applicant ((is
3182 notified by the department pursuant to this chapter)) that the application is complete.

3183 2. The following ((shorter time)) periods apply to the type of land use permit
3184 indicated:

- 3185 a. New residential building permits 90 days
- 3186 b. Residential remodels 40 days
- 3187 c. Residential appurtenances, such as decks and garages 15 days(~~(, or 40~~
- 3188 ~~days residential~~
- 3189 ~~appurtenances that~~
- 3190 ~~require substantial~~
- 3191 ~~review.))~~
- 3192 d. Residential appurtenances, such as decks and 40 days
- 3193 garages that require substantial review
- 3194 e. Clearing and grading 90 days
- 3195 ~~((e. Health))~~ f. Department of public health review 40 days
- 3196 ~~((for projects pending a final department review or~~
- 3197 ~~permit or review and permit.))~~
- 3198 ~~((f.))~~ g. Type 1 temporary use permit for a homeless 30 days
- 3199 encampment(~~(:))~~
- 3200 ~~((g.))~~ h. Type 2 temporary use permit for a homeless 40 days
- 3201 encampment(~~(:))~~
- 3202 C. The following periods shall be excluded from the times specified in
- 3203 subsections A₁ and B₁ of this section:
- 3204 1. Any period ~~((of time))~~ during which the applicant has been requested by the
- 3205 department, ~~((hearing))~~ the examiner or the council to correct plans, perform required
- 3206 studies or provide additional information, including road variances and variances
- 3207 required under K.C.C. chapter 9.04. The period shall be calculated from the date of

3208 notice to the applicant of the need for additional information until the earlier of the date
3209 the county advises the applicant that the additional information satisfies the county's
3210 request(,) or fourteen days after the date the information has been provided. If the
3211 county determines that ((the)) corrections, ((study)) studies or other information
3212 submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies
3213 and the procedures of this section shall apply as if a new request for information had been
3214 made.

3215 a. The department shall set a reasonable deadline for the submittal of
3216 corrections, studies or other information ((when requested)), and shall provide written
3217 notification to the applicant. ((An extension of such)) The department may extend the
3218 deadline ((may be granted)) upon ((submittal by an applicant of)) receipt of a written
3219 request from an applicant providing satisfactory justification ((of)) for an extension.

3220 b. ((Failure by the applicant to meet such deadline shall be cause for the
3221 department to cancel or deny the application.

3222 e.)) When granting a request for a deadline extension, the department shall
3223 give consideration to the number of days between ((receipt by)) the department ((of a
3224 written)) receiving the request for a deadline extension and the department mailing ((to
3225 the applicant of the department's)) its decision regarding that request;

3226 2. The period ((of time, as set forth in K.C.C. 20.44.050;)) during which an
3227 environmental impact statement is being prepared following a determination of
3228 significance ((pursuant to)) under chapter 43.21C RCW, as set forth in K.C.C. 20.44.050;

3229 3. ((A period of no more than ninety days for an open record appeal hearing by
3230 the hearing examiner on a Type 2 land use decision, and no more than sixty days for a

3231 closed record appeal by the county council on a Type 3 land use decision appealable to
3232 the county council, except when the parties to an appeal agree to extend these time
3233 periods.) The period during which an appeal is pending that prohibits issuing the permit.

3234 4. Any period ~~((of time))~~ during which an applicant fails to post the property, if
3235 required by this chapter, following the date notice is required until an affidavit of posting
3236 is provided to the department by the applicant;

3237 ~~((5.))~~ 4. Any time extension mutually agreed upon by the applicant and the
3238 department; and

3239 ~~((6.))~~ 5. Any time during which there is an outstanding fee balance that is sixty
3240 days or more past due.

3241 D. Failure by the applicant to submit corrections, studies~~((;))~~ or other information
3242 acceptable to the department after two written requests under subsection C. of this section
3243 shall be cause for the department to cancel or deny the application~~((;))~~.

3244 E. The time limits established in this section shall not apply if a proposed
3245 development:

3246 1. Requires either: an amendment to the ~~((e))~~ Comprehensive ~~((p))~~ Plan or a
3247 development regulation~~((;))~~; or modification or waiver of a development regulation as
3248 part of a demonstration project;

3249 2. Requires approval of a new fully contained community as provided in RCW
3250 36.70A.350, master planned resort as provided in RCW 36.70A.360 or the siting of an
3251 essential public facility as provided ~~((for))~~ in RCW 36.70A.200; or

3252 3. Is ~~((substantially))~~ revised by the applicant, when ~~((such))~~ the revisions will
3253 result in a substantial change in a project's review requirements, as determined by the

3254 department, in which case the ~~((time))~~ period shall start from the date at which the
3255 revised project application is determined to be complete.

3256 F. The time limits established in this section may be exceeded on more complex
3257 projects. If the department is unable to issue its ~~((final decision on a))~~ Type 1 or Type 2
3258 ~~((land use))~~ decision or its Type 3 or Type 4 recommendation ~~((to the hearing examiner
3259 on a Type 3 or Type 4 land use decision))~~ within the time limits established by this
3260 section, it shall provide written notice of this fact to the ~~((project))~~ applicant. The notice
3261 shall include a statement of reasons why the time limits have not been met and an
3262 estimated date for issuance of the notice of ~~((final decision on))~~ a Type 1 or Type 2 ~~((land
3263 use))~~ decision or ~~((notice of recommendation on))~~ a Type 3 or Type 4 ~~((land use
3264 decision))~~ recommendation.

3265 G. The department shall require that all plats, short plats, building permits,
3266 clearing and grading permits, conditional use permits, special use permits, site
3267 development permits, shoreline substantial development permits, binding site plans,
3268 urban planned development permits or fully contained community permits issued for
3269 development activities on or within five hundred feet of designated agricultural lands,
3270 forest lands or mineral resource lands ~~((shall))~~ contain a notice that the subject property is
3271 within or near designated agricultural lands, forest lands or mineral resource lands on
3272 which a variety of commercial activities may occur that are not compatible with
3273 residential development for certain periods of limited duration.

3274 SECTION 118. Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020
3275 are each hereby amended to read as follows:

3276 The office of hearing examiner, as established by K.C.C. chapter ((20.24)) 20.xx
3277 (the new chapter created under section 2 of this ordinance), shall act on behalf of the
3278 council in considering applications for public benefit rating system assessed valuation on
3279 open space land and for current use assessments on timber land in an unincorporated area
3280 of the county or appeals from denials by the county assessor of applications for current
3281 use assessments on farm and agricultural land as provided in this chapter. All such
3282 applications and appeals shall be processed (~~(pursuant to)~~) under the procedures
3283 established in this chapter and K.C.C. chapter ((20.24)) 20.xx (the new chapter created
3284 under section 2 of this ordinance).

3285 SECTION 119. Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120
3286 are each hereby amended to read as follows:

3287 A. The administrative appeal of a threshold determination or of the adequacy of a
3288 final ((EIS)) environmental impact statement is a procedural SEPA appeal that is
3289 conducted by the hearing examiner under K.C.C. 20.24.080, as recodified by this
3290 ordinance, and is subject to the following:

3291 1. A procedural SEPA appeal to the hearing examiner is authorized only for an
3292 action classified as a Type 2, 3 or 4 land use decision in K.C.C. 20.20.020 or as provided
3293 for by public rule adopted under K.C.C. 20.44.075;

3294 2. Only one appeal of each threshold determination shall be allowed on a
3295 proposal;

3296 3. As provided in RCW 43.21C.075(3)(d), the decision of the responsible
3297 official shall be entitled to substantial weight;

3298 4. An appeal of a ~~((DS))~~ determination of significance must be filed with the
3299 department issuing the ~~((DS))~~ determination of significance as provided in K.C.C.
3300 20.24.090, as recodified by this ordinance;

3301 5. An appeal of a ~~((DNS))~~ determination of nonsignificance or of the adequacy
3302 of an ~~((EIS))~~ environmental impact statement must be filed with the department issuing
3303 the ~~((DNS))~~ determination of nonsignificance or ~~((EIS))~~ environmental impact statement
3304 as provided in K.C.C. 20.24.090, as recodified by this ordinance. The appeal period for a
3305 ~~((DNS))~~ determination of nonsignificance shall be extended for an additional seven
3306 calendar days if WAC 197-11-340(2)(a) applies;

3307 6. Except as otherwise provided in this section, SEPA appeals are subject to
3308 K.C.C. 20.24.090.C, as recodified by this ordinance; and

3309 7. The hearing examiner shall make a final decision on all procedural SEPA
3310 appeals.

3311 B. Except for a procedural SEPA appeal authorized ~~((pursuant to))~~ under K.C.C.
3312 20.44.075, the hearing examiner's consideration of a procedural SEPA appeal shall be
3313 consolidated in all cases with the substantive SEPA appeal, if any, involving a decision to
3314 condition or deny an application ~~((pursuant to))~~ under RCW 43.21C.060 and with the
3315 public hearing or appeal, if any, on the proposal, except for an appeal of a ~~((DS))~~
3316 determination of significance.

3317 C. A procedural or substantive SEPA appeal authorized by subsection A₂ of this
3318 section on a Type 2, 3 or 4 land use decision shall be consolidated with any
3319 administrative appeal on the merits of that decision, as provided in K.C.C. chapter
3320 ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this ordinance) and this

3321 section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C.
3322 20.44.075 shall not be consolidated with the administrative appeal on the merits of the
3323 decision. If a Type 3 or 4 land use decision is appealed to the county council as provided
3324 in K.C.C. 20.24.210.B. or ~~((D))~~ C., as recodified by this ordinance, the appeal of the
3325 recommendation or decision of the examiner to condition or deny the proposal ~~((pursuant~~
3326 ~~to))~~ under RCW 43.21C.060 shall be made to the council, which shall make a final
3327 decision.

3328 D. Notwithstanding ~~((ef))~~ subsections A. through C. of this section, a department
3329 may adopt procedures in accordance with K.C.C. chapter 2.98 under which an
3330 administrative appeal shall not be provided if the director of that department finds that
3331 consideration of an appeal would ~~((be))~~ likely ~~((to))~~ cause the department to violate a
3332 compliance, enforcement or other specific mandatory order or specific legal obligation.
3333 The director's determination shall be included in the notice of the SEPA determination,
3334 and the director shall provide a written summary upon which the determination is based
3335 within five days of receiving a written request. ~~((Because there would be no~~
3336 ~~administrative appeal in such situations, review may be sought before a court of~~
3337 ~~competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection~~
3338 ~~with an appeal of the underlying governmental action.))~~

3339 SECTION 120. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090
3340 are each hereby amended to read as follows:

3341 A. A variance from the provisions of Section 20.54.070 of this chapter may be
3342 granted by the King County council where the applicant owner of agricultural land of
3343 county significance can demonstrate the following:

3344 1. That if he complies with the provisions of Section 20.54.070 he cannot make
3345 any reasonable use of this property; and

3346 2. That the hardship results from the application of the provisions of Section
3347 20.54.070, and not from other causes; and

3348 3. That the variance granted will be in harmony with the general purposes and
3349 intent of this chapter and that the public welfare and interest will be protected.

3350 B. Variance applications shall be made to the Office of Agriculture and shall be
3351 heard by the zoning and subdivision examiner in accordance with the procedures in
3352 K.C.C. ((€))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this
3353 ordinance).

3354 SECTION 121. Ordinance 3064, Section 10; as amended, and K.C.C. 20.54.100
3355 are each hereby amended to read as follows:

3356 A. For any rezone or subdivision application in which the subject property is an
3357 undivided parcel of land under a single ownership and is partially designated as
3358 agricultural land of county significance under Section 20.54.060, the King County
3359 hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

3360 B. Nothing in this chapter shall replace the procedures for the application,
3361 review and appeal of zoning reclassifications pursuant to Chapters 21A.40, 21A.42 and
3362 ((20.24)) 20.xx (the new chapter created under section 2 of this ordinance), or the
3363 application, review and appeal of subdivision applications pursuant to Title 19 and
3364 K.C.C. ((€))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this
3365 ordinance).

3366 C. Owners of land designated as agricultural land of county significance may
3367 appeal to the King County council for the purpose of contesting the appropriateness of
3368 the designation based on the criteria for designation described in Section 20.54.060.
3369 Such appeals shall be submitted in writing to the King County office of agriculture and
3370 shall be heard by the hearing examiner in accordance with the procedures in K.C.C.
3371 ((€))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this ordinance),
3372 and shall be commenced within one hundred twenty days of the effective date of any
3373 ordinance approving such designation. Appeals involving uncontested facts shall be
3374 submitted directly to the council for action by the office of agriculture.

3375 D. Owners of land designated as part of a King County agricultural district may
3376 appeal to the King County council for the purpose of contesting the appropriateness of
3377 the designation. Such appeals shall be submitted in writing to the King County office of
3378 agriculture and shall be heard by the King County council and shall be commenced
3379 within one hundred twenty days of the effective date of any ordinance approving such
3380 designation.

3381 SECTION 122. Ordinance 3064, Section 11, and K.C.C. 20.54.110 are each
3382 hereby amended to read as follows:

3383 A. Applications to amend boundaries of King County agricultural districts and
3384 agricultural lands of county significance to include lands not so designated by this
3385 chapter shall be made to the office of agriculture in writing with such supporting
3386 evidence as required by the office of agriculture. Boundaries of agricultural districts or
3387 agricultural lands of county significance may be amended where lands are found to meet
3388 the criteria for designation contained in this chapter.

3389 B. All applications to revise the boundaries of King County agricultural districts
3390 shall be heard directly by the King County council.

3391 C. All applications to revise the boundaries of agricultural lands of county
3392 significance shall be heard by the zoning and subdivision examiner in accordance with
3393 the procedures in ~~((King County Code))~~ K.C.C. ((C))chapter ((20.24)) 20.xx (the new
3394 chapter created under section 2 of this ordinance).

3395 D. For applications to revise the boundaries of agricultural lands of county
3396 significance, the hearing examiner may consider special exceptions to the criteria set
3397 forth in Attachment F to Ordinance 3064 and to the procedures set forth in ~~((King County~~
3398 ~~Code))~~K.C.C. ((C))chapter ((20.24)) 20.xx (the new chapter created under section 2 of
3399 this ordinance) for those lands producing horticultural crops which the producer sells
3400 directly to the public through public markets, u-pick operations, and roadside stands.

3401 SECTION 123. Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110
3402 are each hereby amended to read as follows:

3403 ~~((A.))~~ Any person aggrieved by a decision of the commission designating or
3404 rejecting a nomination for designation of a landmark or issuing or denying a certificate of
3405 appropriateness may file a statement of appeal, with the historic preservation officer, in
3406 accordance with K.C.C. 20.24.090, as recodified by this ordinance ~~((, within thirty five~~
3407 ~~calendar days of mailing of notice of such designation or rejection of nomination, or of~~
3408 ~~such issuance or denial or approval of a certificate of appropriateness appeal such~~
3409 ~~decision in writing to the council. The written notice of appeal shall be filed with the~~
3410 ~~historic preservation officer and the clerk of the council and shall be accompanied by a~~
3411 ~~statement setting forth the grounds for the appeal, supporting documents, and argument.~~

3412 ~~B. If, after examination of the written appeal and the record, the council~~
3413 ~~determines, that: 1. An error in fact may exist in the record, it shall remand the~~
3414 ~~proceeding to the commission for reconsideration or, if the council determines that: 2.~~
3415 ~~the decision of the commission is based on an error in judgment or conclusion, it may~~
3416 ~~modify or reverse the decision of the commission.~~

3417 ~~C. The council's decision shall be based solely upon the record, provided that, the~~
3418 ~~council may at its discretion publicly request additional information of the appellant, the~~
3419 ~~commission or the historic preservation officer.~~

3420 ~~D. The council shall take final action on any appeal from a decision of the~~
3421 ~~commission by adoption of an Ordinance, and when so doing, it shall make and enter~~
3422 ~~findings of fact from the record and reasons therefrom which support its action. The~~
3423 ~~council may adopt all or portions of the commission's findings and conclusions.~~

3424 ~~E. The action of the council sustaining, reversing, modifying or remanding a~~
3425 ~~decision of the commission shall be final unless within twenty calendar days from the~~
3426 ~~date of the action an aggrieved person obtains a writ of certiorari from the superior court~~
3427 ~~of King County, state of Washington, for the purpose of review of the action taken)).~~

3428 SECTION 124. Ordinance 10870, Section 5, as amended, and K.C.C.
3429 21A.01.070 are each hereby amended to read as follows:

3430 A. The council directs the department to prepare proposed new zoning maps
3431 applying the 1993 King County Zoning Code and transmit within ten months of June 28,
3432 1993, for council review and adoption.

3433 B. The department shall use the table ((set forth)) in subsection C. of this section
3434 and the guidelines of this section in preparing an ordinance or ordinances to convert each

3435 area zoning document to the 1993 Zoning Code, with modifications appropriate to be
 3436 consistent with the comprehensive plan land use map and policies, so as to implement the
 3437 comprehensive plan and convert old outright and potential zone designations to new ones
 3438 in a consistent manner. The provisions of this section also shall apply to conversion of
 3439 the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

3440 C. Conversion table. The following conversion table and criteria contained
 3441 therein shall be used by the department in converting the zoning maps adopted pursuant
 3442 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 |

3443 D. Unclassified Use Permit Mining Operations. In addition to the conversions
 3444 set out in the table in subsection C. of this section, all sites legally operating pursuant to
 3445 an unclassified use permit for mining operations shall be zoned M (Mineral).

3446 E. Resolution of map conflicts. In cases of ambiguity or conflict between a
3447 community or comprehensive plan map designation and the zone classification applied
3448 under the old code, the department shall use the following guidelines and procedures in
3449 recommending new zones:

3450 1. As a general rule, the outright or potential zoning designation applied shall be
3451 that which is consistent with the 1994 King County Comprehensive Plan; adopted
3452 community plans, where they do not conflict, may be used to provide additional
3453 guidance;

3454 2. If the application of the guidelines in this subsection leads the department to
3455 propose applying an outright or potential zone classification from the 1993 Zoning Code
3456 that is not functionally equivalent to a classification from the old code as defined in the
3457 table in subsection C. of this section, the department shall notify the owner of the
3458 property proposed for reclassification no later than the council introduction date of the
3459 ordinance amending said property, and the property owner may request a change in the
3460 area zoning in a manner consistent with the procedures used for council review of a
3461 community plan and area zoning.

3462 F. Area-wide P-suffix development conditions. The department shall review all
3463 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution
3464 25789, and recommend legislation removing all such conditions which conflict with the
3465 comprehensive plan or have been replaced adequately by standards adopted in the 1993
3466 zoning code. If P-suffix conditions implement policies in the comprehensive plan, then
3467 regulations shall be developed by the end of 1995 and the P-suffix conditions shall be
3468 removed. Any P-suffix conditions which implement policies in community plans which

3469 are not in conflict with the comprehensive plan but are not adequately addressed by this
3470 code shall be carried forward intact until they are evaluated for replacement by general
3471 code revisions in 1995.

3472 G. Site-specific development conditions. Approval conditions for previous zone
3473 reclassifications, planned unit developments, unclassified permits, and P-suffix
3474 conditions applied to individual properties in land use actions pursuant to Resolution
3475 25789, should be recommended for retention wherever they address conditions unique to
3476 a particular property and not addressed by the standards in the Zoning Code.

3477 H. For area zoning documents being converted to the 1993 Zoning Code without
3478 amendments to their respective community plan maps and policies, only requests for
3479 zone changes which meet one of the following criteria shall be considered during either
3480 the department or council review process:

- 3481 1. as provided in subsection E. of this section;
- 3482 2. when an applicant can demonstrate that the department's proposal incorrectly
3483 implements an adopted comprehensive plan map designation or policy in converting
3484 existing zoning to a new zone classification; or
- 3485 3. the site is the subject of an application for a Master Planned Development or
3486 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as
3487 part of such application. Rezoning of such sites during the conversion, area zoning
3488 otherwise shall be to Urban Reserve with the urban planned development overlay district
3489 as provided in Chapter 21A.38.

3490 I. Requests which do not meet one of the criteria of subsection H. of this section
3491 shall be treated as quasi-judicial reclassification requests which must be formally applied

3492 for according to the process provided for such requests and shall be subject to the criteria
3493 in K.C.C. 20.24.190, as recodified by this ordinance.

3494 J. Requests for quasi-judicial reclassification that are consistent with the
3495 conversion table illustrated in subsection C. of this section and requests for quasi-judicial
3496 reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.24.190, as
3497 recodified by this ordinance.

3498 K. Bear Creek MPD's. The following transition provisions shall apply to the
3499 Master Plan Development applications in the Bear Creek Community Plan (BCCP).

3500 1. An applicant may either continue to utilize the procedural provisions of the
3501 BCCP or may utilize the procedural provisions of K.C.C. 21A.39.

3502 2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-
3503 Development Applications previously submitted for the Blakely Ridge MPD and the
3504 Northridge MPD are deemed the equivalent of and accepted as complete applications for
3505 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3506 3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix
3507 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area
3508 Zoning (page 140) shall remain in effect for purposes of considering the UPD
3509 applications, under either the BCCP or K.C.C. 21A.39.

3510 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or
3511 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone
3512 and potential zone designations of the 1993 zoning code.

3513 5. The Novelty Hill Master Plan sites and urban designation adopted and
3514 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be

3515 considered "UPD Special District Overlays" and "UPD boundary delineations" for
3516 purposes of applying K.C.C. 21A.38.020, .070B.1 and .070B.2 and K.C.C. 21A.39.020.

3517 SECTION 125. Ordinance 10870, Section 19, as amended, and K.C.C.
3518 21A.02.090 are each hereby amended to read as follows:

3519 A. The hearing examiner in accordance with K.C.C. chapter ((20.24)) 20.xx (the
3520 new chapter created under section 2 of this ordinance) may hold public hearings and
3521 make decisions and recommendations on reclassifications, subdivisions and other
3522 development proposals, and appeals.

3523 B. The director may grant, condition or deny applications for variances,
3524 conditional use permits, renewals of permits for mineral extraction and processing,
3525 alteration exceptions and other development proposals, unless an appeal is filed and a
3526 public hearing is required under K.C.C. chapter 20.20, in which case this authority shall
3527 be exercised by the hearing examiner.

3528 C. The department shall have authority to grant, condition or deny commercial
3529 and residential building permits, grading and clearing permits, and temporary use permits
3530 in accordance with the procedures in K.C.C. chapter 21A.42.

3531 D. Except for other agencies with authority to implement specific provisions of
3532 this title, the department shall have the sole authority to issue official interpretations and
3533 adopt public rules to implement this title, in accordance with K.C.C. chapter 2.98.

3534 SECTION 126. Ordinance 10870, Section 38, and K.C.C. 21A.04.170 are each
3535 hereby amended to read as follows:

3536 A. The purpose of the potential zone (dashed box surrounding zone's map
3537 symbol) is to designate properties potentially suitable for future changes in land uses or

3538 densities once additional infrastructure, project phasing or site-specific public review has
3539 been accomplished. Potential zones are designated by either area zoning or individual
3540 zone reclassification. Area zoning may designate more than one potential zone on a
3541 single property if the community plan designates alternative uses for the site. Potential
3542 zones are actualized (~~((pursuant to))~~) in accordance with K.C.C. chapter ((20.24)) 20.20.

3543 B. The use of a potential zone designation is appropriate to:

3544 1. Phase development based on availability of public facilities and services or
3545 infrastructure improvements (~~((e.g.)),~~ such as roads, utilities((;)) and schools((;));

3546 2. Prevent existing development from becoming a nonconforming use in areas
3547 that are in transition from previous uses;

3548 3. Allow for future residential density increases consistent with a community
3549 plan; and

3550 4. Provide for public review of proposed uses on sites where some permitted
3551 uses in a zone designation may not be appropriate.

3552 SECTION 127. Ordinance 10870, Section 25, and K.C.C. 21A.06.425 are each
3553 hereby amended to read as follows:

3554 Examiner: the office of the hearing examiner(~~((, as established by K.C.C. 20.24))~~).

3555 SECTION 128. Ordinance 1488, Section 12, as amended, and K.C.C.
3556 21A.22.081 are each hereby amended to read as follows:

3557 A. A valid clearing and grading permit shall be maintained on a mineral
3558 extraction site until the reclamation of the site required under chapter 78.44 RCW is
3559 completed.

3560 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
3561 submitted before the effective date of a zone reclassification in Mineral-zoned properties
3562 or the acceptance of any development proposal for a subsequent use in Forest-zoned
3563 properties. The zone reclassification shall grant potential zoning that is only to be
3564 actualized, under K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section 2
3565 of this ordinance), upon demonstration of successful completion of all requirements of
3566 the reclamation plan. Development proposals in the Forest zone for uses subsequent to
3567 mineral extraction operations shall not be approved until demonstration of successful
3568 completion of all requirements of the reclamation plan except that forestry activities may
3569 be permitted on portions of the site already fully reclaimed.

3570 C. Mineral extraction operations that are not required to have an approved
3571 reclamation plan under chapter 78.44 RCW shall meet the following requirements:

3572 1. Upon the exhaustion of minerals or materials or upon the permanent
3573 abandonment of the quarrying or mining operation, all nonconforming buildings,
3574 structures, apparatus or appurtenances accessory to the quarrying and mining operation
3575 shall be removed or otherwise dismantled to the satisfaction of the director;

3576 2. Final grades shall:

3577 a. be such so as to encourage the uses permitted within the primarily
3578 surrounding zone or, if applicable, the underlying or potential zone classification; and

3579 b. result in drainage patterns that reestablish natural conditions of water
3580 velocity, volume, and turbidity within six months of reclamation and that precludes water
3581 from collecting or becoming stagnant. Suitable drainage systems approved by the
3582 department shall be constructed or installed where natural drainage conditions are not

3583 possible or where necessary to control erosion. All constructed drainage systems shall be
3584 designed consistent with the Surface Water Design Manual;

3585 3. All areas subject to grading or backfilling shall:

3586 a. incorporate only nonnoxious, nonflammable, noncombustible and
3587 nonputrescible solids; and

3588 b. except for roads and areas incorporated into drainage facilities, be surfaced
3589 with soil of a quality at least equal to the topsoil of the land areas immediately
3590 surrounding, and to a depth of the topsoil of land area immediately surrounding six
3591 inches, whichever is greater. The topsoil layer shall have an organic matter content of
3592 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original
3593 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be
3594 tilled or scarified (~~(prior to)~~) before topsoil placement;

3595 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both
3596 profile and plan view and blend with adjacent topography to a reasonable extent;

3597 5. Where excavation has penetrated the seasonal or permanent water table
3598 creating a water body or wetland:

3599 a. All side slopes below the permanent water table and banks shall be graded
3600 or shaped as to not constitute a safety hazard;

3601 b. Natural features and plantings to provide beneficial wetland functions and
3602 promote wildlife habitat shall be provided; and

3603 c. Appropriate drainage controls shall be provided to stabilize the water level
3604 and not create potential flooding hazards;

3605 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,
3606 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the
3607 surrounding area and appropriate for the soil, moisture and exposure conditions;

3608 7. Waste or soil piles shall be used for grading, backfilling or surfacing if
3609 permissible under this section, then covered with topsoil and planted in accordance with
3610 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill
3611 in accordance with this chapter or as top soil in accordance with subsection C.3. of this
3612 section shall be removed from the site; and

3613 8. Where excavation has exposed natural materials that may create polluting
3614 conditions, including but not limited to acid-forming coals and metalliferous rock or soil,
3615 such conditions shall be addressed to the satisfaction of the department. The final ground
3616 surface shall be graded so that surface water drains away from any such materials
3617 remaining on the site.

3618 D. The department may modify any requirement of this section when not
3619 applicable or if it conflicts with an approved subsequent use for the site.

3620 SECTION 129. Ordinance 10870, Section 513, as amended, and K.C.C.
3621 21A.28.030 are each hereby amended to read as follows:

3622 All new development shall be served by an adequate public or private sewage
3623 disposal system, including both collection and treatment facilities as follows:

3624 A. A public sewage disposal system is adequate for a development proposal
3625 provided that:

3626 1. For the issuance of a building permit, preliminary plat or short plat approval
3627 or other land use approval, the site of the proposed development is or can be served by an

3628 existing disposal system consistent with K.C.C. Title 13, and the disposal system has
3629 been approved by the department as being consistent with applicable state and local
3630 design and operating guidelines;

3631 2. For the issuance of a certificate of occupancy for a building or change of use
3632 permit, the approved public sewage disposal system as set forth in subsection A.1. of this
3633 section is installed to serve each building or lot;

3634 3. For recording a final plat, final short plat or binding site plan, the approved
3635 public sewage disposal system set forth in subsection A.1. of this section shall be
3636 installed to serve each lot respectively; or a bond or similar security shall be deposited
3637 with King County for the future installation of an adequate sewage disposal system. The
3638 bond may be assigned to a utility to assure the construction of the facilities within two
3639 years of recording; and

3640 4. For a zone reclassification or urban planned development permit, the timing
3641 of installation of required sewerage improvements shall be contained in the approving
3642 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance; and

3643 B. A private individual sewage system is adequate, if an on-site sewage disposal
3644 system for each individual building or lot is installed to meet the requirements and
3645 standards of the department of public health as to lot size, soils and system design prior to
3646 issuance of a certificate of occupancy for a building or change of use permit.

3647 SECTION 130. Ordinance 10870, Section 514, as amended, and K.C.C.
3648 21A.28.040 are each hereby amended to read as follows:

3649 All new development shall be served by an adequate public or private water
3650 supply system as follows:

3651 A. A public water system is adequate for a development proposal only if:

3652 1. For the issuance of a building permit, preliminary plat approval or other land
3653 use approval, the applicant demonstrates that the existing water supply system available
3654 to serve the site:

3655 a. complies with the applicable planning, operating and design requirements

3656 of:

3657 (1) chapters WAC 246-290 and 246-291;

3658 (2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

3659 (3) coordinated water system plans;

3660 (4) K.C.C. Titles 12 and 13 and other applicable rules of the King County

3661 board of health;

3662 (5) applicable rules of the Washington state Board of Health, Department of
3663 Health, Utilities and Transportation Commission and Department of Ecology;

3664 (6) applicable provisions of King County groundwater management plans and
3665 watershed plans;

3666 (7) applicable provisions of the King County Comprehensive Plan and
3667 development regulations; and

3668 (8) any limitation or condition imposed by the county-approved
3669 comprehensive plan of the water purveyor;

3670 b. The proposed improvements to an existing water system have been
3671 reviewed by the department and determined to comply with the design standards and
3672 conditions specified in subsection A.1.a. of this section; and

3673 c. A proposed new water supply system has been reviewed by the department
3674 and determined to comply with the design standards and conditions specified in
3675 subsection A.1.a. of this section;

3676 2. Before issuance of a certificate of occupancy for a building or change of use
3677 permit, the approved public water system and any system improvements in subsection
3678 A.1. of this section are installed to serve each building or lot respectively;

3679 3. For recording a final plat, final short plat or binding site plan, either the
3680 approved public water supply system or system improvements in subsection A.1. of this
3681 section are installed to serve each lot or a bond or similar security shall be deposited with
3682 King County and may be assigned to a purveyor to assure the construction of required
3683 water facilities in Group A systems as defined by board of health regulations, within two
3684 years of recording; and

3685 4. For a zone reclassification or urban planned development permit, the timing
3686 of installation of required water system improvements is included in the approving
3687 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance.

3688 B. An on-site individual water system is adequate and the plat or short plat may
3689 receive preliminary and final approval, and a building or change of use permit may be
3690 issued as provided in K.C.C. 13.24.138 and 13.24.140.

3691 SECTION 131. Ordinance 10870, Section 515, as amended, and K.C.C.
3692 21A.28.050 are each hereby amended to read as follows:

3693 All new development shall be served by an adequate surface water management
3694 system as follows:

3695 A. The proposed system is adequate if the development proposal site is served by
3696 a surface water management system approved by the department as being consistent with
3697 the design, operating and procedural requirements of the King County Surface Water
3698 Design Manual and K.C.C. Title 9;

3699 B. For a subdivision, zone reclassification or urban planned development, the
3700 phased installation of required surface water management improvements shall be stated
3701 in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this
3702 ordinance. Such phasing may require that a bond or similar security be deposited with
3703 King County; and

3704 C. A request for an adjustment of the requirements of the Surface Water Design
3705 Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and
3706 does not require a variance from this title unless relief is requested from a building
3707 height, setback, landscaping or other development standard in K.C.C. chapters 21A.12,
3708 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28(~~g~~) and 21A.30.

3709 SECTION 132. Ordinance 10870, Section 523, and K.C.C. 21A.28.130 are each
3710 hereby amended to read as follows:

3711 All new development shall be served by adequate fire protection as set (~~forth~~
3712 ~~below~~) follows:

3713 A. The site of the development proposed is served by a water supply system that
3714 provides at least minimum fire flow and a, road system or fire lane system that provides
3715 life safety(~~h~~) and rescue access, and other fire protection requirements for buildings as
3716 required by K.C.C. Titles 16 and 17(~~(, Fire Code and K.C.C. Title 16, Building and~~
3717 ~~Construction Standards~~));

3718 B. For a zone reclassification or Urban planned development, the timing of
3719 installation of required fire protection improvements shall be stated in the approving
3720 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance, secured with
3721 a bond or similar security, and deposited with King County; and

3722 C. A variance request from the requirements established by K.C.C. Title 17, Fire
3723 Code, shall be reviewed as set forth in K.C.C. 17.08.090 or K.C.C. 17.10.040, and/or in
3724 Article 2 of the currently adopted edition of the Uniform Fire Code and does not require a
3725 variance from this title unless relief is requested from a building height, setback,
3726 landscaping or other development standard set forth in K.C.C. chapters 21A.12 through
3727 ~~((K.C.C.))~~ 21A.30.

3728 SECTION 133. Ordinance 11168, Section 3, as amended, and K.C.C.
3729 21A.30.045 are each hereby amended to read as follows:

3730 A. To achieve the maximum density allowances using a livestock management
3731 component of a farm management plan, the plan must meet the following criteria:

3732 1. The plan is developed as part of a program authorized or approved by King
3733 County. Certified Washington state Department of Ecology nutrient management plans
3734 that are consistent with all of the criteria of this section may substitute for a livestock
3735 management component of a farm management plan for commercial dairy farms.

3736 Commercial dairy farms that do not have approved nutrient management plans must meet
3737 the requirements of K.C.C 21A.30.060;

3738 2. The plan includes site-specific management measures for minimizing
3739 nonpoint pollution from agricultural activities and for managing wetland and aquatic
3740 areas including, but not limited to:

- 3741 a. livestock watering;
- 3742 b. grazing and pasture management;
- 3743 c. confinement area management;
- 3744 d. manure management; and
- 3745 e. exclusion of animals from aquatic areas and their buffers and wetlands and
- 3746 their buffers with the exception of grazed wet meadows.

3747 3. The plan is implemented within a timeframe established in the plan and

3748 maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

3749 4. A monitoring plan may be required as part of the livestock management

3750 component of a farm management plan to demonstrate that there is no significant impact

3751 to water quality and salmonid fisheries habitat. Monitoring results shall be available to

3752 the King County agriculture program.

3753 B. The livestock management component of a farm management plan shall, at a

3754 minimum:

3755 1. Generally seek to achieve a twenty-five-foot buffer of diverse, mature

3756 vegetation between grazing areas and the ordinary high water mark of all type S and F

3757 aquatic areas and the wetland edge of any category I, II or III wetland with the exception

3758 of grazed wet meadows, using buffer averaging where necessary to accommodate

3759 existing structures. The livestock management component of a farm management plans

3760 may vary the width of the buffer of an aquatic area or wetland, and the time and duration

3761 of animal exclusion throughout the year, according to guidelines agreed upon by King

3762 County and the King Conservation District. The guidelines may support a different

3763 buffer width based on both the nature of the farm operation and the function and

3764 sensitivity of the aquatic area or wetland. The plan must include best management
3765 practices that avoid having manure accumulate in or within ten feet of type N or O
3766 waters. Forested lands being cleared for grazing areas shall comply with the critical area
3767 buffers in K.C.C. chapter 21A.24;

3768 2. Assure that drainage ditches on the site do not channel animal waste to
3769 aquatic areas and wetlands;

3770 3. Achieve an additional twenty-foot buffer downslope of any confinement
3771 areas within two hundred feet of type S and F waters. This requirement may be waived
3772 for existing confinement areas on lots of two and one-half acres or less in size if:

3773 a. a minimum buffer of twenty-five feet of diverse, mature vegetation is
3774 achieved;

3775 b. manure within the confinement area is removed daily during the winter
3776 season from October 15 to April 15, and stored in accordance with K.C.C.
3777 21A.30.060.D.; and

3778 c. additional best management practices, as recommended by the King
3779 Conservation District, are implemented and maintained; and

3780 4. Include a schedule for implementation.

3781 C. Any deviation from the manure management standards must be addressed in a
3782 livestock management component of a farm management plan.

3783 D. A copy of the final plans shall be submitted to the department of natural
3784 resources and parks within sixty days of completion.

3785 E. The ~~((completed))~~ farm management plan approved by the department of
3786 natural resources and parks may be appealed to the hearing examiner in accordance with

3787 K.C.C. 20.24.080, as recodified by this ordinance, and 20.24.090, as recodified by this
3788 ordinance. (~~The appeal must be filed within thirty days of submitting the farm~~
3789 management plan [with the] department of natural resources and parks under subsection
3790 ~~D. of this section.~~) Appeals may be filed only by the property owner or four members of
3791 the King County agriculture commission. Any farm management plan not appealed shall
3792 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.
3793 9.12.035.

3794 SECTION 134. Ordinance 13274, Section 7, as amended, and K.C.C.
3795 21A.37.070 are each hereby amended to read as follows:

3796 A. An interagency review committee, chaired by the directors of the department
3797 of permitting and environmental review and the department of natural resources and
3798 parks, or their designees, shall be responsible for qualification of sending sites.
3799 Determinations on sending site certifications made by the committee are appealable to the
3800 examiner under K.C.C. 20.24.080, as recodified by this ordinance. The department of
3801 natural resources and parks shall be responsible for preparing a TDR qualification report,
3802 which shall be signed by the director of the department of natural resources and parks or
3803 the director's designee, documenting the review and decision of the committee. The
3804 qualification report shall:

3805 1. Specify all deficiencies of an application, if the decision of the committee is
3806 to disqualify the application;

3807 2. For all qualifying applications, provide a determination as to whether or not
3808 additional residential dwelling units and associated accessory units may be

3809 accommodated in accordance with (~~Ordinance 17985, Section 19.A~~) K.C.C.

3810 21A.37.050.A.; and

3811 3. Be issued a TDR certification letter within sixty days of the date of submittal
3812 of a completed sending site certification application.

3813 B. Responsibility for preparing a completed application rests exclusively with the
3814 applicant. Application for sending site certification shall include:

3815 1. A legal description of the site;

3816 2. A title report;

3817 3. A brief description of the site resources and public benefit to be preserved;

3818 4. A site plan showing the existing and proposed dwelling units, nonresidential
3819 structures, driveways, submerged lands and any area already subject to a conservation
3820 easement or other similar encumbrance;

3821 5. Assessors map or maps of the lot or lots;

3822 6. A statement of intent indicating whether the property ownership, after TDR
3823 certification, will be retained in private ownership or dedicated to King County or another
3824 public or private nonprofit agency;

3825 7. Any or all of the following written in conformance with criteria established
3826 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
3827 habitat for a threatened or endangered species:

3828 a. a wildlife habitat conservation plan;

3829 b. a wildlife habitat restoration plan; or

3830 c. a wildlife present conditions report;

3831 8. A forest stewardship plan, written in conformance with criteria established
3832 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
3833 21A.37.060.B.3. and 6.;

3834 9. An affidavit of compliance with the reforestation requirements of the Forest
3835 Practices Act and any additional reforestation conditions of the forest practices permit for
3836 the site, if required under K.C.C. 21A.37.020.E.;

3837 10. A completed density calculation worksheet for estimating the number of
3838 available development rights; and

3839 11. The application fee consistent with K.C.C. 27.36.020.

3840 SECTION 135. Ordinance 10870, Section 575, as amended, and K.C.C.
3841 21A.38.020 are each hereby amended to read as follows:

3842 A. This chapter authorizes King County to increase development standards or
3843 limit uses on specific properties beyond the general requirements of this title through
3844 property-specific development standards, and to carry out comprehensive plan policies
3845 and map designations and community, subarea, or neighborhood plan policies through
3846 special overlay districts which supplement or modify standard zones through different
3847 uses, design or density standards or review processes;

3848 B. Property-specific development standards shall be applied to specific properties
3849 through either area zoning as provided in K.C.C. chapters 20.12 and ((20.16)) 20.18, or
3850 reclassifications of individual properties as provided in K.C.C. ((20.24)) 20.xx (the new
3851 chapter created under section 2 of this ordinance) and 21A.44; and

3852 C. Special district overlays shall be applied to specific properties or areas
3853 containing several properties through the area zoning process as provided in K.C.C.
3854 chapters 20.12 and ((20.16)) 20.18.

3855 SECTION 136. Ordinance 10870, Section 617, as amended, and K.C.C.
3856 21A.42.090 are each hereby amended to read as follows:

3857 A. The decision of the director shall be final unless the applicant or an aggrieved
3858 party files an appeal to the hearing examiner pursuant to K.C.C. 20.24.090, as recodified
3859 by this ordinance.

3860 B. The examiner shall review and make decisions based upon information
3861 contained in the written appeal and the record.

3862 C. The examiner's decision may affirm, modify(~~(7)~~) or reverse the decision of the
3863 director.

3864 D. As provided by K.C.C. 20.24.210.A. and C., as recodified by this ordinance:

3865 1. The examiner shall render a decision within ten days of the closing of
3866 hearing; and

3867 2. The decision shall be final unless appealed under the provisions of K.C.C.
3868 20.24.240.B., as recodified by this ordinance.

3869 E. Establishment of any use or activity authorized (~~(pursuant to)~~) in accordance
3870 with a conditional use permit or variance shall occur within four years of the effective
3871 date of the decision for such permit or variance, (~~(provided)~~) except that for schools
3872 (~~(this)~~) the period shall be five years. (~~(This)~~) The period may be extended for one
3873 additional year by the director if the applicant has submitted the applications necessary to
3874 establish the use or activity and has provided written justification for the extension.

3875 F. For the purpose of this section, "establishment" shall occur upon the issuance
3876 of all local permits or approvals for on-site improvements needed to begin the authorized
3877 use or activity, provided that the conditions or improvements required by ~~((such))~~ the
3878 permits or approvals are completed within the timeframes of ~~((said))~~ the permits.

3879 G. Once a use, activity or improvement allowed by a conditional use permit or
3880 variance has been established, it may continue as long as all conditions of permit issuance
3881 are met.

3882 SECTION 137. Ordinance 10870, Section 618, as amended, and K.C.C.
3883 21A.42.100 are each hereby amended to read as follows:

3884 Applications for zone reclassifications, shoreline environment redesignation,
3885 special use permits, urban plan developments, amendment or deletion of P-suffix
3886 conditions, plat vacations and short plat vacations shall be reviewed by the department
3887 subject to the criteria in K.C.C. chapter 21A.44 and to the procedures and criteria in
3888 K.C.C. chapter ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this
3889 ordinance) for action subject to approval by the council and notice shall be provided in
3890 accordance with K.C.C. chapter 20.20.

3891 SECTION 138. Ordinance 10870, Section 627, and K.C.C. 21A.44.060 are each
3892 hereby amended to read as follows:

3893 A zone reclassification shall be granted only if the applicant demonstrates that the
3894 proposal complies with the criteria for approval specified in K.C.C. ~~((Title))~~ 20.24.180,
3895 as recodified by this ordinance, and 20.24.190, as recodified by this ordinance, and is
3896 consistent with the Comprehensive Plan and applicable community and functional plans.

3897 SECTION 139. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each
3898 hereby amended to read as follows:

3899 A. The purpose of the master planning process demonstration project is to:

3900 1. Create a comprehensive but streamlined process for the review of major land
3901 use proposals that will be developed over the course of several years by:

3902 a. utilizing a concise timeline for project review that incorporates a process for
3903 public outreach and input during project review and facility operation;

3904 b. executing a development and operating agreement, pursuant to RCW
3905 36.70B.170 that establishes:

3906 (1) a clearly defined project through a master development plan, which shall
3907 include a master site plan;

3908 (2) requirements that must be met before approval of each phase of
3909 development; and

3910 (3) operating standards governing all aspects of the project's operation,
3911 including, but not limited to, noise and traffic, hours and days of operation for racing,
3912 nonracing uses and number and types of events; and

3913 c. establishing a process that ensures timely and efficient review;

3914 2. Utilize the hearing examiner, as authorized in K.C.C. 20.24.520, as recodified
3915 by this ordinance, to function as a special master for the purpose of fact finding and
3916 reporting on compliance by the applicant with the executed development and operating
3917 agreement, as provided in subsection S. of this section; and

3918 3. Provide for ongoing monitoring of the executed development and operating
3919 agreement by the council to ensure continued future compliance with the executed
3920 development and operating agreement.

3921 B. The master planning process demonstration project shall be implemented only
3922 for a regional motor sports facility only on the Pacific Raceways property as described in
3923 Attachment A to Ordinance 17287.

3924 C. The master planning demonstration project shall be initiated by the applicant
3925 making a written request to the department for a preapplication meeting to identify the
3926 requirements necessary for a complete application under this section.

3927 D. A master planning proposal application shall be considered complete when the
3928 following information and studies have been submitted and are adequate to review the
3929 proposal:

3930 1. A proposed development plan that describes the nature, size and scope and
3931 phasing of all proposed activities;

3932 2. A proposed site plan that identifies the location and dimensions of proposed
3933 racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage
3934 treatment or holding facilities and any off-site traffic improvements;

3935 3. A proposed master drainage plan under the surface water design manual;

3936 4. A proposed grading plan that identifies or includes:

3937 (a) land contours;

3938 (b) soil types; and

3939 (c) phasing;

3940 5. Proposed development conditions relating to:

- 3941 (a) on-site vehicle circulation and off-site traffic control measures;
- 3942 (b) protection for critical areas, especially adjacent to Soosette creek;
- 3943 (c) stormwater flow control and water quality treatment;
- 3944 (d) visual screening from adjoining residential properties;
- 3945 (e) ongoing monitoring and reporting to measure compliance with the
- 3946 development and operating agreements;
- 3947 (f) fire protection; and
- 3948 (g) water supply and service;
- 3949 6. Proposed operating conditions that specify:
- 3950 (a) days and hours of operation;
- 3951 (b) frequency of events;
- 3952 (c) types of activities, including types of motor vehicles; and
- 3953 (d) maximum noise levels; and
- 3954 7. Any necessary information identified through the preapplication process.
- 3955 E. The development and operating agreement shall contain development
- 3956 standards and operating conditions related to the development and operation of the site
- 3957 and shall include, but shall not be limited to:
- 3958 1. A master site plan and detailed conditions establishing the:
- 3959 a. location and scope of proposed land uses;
- 3960 b. location and size of buildings and structures such as grandstands;
- 3961 c. layout and dimensions of racing surfaces and circulation roadways;
- 3962 d. site elevations and contours established by a master grading plan;

- 3963 e. excavation and processing of materials, including dust control, during
3964 construction of the facilities;
- 3965 f. location and dimensions parking areas;
- 3966 g. location of stormwater facilities, sewage treatment facilities, water, and
3967 related features; and
- 3968 h. vegetative screening required in subsection F.1. of this section;
- 3969 2. A master drainage plan consistent with the surface water design manual;
- 3970 3. A project phasing plan, including threshold requirements that must be met
3971 before approval of the next phase of development;
- 3972 4. Specified types of racing and nonracing activities, and where on the site the
3973 activities can occur;
- 3974 5. Specified days and times for all racing and nonracing uses;
- 3975 6. Specified noise levels for racing and nonracing uses, including but not limited
3976 to, how noise levels will be measured and mitigated;
- 3977 7. Specified on-site vehicle circulation and other traffic control measures to
3978 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
- 3979 8. Specified development conditions to ensure that permitted alterations
3980 provided for in subsection G. of this section achieve the appropriate level of protections;
- 3981 9. Specified development conditions to ensure that stormwater flow control and
3982 water quality treatment provided for in subsection H. of this section is achieved;
- 3983 10. Specified regular ongoing monitoring and reporting to measure compliance
3984 with the development and operating agreement requirements relating to noise, traffic, air

3985 quality, groundwater quality, stormwater flow control and water quality treatment and
3986 water volume and quality in Soosette creek;

3987 11. Specified process for the receipt and evaluation by the department of
3988 inquiries and complaints relating to the operation of the facility, in order to allow for
3989 review by the hearing examiner as provided in subsection S. of this section; and

3990 12. Specified enforcement mechanisms to address any violations of the
3991 conditions of the development agreement, including, but not limited to, the following:

3992 a. a process for monitoring condition violations and for receipt of complaints;

3993 b. a process for expedited review and remedy of possible violations; and

3994 c. a penalty schedule that recognizes the nature and impact of the violation and
3995 is sufficient to deter violations that otherwise result in financial benefit to the facility,
3996 including, but not limited to, revocation of operating permit and loss of specific days of
3997 operation.

3998 F. All development under the master plan shall be subject to the following
3999 standards relating to screening and building setbacks: as provided in K.C.C.

4000 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be
4001 constructed on the project to be shielded from view from adjoining residential properties
4002 using methods that may include, but are not limited to:

4003 1. Retention of existing vegetation; and

4004 2. Placement of new vegetation to augment existing vegetation.

4005 G.1. Except as otherwise provided in this subsection G.2. of this section, all
4006 development under the master plan shall comply with K.C.C. chapter 21A.24.

4007 2. The department may approve alterations to critical areas, critical areas buffers
4008 and critical area setbacks that are not otherwise allowed as an alteration exception under
4009 K.C.C. 21A.24.070 when the applicant demonstrates that:

4010 a. the proposal does not pose an unreasonable threat to the public health, safety
4011 or welfare on or off the site;

4012 b. the proposed impacts to critical areas, critical area buffers and critical area
4013 setbacks shall be controlled and compensated for in accordance with the requirements of
4014 K.C.C. 21A.24.125;

4015 c. for proposed alterations within steep slope or landslide areas:

4016 (1) the alterations are necessary to bring existing racing or access road
4017 surfaces into compliance with applicable racing association safety standards, or to
4018 construct noise barriers or for the placement of spectator seating on the interior portion of
4019 the road course; and

4020 (2) the alterations can be constructed to maintain the stability of the hazard
4021 area through the use of structural mitigations identified through a geotechnical analysis
4022 by a licensed and qualified geotechnical professional; and

4023 d. for proposed alterations to wetlands or aquatic areas and their buffers:

4024 (1) the alterations are necessary to comply with applicable racing association
4025 safety standards either for existing racing surfaces or for providing to emergency vehicles
4026 access roads to the existing racing surfaces;

4027 (2) there is no feasible alternative to the development proposal with less
4028 adverse impact on the critical area;

4029 (3) the alteration is the minimum necessary to accommodate the development
4030 proposal;

4031 (4) the alternation has the least possible adverse impact on the critical area
4032 and critical area buffer;

4033 (5) the critical area is not used as a salmonid spawning area;

4034 (6) the director may only approve an alteration in a category III or IV
4035 wetland; and

4036 (7) the alterations to any wetland shall be mitigated in accordance with an
4037 approved mitigation plan by relocating the wetland into a new wetland, with equivalent
4038 or greater functions, or into an existing wetland at the ratios specified in K.C.C.
4039 21A.24.340 based on the type of mitigation measures proposed.

4040 H. Uses proposed under the master planning proposal shall comply with the King
4041 County surface water design manual and shall:

4042 1. Use enhanced basic water quality measures to treat stormwater and use
4043 stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos
4044 and Soosette creeks and operation of the Soos Creek Hatchery, while protecting
4045 groundwater quality. The department shall consider the proposed use in determining
4046 whether spill control or special oil control measures in excess of the King County surface
4047 water design manual requirements are necessary to achieve the required environmental
4048 protections;

4049 2. Specify and require facilities and best management practices to insure that
4050 auto-related fluids, brake dust, and other products are properly managed and disposed of
4051 to avoid contamination of soils, surface water and groundwater;

4052 3. Develop and implement a water quality monitoring plan to assure that copper,
4053 other metals, hydrocarbons and other contaminants are not elevated in ground and surface
4054 waters on-site and in Big Soos and Soosette creeks;

4055 4. Conduct flow monitoring in Big and Soosette creeks before, during and after
4056 construction to ensure that normal or preexisting flows are being maintained.

4057 5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during
4058 and after construction;

4059 6. If the department determines it to be environmentally beneficial and if it is in
4060 compliance with the surface water design manual requirements for discharge to the
4061 natural location and is approved through an adjustment, channel surface water from
4062 impervious surfaces, including buildings, structures, pit areas or raceways to drain away
4063 from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the
4064 alternative discharge location; and

4065 7. Develop and implement an adaptive management program to correct any
4066 flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks
4067 caused by the development.

4068 I. Site development that entails extraction and grading of soils to achieve the final
4069 site contours for development shall be subject to the following limits:

4070 1. The amount of materials that may be extracted during any specific phase of
4071 project construction shall be only as necessary to construct that phase of the project
4072 approved for construction; and

4073 2. The on-site processing of the extracted materials shall be limited to the
4074 sorting of the material into separate dirt, sand and gravel components.

4075 J. The master planning proposal shall include site designs and features to reduce
4076 the level of noise impacts upon nearby residential neighborhoods.

4077 K. The department shall:

4078 1. Schedule and conduct a preapplication meeting with applicant within thirty
4079 days of the request for such a meeting by the applicant in order to identify the full range
4080 of potential issues related to the proposed expansion of Pacific Raceways and to
4081 specifically list information or studies needed to adequately evaluate the listed issues.

4082 2. Provide to the applicant a detailed listing of all project issues and necessary
4083 information or studies required under subsection D. of this section within thirty days after
4084 the date of the preapplication meeting;

4085 3. Accept for filing a master planning proposal application submitted by the
4086 applicant only if it provides the information and studies required by subsection K.2. of
4087 this section;

4088 4. Determine whether the master planning proposal is a complete application
4089 under this section and K.C.C. 20.20.050;

4090 5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In
4091 addition to notice required under K.C.C. 20.20.060.B, the department shall provide
4092 mailed notice to:

4093 a. all parties of record, including community groups or organizations,
4094 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
4095 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

4096 b. persons requesting notification of any county land use action regarding
4097 Pacific Raceways; and

4098 c. residents or property owners of parcels located within twenty-five hundred
4099 feet of the boundaries of the Pacific Raceways site;

4100 6. Not later than seven days after the applicant has filed with the department its
4101 master planning proposal, issue a determination of significance and proceed with the
4102 environmental review of the master planning proposal under Ordinance 17287, Section 6;

4103 7. Conduct one or more public meetings on the master planning proposal
4104 application to gather information and public input on all aspects of the master planning
4105 proposal. The first meeting shall be held within thirty days after the applicant has filed
4106 its master planning proposal application with the department and may be combined with
4107 a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting,
4108 the applicant shall present its master planning proposal. At each public meeting, the
4109 public shall be provided an opportunity to comment on the master planning proposal.
4110 The department shall record all public meetings and make a written summary of the
4111 meetings available on its website within fourteen days after the meeting. The department
4112 may hold additional public meetings as it conducts its review of the master planning
4113 proposal application and shall provide an opportunity for the applicant to respond to
4114 questions at each public meeting;

4115 8. Issue the final environmental impact statement within eighteen months of
4116 either issuing to the applicant a notice of complete application or the master planning
4117 proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant
4118 may request additional time to prepare the final environmental impact statement;

4119 9. Not later than thirty days after the final environmental impact state is issued,
4120 propose for public review and comment a development and operating agreement

4121 consistent with this section. The department shall provide notice of the proposed
4122 development and operating agreement in the same manner as it provided the notice of
4123 application under subsection K.5. of this section. The department shall present the
4124 proposed development and operating agreement at a public meeting within fourteen days
4125 after the notice is provided under this subsection K.9; and

4126 10. Within sixty days after the public meeting required by subsection K.9. of
4127 this section:

4128 a. transmit to the hearing examiner the department's recommended
4129 development and operating agreement, together with a proposed ordinance authorizing
4130 the executive to execute the development and operating agreement;

4131 b. publish its recommended development and operating agreement on the
4132 department's website; and

4133 c. provide notice of its recommended development and operating agreement in
4134 the same manner as it provided the notice of application under subsection K.5.a. through
4135 c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The
4136 notice shall also advise:

4137 (1) that the department's recommendation is subject to an open record public
4138 hearing before the hearing examiner;

4139 (2) the date that the department's recommendation has been transmitted to the
4140 hearing examiner; and

4141 (3) that interested persons may appear as parties at the open record public
4142 hearing by filing a notice of appearance with the hearing examiner within fourteen days
4143 of the date that the department's recommendation has been transmitted to the hearing

4144 examiner. The applicant will be presumed to be a party without having to file a notice of
4145 appearance.

4146 L.1. Before the transmittal of the department's recommended development and
4147 operating agreement to the hearing examiner, the transportation, economy and
4148 environment committee or its applicable successor may request reports or briefings from
4149 the department and applicant regarding how the demonstration project is proceeding.
4150 The department shall solicit input from those identified in subsection K.5.a. through c. of
4151 section to inform the committee in the report and briefing.

4152 2. If the department or the applicant is unable to meet a timeline established by
4153 this section as part of the process for review of the master planning proposal, the
4154 department shall provide written notice to the council within fourteen days after the
4155 missed deadline in the form of a letter to the chair of transportation, economy and
4156 environment committee or its applicable successor describing the causes for the delay,
4157 and the steps or actions needed to be taken by the department or the applicant to continue
4158 timely processing of the proposal.

4159 M.1. No sooner than fourteen days after receiving the department's recommended
4160 development and operating agreement, the hearing examiner shall set the date for the
4161 prehearing conference and notify the parties of interest.

4162 2. Unless otherwise agreed to by those that appear as parties, the hearing
4163 examiner shall conduct an open record public hearing within ninety days of the
4164 prehearing conference and, if necessary, shall hold the public hearing over consecutive
4165 days.

4166 3. When the hearing examiner sets the department's recommended development
4167 and operating agreement for an open record public hearing, the department shall
4168 coordinate and assemble the reviews of other departments and governmental agencies
4169 having an interest in the application and shall prepare a report summarizing the factors
4170 involved and the department's recommendation. At least fourteen calendar days before
4171 the scheduled hearing, the department shall file the report with the hearing examiner and
4172 mail copies to those identified in subsection K.5.a. through c. of section.

4173 4. The hearing examiner's recommendation may be to approve or reject the
4174 department's recommended development and operating agreement, or the examiner may
4175 recommend that the council adopt the department's recommended development and
4176 operating agreement with such conditions, modifications and restrictions as the examiner
4177 finds necessary to carry out applicable state laws and regulations and the regulations,
4178 including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive
4179 Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King
4180 County.

4181 5. Within fourteen days after the conclusion of the open record public hearing,
4182 the hearing examiner shall issue a written recommendation and shall transmit a copy
4183 thereof to all persons who appeared as parties in the open record public hearing. The
4184 recommendation shall include findings of fact and conclusions from the record that
4185 support the decision and the findings and conclusions shall set forth and demonstrate the
4186 manner in which the recommendation is consistent with, carries out and helps implement
4187 applicable state laws and regulations, the regulations, policies, objectives and goals of the
4188 comprehensive plan and Ordinance 17287.

4189 6. To appeal the hearing examiner's recommendation, an aggrieved party must
4190 file a notice of appeal with the clerk of the council within fourteen days of the date of the
4191 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing
4192 examiner and the parties of record to the hearing examiner's open record public hearing in
4193 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on
4194 the council's web page the notice of the appeal. The appellant shall file a statement of
4195 appeal with the clerk within twenty-one days of filing its notice of appeal, together with
4196 proof of service of the statement of appeal to the other parties of record. The statement of
4197 appeal must specify the basis for the appeal and any arguments in support of the appeal.
4198 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk
4199 shall cause to have the statement of appeal posted on the council's web page. Any
4200 written responsive statements or arguments to the appeal, together with proof of service
4201 on the other parties of record, must be filed with the clerk within fourteen days after the
4202 filing of the statement of appeal. The clerk shall cause to have these responsive
4203 statements and arguments posted on the council's webpage.

4204 7. At least fourteen days before the closed record hearing by the council of the
4205 appeal, the clerk will provide the parties of record with written notice of the hearing time
4206 and date. The council's consideration of the appeal shall be based upon the record as
4207 presented to the hearing examiner at the open record public hearing and upon written
4208 appeal statements and arguments submitted by the parties that are based on the open
4209 record public meeting. The council may allow the parties to the appeal a period of time
4210 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at
4211 the appeal hearing and upon the request of the council, county staff may provide a written

4212 or oral summary, or both, of the appeal record, issues and arguments presented in an
4213 appeal and may provide answers, based on the record, to questions with respect to issues
4214 raised in an appeal asked by council members at the appeal hearing. Nothing in this
4215 subsection shall be construed as limiting the ability of the council to seek and receive
4216 legal advice regarding a pending appeal from the office of the prosecuting attorney or
4217 other county legal counsel either within or outside of the hearing.

4218 8. If, after consideration of the record, written appeal statements and any oral
4219 argument the council determines that:

4220 a. An error in fact or procedure may exist or additional information or
4221 clarification is desired, the council shall remand the matter to the hearing examiner for
4222 further hearing to receive additional information or further consideration; or

4223 b. The recommendation of the hearing examiner is based on an error in
4224 judgment or conclusion, the council may modify or reverse the recommendation of the
4225 hearing examiner.

4226 9. a. The council's final action on any recommendation of the hearing examiner
4227 shall be by ordinance, which shall include findings of fact and conclusions from the
4228 record of the hearing examiner's public hearings. The findings and conclusions shall set
4229 forth and demonstrate the manner in which the council's decision is consistent with,
4230 carries out and helps implement applicable state laws and regulations, the regulations,
4231 policies, objectives and goals of the comprehensive plan and Ordinance 17287. The
4232 council may adopt as its own all or portions of the hearing examiner's findings and
4233 conclusions.

4234 b. Any ordinance also may contain reasonable conditions, in accordance with
4235 state law and county ordinances, which must be satisfied before the ordinance becomes
4236 effective. The ordinance shall also designate the time period within which any such
4237 conditions must be satisfied. All authority pursuant to such ordinance shall expire if any
4238 of the conditions are not satisfied within the designated time period and the property shall
4239 continue to be subject to all laws, regulations and zoning as if the ordinance had not been
4240 adopted. The council may extend the period for satisfaction of the conditions if, after a
4241 public hearing by the examiner, the council finds an extension will be in the public
4242 interest and the extension was requested by the applicant within the initial time period.

4243 N. If the hearing examiner's recommendation is not appealed pursuant to
4244 subsection M. of this section:

4245 1. The clerk of the council shall place a proposed ordinance that implements the
4246 examiner's recommended action on the agenda of the next available council meeting for
4247 adoption;

4248 2. No final action to amend or reverse the hearing examiner's recommendation
4249 shall be taken at that meeting and notice to parties shall be given before the adoption of a
4250 substitute or amended ordinance that amends or reverses the examiner's recommendation;

4251 3. The council may either:

4252 a. Refer the matter to the transportation, economy and environment or its
4253 successor for further consideration deemed necessary before the council takes final action
4254 on the matter or remand the matter to the hearing examiner for further hearing to receive
4255 additional information or further consideration; or

4256 b. Adopt the hearing examiner's recommendation by an ordinance satisfying
4257 the requirements of subsection M.9. of this section.

4258 4. Any final action by the county council may be reconsidered by the council
4259 pursuant to K.C.C. 20.24.250, as recodified by this ordinance; and

4260 5. Any appeal of the council's final action shall comply with the requirements of
4261 K.C.C 20.24.240.A., as recodified by this ordinance.

4262 O.1. The design and operating conditions specified in any agreement adopted and
4263 executed pursuant to the process established in this section shall prospectively control the
4264 operations and design for the site and supersede the design and operating conditions
4265 established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006.

4266 However, any such development and operating agreement will not have retroactive
4267 effect. Any enforcement actions relating to compliance with the design and operating
4268 conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006
4269 regarding activities that occurred before the execution of a development agreement shall
4270 not be affected.

4271 2. A master plan development and operating agreement approved by the council
4272 shall be in effect for a period of ten years from the effective date of the ordinance
4273 approving the master plan development and operating agreement and authorizing the
4274 executive to execute the development and operating agreement;

4275 3.a. An approved master plan development and operating agreement may be
4276 renewed one time for not more than ten years.

4277 b. The applicant shall apply to the department for renewal of the development
4278 and operating agreement at least twelve months before the agreement expires. The

4279 department shall provide a notice of the renewal request under subsection K.5.a. through
4280 c. of this section and shall conduct at least one public meeting on the request as provided
4281 in subsection K.7. of this section.

4282 c. The department shall make its recommendation to the council on the
4283 proposed renewal together with any recommended changes to the agreement not later
4284 than ninety days before the development and operating agreement expires.

4285 d. If the agreement is not renewed by the council:

4286 (1) the operating conditions established in the agreement shall remain in
4287 effect; and

4288 (2) any subsequent development permit application shall be subject to laws in
4289 effect at the time the subsequent application is filed.

4290 P. During the period a development and operating agreement is in effect, any
4291 subsequent development on the site shall be consistent with the approved development
4292 and operating agreement.

4293 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in
4294 effect on the date the council adopts the ordinance authorizing the execution of the
4295 development and operating agreement shall apply to subsequent permits necessary for the
4296 uses authorized by the development and operating agreement.

4297 2. The following regulations in effect on the date of a complete application for
4298 any permits necessary for a use authorized by the development and operating agreement
4299 shall apply:

4300 a. surface water management standards under K.C.C. Title 9;

4301 b. public health and safety codes under K.C.C. Title 13;

- 4302 c. road standards under K.C.C. Title 14;
- 4303 c. building codes under K.C.C. Title 16; and
- 4304 d. fire codes under K.C.C. Title 17.

4305 R. During the effective period of the development and operating agreement, the
4306 applicant may request in writing and the department may propose a modification of the
4307 development and operating agreement. The applicant's request and the department
4308 initiated proposal shall be made by June 1 of each year for implementation in the
4309 following year. The department shall provide notice of the request or proposed
4310 modification as provided in subsection K.5.a. through c. of this section. The department
4311 shall submit to the hearing examiner its recommendation on the request not later than
4312 August 1.

4313 S. The hearing examiner shall conduct the following annual monitoring and
4314 reporting activities for the council:

4315 1. No later than October 15 of each year, the hearing examiner shall conduct a
4316 public meeting in the vicinity of the project site for the purpose of gathering community
4317 input on the operation of facility during the preceding year and on any modifications to
4318 the development and operating agreement. The department shall provide a notice of the
4319 meeting as provided in subsection K.5.a. through c. of this section.

4320 2. Beginning on December 31 of the year after the effective date of the ordinance
4321 authorizing the execution of the development and operating agreement, and for each
4322 subsequent year, the hearing examiner shall prepare and submit to the council a report
4323 that:

- 4324 a. describes the current status of the phases of the development;

4325 b. evaluates compliance with development and operation agreement conditions
4326 during the preceding year;

4327 c. identifies issues and concerns that have been brought forward by the
4328 community, Pacific Raceways and the department;

4329 d. evaluates proposed modifications to the development and operating
4330 agreement; and

4331 e. outlines potential steps to ensure compliance with the development and
4332 operating agreement.

4333 3. The report shall be presented in a briefing by the hearing examiner to the
4334 transportation, economy and environment committee, or its applicable successor, at
4335 which the department and project operator shall be present.

4336 T. The director shall submit a report on the master planning demonstration
4337 project to the council within sixty days of the council's adoption of the ordinance
4338 approving the development and operating agreement. The report shall evaluate the
4339 efficacy of the master planning process and may include recommended changes to the
4340 master planning process to address problems or deficiencies in the process identified by
4341 the department. The department shall solicit comments from the applicant, the hearing
4342 examiner, and the public, identified in subsection K.5.a. through c. of this section, on the
4343 master planning process and include a synopsis of those comments in the report. A paper
4344 copy and an electronic copy of the report shall be filed with the clerk of the council, who
4345 shall retain the paper original and shall forward electronic copies to each councilmember.

4346 U. Before the application for a master planning proposal application, the
4347 applicant shall be permitted to undertake the following activities, subject to an interim
4348 use permit:

4349 1. Construct up to four hundred thousand square feet of buildings, including
4350 required excavation and processing of materials, for uses allowed for a regional motor
4351 sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site
4352 improvements; and

4353 2. Excavation and processing of materials shall be subject to the following
4354 limits:

4355 a. Under the interim use permit, the amount of materials shall be only as is
4356 necessary to construct the buildings and any required site improvements associated with
4357 the construction of the buildings, subject to review by the department;

4358 b. The on-site processing of the extracted materials shall be limited to the
4359 sorting of the materials into separate dirt, sand and gravel components, and crushing and
4360 washing of those components that will be used for on-site construction of the buildings
4361 and required site improvements; and

4362 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday
4363 through Friday.

4364 V. A preapplication meeting shall be required for the interim use permit. The
4365 applicant shall submit the following information to the department with a request to
4366 schedule a preapplication meeting:

4367 1. Affidavit of application, on a form approved by the department;

4368 2. Project narrative and questions for department staff;

- 4369 3. Preliminary site plan, which shall include:
- 4370 a. location of the property, with a vicinity map showing cross street;
- 4371 b. address, if an address has been assigned;
- 4372 c. parcel number or numbers;
- 4373 d. zoning of parcel or parcels and adjacent parcel or parcels;
- 4374 e. north arrow and scaled dimensions;
- 4375 f. existing and proposed building footprints, with overhangs and projections;
- 4376 g. existing and proposed grade contours;
- 4377 h. site area in square feet or acres of the project site;
- 4378 i. area of either disturbance or development, or both, including utilities, septic
- 4379 and internal circulation, as needed;
- 4380 j. existing and proposed easements, including ingress, egress, utilities or
- 4381 drainage; and
- 4382 k. critical areas and their buffers; and
- 4383 4. Preliminary building plan.
- 4384 W. An interim use permit application shall be considered complete when the
- 4385 following information and studies have been submitted and are adequate to review the
- 4386 proposal:
- 4387 1. A proposed site plan that identifies the location and dimensions of the
- 4388 proposed buildings, vehicular circulation and parking areas, critical areas and buffers,
- 4389 landscaping, stormwater facilities, utilities and fire protection;
- 4390 2. A proposed drainage plan under the surface water design manual for the
- 4391 improvements proposed under the interim use permit;

4392 3. A proposed grading plan that complies with the submittal, operating and
4393 performance requirements in K.C.C. chapter 16.82;

4394 4. A proposed restoration plan that complies with this section;

4395 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
4396 permit; and

4397 6. Any necessary information identified through the preapplication process.

4398 X. The interim use permit shall contain development conditions related to the
4399 grading activities and buildings and shall include, but not be limited to:

4400 1. An approved site plan and conditions that establish:

4401 a. location, size and proposed uses of the buildings;

4402 b. location and dimensions of vehicular circulation and parking, including
4403 required parking for the existing uses;

4404 c. location of stormwater facilities, sewage treatment facilities, water, and
4405 related features;

4406 d. landscaping requirements, as required by K.C.C. chapter 21A.16;

4407 e. location of on-site critical areas. Development or operations are not allowed
4408 within critical areas or their buffers, and alterations of critical areas or their buffers are
4409 not permitted, as part of the activities allowed with the interim use permit or related
4410 construction permits; and

4411 f. necessary on-site and off-site traffic control for construction impacts on
4412 vehicular circulation and on roadways in the vicinity of the project site;

4413 2. An approved grading plan in compliance with the requirements of K.C.C.
4414 chapter 16.82;

4415 3. An approved drainage plan in compliance with the surface water design
4416 manual;

4417 4. A restoration plan in compliance with the following requirements:

4418 a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and
4419 the following:

4420 (1) be such so as to encourage the uses permitted within the primarily
4421 surrounding zone or, if applicable, the underlying or potential zone classification; and

4422 (2) result in drainage patterns that reestablish natural conditions of aquifer
4423 recharge, water velocity, volume and turbidity within six months of restoration and that
4424 precludes water from collecting or becoming stagnant. Suitable drainage systems
4425 approved by the department shall be constructed or installed where natural drainage
4426 conditions are not possible or where necessary to control erosion. All constructed
4427 drainage systems shall be designed consistent with the Surface Water Design Manual;
4428 and

4429 b. All areas subject to clearing, grading or backfilling shall:

4430 (1) be planted with a variety of trees, shrubs, legumes and grasses indigenous
4431 to the surrounding area and appropriate for the soil, moisture and exposure conditions;
4432 and

4433 (2) except for roads and areas incorporated into drainage facilities, be
4434 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately
4435 surrounding, and to a depth of the topsoil of land area immediately surrounding six
4436 inches, whichever is greater;

4437 5. A condition requiring that all grading and construction activities be
4438 completed within sixty months of the effective date of this ordinance, except as allowed
4439 to be extended in accordance K.C.C. 20.20.105.

4440 Y. For the interim use permit, the executive shall appoint a special project
4441 manager.

4442 1. The special project manager shall either be an employee of, or hired as a
4443 consultant by, the regional planning unit of the office of performance, strategy and
4444 budget.

4445 2. The Pacific Raceways property has been designated as a project of statewide
4446 significance under chapter 43.157 RCW.

4447 3. The special project manager will coordinate the reviews with the department
4448 and other agencies, be the primary point of contact for the applicant and interested
4449 parties, and ensure that the timelines established for review of the interim use permit in
4450 this section are met.

4451 4. The special project manager shall evaluate, and provide a recommendation to
4452 the executive, regarding the efficacy of options, such as review by another jurisdictions
4453 or using outside staff to complete the substantive review, for expediting the permit review
4454 process. As part of this review, the special project manager shall ensure that any
4455 recommended option will produce a review that complies with this chapter and other
4456 applicable laws, regulations and adopted policies.

4457 Z.1. In reviewing the interim use permit, the department shall:

4458 a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter
4459 20.20 shall apply, except as modified by this section;

4460 b. conduct a mandatory preapplication meeting within fourteen days of the
4461 applicant's request for a preapplication meeting;

4462 c. within twenty one days of the preapplication meeting, provide a detailed
4463 listing of the required information or studies required for review of the interim permit, in
4464 conformance with this section, the other building, construction and environmental
4465 permits that will be required, and an estimate of cost for review of the interim use permit;

4466 d. accept the interim use permit application if the applicant provides the
4467 information and studies required by the detailed listing provided in subsection Z.1.c. of
4468 this section;

4469 e. determine whether the interim use permit application is complete within
4470 seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the
4471 application requirements in subsection W. of this section;

4472 f. provide a notice of complete application under K.C.C. 20.20.050, within
4473 seven days of determining that the application is complete;

4474 g. provide a notice of application under K.C.C. 20.20.060 within fourteen days
4475 of providing the notice of complete application. In addition to the notice required by
4476 these two sections, the department shall provide mailed notice to:

4477 (1) all parties of record, including community groups or organizations,
4478 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
4479 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

4480 (2) persons requesting notification of any county land use action regarding
4481 Pacific Raceways; and

4482 (3) residents or property owners of parcels located within twenty-five
4483 hundred feet of the boundaries of the Pacific Raceways site;

4484 h. complete environmental review on the interim use and activities authorized
4485 by the interim use permit;

4486 i. transmit to the hearing examiner the department's recommendation on the
4487 interim use permit and provide notice of the recommendation under K.C.C. 20.20.090.
4488 The recommendation shall be based on the conformance of the proposal with the
4489 requirements of this section; and:

4490 (1) For a determination of nonsignificance or mitigated determination of
4491 nonsignificance, transmit the recommendation within forty-five days of the end of the
4492 comment period on threshold determination;

4493 (2) For a determination of significance, transmit the recommendation within
4494 forty five days of the end of the appeal period for the final environmental impact
4495 statement; and

4496 j. coordinate and assemble the reviews of other departments and governmental
4497 agencies having an interest in the application and shall prepare a report summarizing the
4498 factors involved and the department's recommendation. At least seven calendar days
4499 before the scheduled hearing, the department shall file the report with the hearing
4500 examiner and mail copies to those identified in subsection Z.1.g. of this section.

4501 2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C.
4502 shall apply to the review period deadlines outlined in subsection Z. of this section. If the
4503 department is unable to meet the time limits established by this section, it shall provide
4504 written notice of this fact to the applicant. The notice shall include a statement of reasons

4505 why the time limits have not been met and an estimated date for issuance of the notice of
4506 recommendation to the hearing examiner. In no case shall the review of the interim use
4507 permit, from the date a complete application is filed through the date the department
4508 issues the recommendation to the hearing examiner, excluding the timeframes outlined in
4509 K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an
4510 extension.

4511 AA.1. The hearing examiner shall:

4512 a. within fourteen days of receiving the department's recommendation on the
4513 interim use permit, set the date for the prehearing conference and notify the interested
4514 parties.

4515 b. within seven days of the prehearing conference, issue a prehearing order that
4516 includes a tentative schedule and order of proceedings for the hearing required under this
4517 subsection.

4518 c. conduct an open record public hearing within thirty days of the prehearing
4519 conference.

4520 d. within ten days of the public hearing, issue a decision on the interim use
4521 permit. The examiner's determination may be to grant or deny the application, and may
4522 include any conditions, modifications and restrictions as the examiner finds necessary to
4523 carry out the provisions of this section. The examiner's decision may be appealed to the
4524 council according to K.C.C. 20.24.210, as recodified by this ordinance.

4525 2. When reasonably required to enable the attendance of all necessary parties at
4526 the hearing, or the production of evidence or to otherwise assure that due process is
4527 afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this

4528 section may be extended by the examiner at the examiner's discretion for an additional
4529 thirty days. With the consent of all parties, the periods may be extended indefinitely. The
4530 reason for the deferral shall be stated in the examiner's decision. Failure to complete the
4531 hearing process within the stated time shall not terminate the jurisdiction of the examiner.

4532 BB. Issuance of the interim use permit by the county under this section does not
4533 relieve the applicant of its obligations to obtain other approvals required under state and
4534 federal law.

4535 CC. The applicant shall pay fees to the county to cover the actual cost of
4536 providing project management, review and inspection services for the interim use permits
4537 and including environmental review, in accordance with K.C.C. 27.02.100.

4538 SECTION 140. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010
4539 are each hereby amended to read as follows:

4540 The words and phrases designated in this section shall be defined for the purposes
4541 of this title as follows:

4542 A. "Abate" means to take whatever steps are deemed necessary by the director to
4543 return a property to the condition in which it existed before a civil code violation
4544 occurred or to assure that the property complies with applicable code requirements.
4545 Abatement may include, but is not limited to, rehabilitation, demolition, removal,
4546 replacement or repair.

4547 B. "Civil code violation" means and includes one or more of the following:

4548 1. Any act or omission contrary to any ordinance, resolution, regulation or
4549 public rule of the county that regulates or protects public health, the environment or the

4550 use and development of land or water, whether or not the ordinance, resolution or
4551 regulation is codified; and

4552 2. Any act or omission contrary to the conditions of any permit, notice and order
4553 or stop work order issued pursuant to any such an ordinance, resolution, regulation or
4554 public rule.

4555 C. "Contested hearing" means a hearing requested in response to a citation to
4556 contest the finding that a violation occurred or to contest that the person issued the
4557 citation is responsible for the violation.

4558 D. "Director" means, depending on the code violated:

4559 1. The director of the department of permitting and environmental review;

4560 2. The director of the Seattle-King County department of public health, or
4561 ((:))"local health officer" as that term is used in chapter 70.05 RCW((:));

4562 3. The director of the department of natural resources and parks;

4563 4. The director of any other county department authorized to enforce civil code
4564 compliance;

4565 5. Authorized representatives of a director, including compliance officers and
4566 inspectors whose responsibility includes the detection and reporting of civil code
4567 violations; or

4568 6. Such other person as the council by ordinance authorizes to use this title.

4569 E. "Found in violation" means that:

4570 1. A citation, notice and order or stop work order has been issued and not timely
4571 appealed;

4572 2. A voluntary compliance agreement has been entered into; or

4573 3. The hearing examiner has determined that the violation has occurred and the
4574 hearing examiner's determination has not been stayed or reversed on appeal.

4575 F. "Hearing examiner" means the office of the King County hearing examiner, as
4576 provided in K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section 2 of
4577 this ordinance).

4578 G. "Mitigate" means to take measures, subject to county approval, to minimize
4579 the harmful effects of the violation where remediation is either impossible or
4580 unreasonably burdensome.

4581 H. "Mitigation hearing" means a hearing requested in response to a citation to
4582 explain mitigating circumstances surrounding the commission of a violation.

4583 I. "Permit" means any form of certificate, approval, registration, license or any
4584 other written permission issued by King County. All conditions of approval, and all
4585 easements and use limitations shown on the face of an approved final plat map which are
4586 intended to serve or protect the general public are deemed conditions applicable to all
4587 subsequent plat property owners and their tenants and agents as permit requirements
4588 enforceable under this title.

4589 J. "Person" means any individual, association, partnership, corporation or legal
4590 entity, public or private, and the agents and assigns of the individual, association,
4591 partnership, corporation or legal entity.

4592 K. "Person responsible for code compliance" means either the person who caused
4593 the violation, if that can be determined, or the owner, lessor, tenant or other person
4594 entitled to control, use or occupy, or any combination of control, use or occupy, property
4595 where a civil code violation occurs, or both.

4596 L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement
4597 code provisions.

4598 M. "Remediate" means to restore a site to a condition that complies with critical
4599 area or other regulatory requirements as they existed when the violation occurred; or, for
4600 sites that have been degraded under prior ownerships, restore to a condition that does not
4601 pose a probable threat to the environment or to the public health, safety or welfare.

4602 N. "Resolution" means any law enacted by resolution of the board of county
4603 commissioners prior to the establishment of the charter, or any health rule adopted by
4604 resolution of the board of health.

4605 SECTION 141. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070
4606 are each hereby amended to read as follows:

4607 A. The department shall determine, based on information derived from sources
4608 such as field observations, the statements of witnesses, relevant documents and data
4609 systems for tracking violations and applicable county codes, whether or not a violation
4610 has occurred. As soon as a department has reasonable cause to determine that a violation
4611 has occurred, it shall document the violation and promptly notify the owner, occupant or
4612 other person responsible for code compliance.

4613 B. Except as provided in subsection D. of this section, a warning shall be issued
4614 verbally or in writing promptly when a field inspection reveals a violation, or as soon as
4615 the department otherwise determines that a violation has occurred. The warning shall
4616 inform the person determined to be responsible for code compliance of the violation and
4617 shall include a reference to the applicable permit or zoning condition, ordinance or code
4618 related to the violation. The warning shall also allow the person an opportunity to correct

4619 the violation or enter into a voluntary compliance agreement as provided for by this title.
4620 Verbal warnings shall be logged and followed up with a written warning within two
4621 weeks, and the site shall be reinspected within thirty days.

4622 C. The guidelines in this section for warnings, notifications and reinspections are
4623 not jurisdictional, and failure to meet them in any particular case shall not affect the
4624 county's authority to enforce county code provisions with regard to that case.

4625 D. No warning need be issued in cases involving, emergencies that pose an
4626 imminent threat to environmental health or to the public safety.

4627 E. A department may issue a citation if it determines that the violation is likely to
4628 be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

4629 F. A department may issue notice and orders in cases where it determines that the
4630 violation is unlikely to be fully corrected in a reasonable period of time.

4631 G. The department shall use all reasonable means to determine and cite the
4632 person or persons actually responsible for the violation occurring when the owner has not
4633 directly or indirectly caused the violation.

4634 H. If the violation is not corrected or a voluntary compliance agreement is not
4635 achieved within a reasonable time ((period)), a citation, notice and order or stop work
4636 order should be issued. As a guideline, citations should be issued within sixty days from
4637 receipt of a complaint, and notice and orders should be issued within one hundred twenty
4638 days from receipt of a complaint. Stop work orders should be issued promptly upon
4639 discovery of a violation in progress.

4640 I. Any complainant who provides a mailing address and requests to be kept
4641 advised of enforcement efforts should be mailed a copy of all written warnings, voluntary

4642 compliance agreements, citations, notice and orders, stop work orders and notices of
4643 settlement conferences issued by a department with regard to the alleged violation. Any
4644 complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter
4645 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order or a
4646 determination not to issue a citation or order under K.C.C. chapter ((20.24)) 20.xx (the
4647 new chapter created under section 2 of this ordinance). The appeal under this subsection
4648 shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall
4649 remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

4650 SECTION 142. Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080
4651 are each hereby amended to read as follows:

4652 A. Service of a citation, notice of compliance, notice and order or penalty waiver
4653 decision shall be made on a person responsible for code compliance by one or more of
4654 the following methods:

4655 1. Personal service of a citation, notice of noncompliance, notice and order or
4656 penalty waiver decision may be made on the person identified by the department as being
4657 responsible for code compliance, or by leaving a copy of the citation or notice and order
4658 at that person's house of usual abode with a person of suitable age and discretion who
4659 resides there.

4660 2. Service directed to either the landowner or occupant of the property, or both,
4661 may be made by posting the citation, notice of noncompliance, notice and order or
4662 penalty waiver decision in a conspicuous place on the property where the violation
4663 occurred and concurrently mailing notice as provided for below, if a mailing address is
4664 available.

4665 3. Service by mail may be made for a citation, notice of noncompliance, notice
4666 and order or penalty waiver decision by mailing two copies, postage prepaid, one by
4667 ordinary first class mail and the other by certified mail, to the person responsible for code
4668 compliance at the person's last known address, at the address of the violation or at the
4669 address of the person's place of business. The taxpayer's address as shown on the tax
4670 records of the county shall be deemed to be the proper address for the purpose of mailing
4671 such notice to the landowner of the property where the violation occurred. ~~((Service by
4672 mail shall be presumed effective upon the third business day following the day upon
4673 which the citation, notice of noncompliance, notice and order or penalty waiver decision
4674 was placed in the mail.))~~

4675 B. For notice and orders only, when the address of the person responsible for
4676 code compliance cannot reasonably be determined, service may be made by publication
4677 once in a local newspaper with general circulation.

4678 C. Service of a stop work order on a person responsible for code compliance may
4679 be made by posting the stop work order in a conspicuous place on the property where the
4680 violation occurred or by serving the stop work order in any other manner permitted by
4681 this section.

4682 D. The failure of the director to make or attempt service on any person named in
4683 the citation, notice of noncompliance notice and order, stop work order or penalty waiver
4684 decision shall not invalidate any proceedings as to any other person duly served.

4685 SECTION 143. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090
4686 are each hereby amended to read as follows:

4687 A. Whenever the applicable department determines that a code violation has
4688 occurred or is occurring, the department shall make reasonable efforts to secure voluntary
4689 compliance from the person responsible for code compliance. Upon contacting the
4690 person responsible for code compliance, the department may enter into a voluntary
4691 compliance agreement as provided for in this section.

4692 B. A voluntary compliance agreement may be entered into at any time after
4693 issuance of a verbal or written warning, a citation, a notice and order or a stop work order
4694 and before an appeal is decided pursuant to K.C.C. chapter ((20.24)) 20.xx (the new
4695 chapter created under section 2 of this ordinance).

4696 C. The voluntary compliance agreement is a commitment by the person
4697 responsible for code compliance under which the person agrees to do any combination of
4698 abating the violation, remediating the site or mitigating the impacts of the violation. The
4699 voluntary compliance agreement shall include the following:

- 4700 1. The name and address of the person responsible for code compliance;
- 4701 2. The address or other identification of the location of the violation;
- 4702 3. A description of the violation and a reference to the provision or provisions of
4703 the ordinance, resolution or regulation that has been violated;
- 4704 4. A description of the necessary corrective action to be taken and identification
4705 of the date or time by which compliance must be completed. For the purpose of this
4706 subsection C.4., the department may either require that compliance be achieved by a
4707 specific date or that compliance be achieved by a date to be determined based on the
4708 occurrence of some future event;

4709 5. The amount of the civil penalty that will be imposed pursuant to K.C.C.
4710 chapter 23.32 if the voluntary compliance agreement is not satisfied;

4711 6. An acknowledgment that the voluntary compliance agreement will be
4712 recorded against the property in the records and licensing services division, the recording
4713 to be accomplished as provided for in notice and order cases;

4714 7. An acknowledgment that if the department determines that the terms of the
4715 voluntary compliance agreement are not met, the department may issue a notice of
4716 noncompliance, and if the notice of noncompliance is not successfully appealed pursuant
4717 to K.C.C. 20.24.090, as recodified by this ordinance, that the county may, without issuing
4718 a citation, notice and order or stop work order, impose any remedy authorized by this
4719 title, which includes the assessment of the civil penalties identified in the voluntary
4720 compliance agreement, abatement of the violation, assessment of the costs incurred by
4721 the county to pursue code compliance and to abate the violation, including legal and
4722 incidental expenses, and the suspension, revocation or limitation of a development
4723 permit;

4724 8. An acknowledgment that if any assessed penalty, fee or cost is not paid, a
4725 director may charge the unpaid amount as a lien against the property where the civil code
4726 violation occurred if owned by the person responsible for code compliance, and that the
4727 unpaid amount may be a joint and several personal obligation of all persons responsible
4728 for code compliance;

4729 9. An acknowledgment that by entering into the voluntary compliance
4730 agreement the person responsible for code compliance thereby admits that the conditions
4731 described in the voluntary compliance agreement existed and constituted a civil violation;

4732 and that the person responsible waives the right to administratively appeal the existence
4733 of the conditions and the fact that they constituted a civil code violation, and that if a
4734 notice of noncompliance is issued and not successfully appealed, the person is subject to
4735 and liable for any remedy authorized by this title, which includes the assessment of the
4736 civil penalties identified in the voluntary compliance agreement, abatement of the
4737 violation, assessment of the costs incurred by the county to pursue code compliance and
4738 to abate the violation, including legal and incidental expenses, and the suspension,
4739 revocation or limitation of a development permit; and

4740 10. An acknowledgment that the person responsible for code compliance
4741 understands that he or she knowingly, voluntarily and intelligently waives the right to
4742 administratively appeal a citation, notice and order or stop work order for any violation
4743 identified in the voluntary compliance agreement.

4744 D. Upon entering into a voluntary compliance agreement, a person responsible
4745 for code compliance admits that the conditions described in the voluntary compliance
4746 agreement existed and constituted a civil code violation; and agrees that if the department
4747 issues a notice of noncompliance, and if the notice of noncompliance is not successfully
4748 challenged through administrative appeal, he or she is liable for the civil penalty available
4749 under K.C.C. chapter 23.32. The person identified in the voluntary compliance
4750 agreement is liable for the costs incurred by the county to pursue code compliance and to
4751 abate the violation, including legal and incidental expenses as provided for in K.C.C.
4752 chapter 23.24 and is subject to all other remedies provided for in this title.

4753 E. An extension of the time limit for compliance or a modification of the required
4754 corrective action may be granted by the department if the person responsible for code

4755 compliance has shown due diligence or substantial progress in correcting the violation,
4756 but circumstances render full and timely compliance under the original conditions
4757 unattainable.

4758 F. The voluntary compliance agreement is not a settlement agreement.

4759 SECTION 144. Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100
4760 are each hereby amended to read as follows:

4761 If the department determines that terms of the voluntary compliance agreement
4762 are not completely met, the director may issue a notice of noncompliance. A notice of
4763 noncompliance shall include a description of all incomplete or untimely corrective or
4764 abatement action required under the voluntary compliance agreement. The notice of
4765 noncompliance shall also include the civil penalty to be imposed based upon the failure to
4766 comply with the voluntary compliance agreement. The person or persons responsible for
4767 code compliance may appeal the facts and conclusions described in the notice of
4768 noncompliance as provided by K.C.C. 20.24.090, as recodified by this ordinance. If the
4769 director issues a notice of noncompliance, and the notice of noncompliance is not
4770 successfully challenged through administrative appeal, the department may abate the
4771 violation in accordance with this title, and the person responsible for code compliance
4772 may, without being issued a citation, notice and order or stop work order, be assessed a
4773 civil fine or penalty, in accordance with the penalty provisions of the voluntary
4774 compliance agreement, plus all costs incurred by the county to pursue code compliance
4775 and to abate the violation, including legal and incidental expenses as provided for in this
4776 title, and may be subject to other remedies authorized by this title. Penalties imposed

4777 when a voluntary compliance agreement is not met accrue from the date that notice of
4778 noncompliance was issued.

4779 SECTION 145. Ordinance 12024, Section 7, and K.C.C. 23.10.070 are each
4780 hereby amended to read as follows:

4781 A. The owner of the land on which the vehicle is located may appear in person at
4782 the hearing or present a written sworn statement in time for consideration at the hearing.
4783 The owner may deny responsibility for the presence of the vehicle on the land stating the
4784 reason for such denial. If it is determined by the hearing officer that the vehicle was
4785 placed on the land without consent of the land owner and that the land owner has not
4786 subsequently acquiesced in its presence, then costs of administration or removal of the
4787 vehicle shall not be assessed against the property upon which the vehicle is located nor
4788 otherwise be collected from the land owner.

4789 B. Nothing in this chapter shall relieve the landowner of any civil penalties which
4790 may accrue from any zoning code violation related to the improper placement, parking or
4791 storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

4792 C. In addition to determination of responsibility as provided for in paragraph A,
4793 the hearing examiner shall receive and examine evidence on other relevant matters,
4794 including whether a public nuisance as defined in this chapter exists. The decision of the
4795 hearing examiner shall be final. Any further ((approval)) appeal shall be as prescribed in
4796 K.C.C. 20.24.240.B., as recodified by this ordinance.

4797 SECTION 146. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020
4798 are each hereby amended to read as follows:

4799 A. A citation represents a determination that a civil code violation has been
4800 committed and that the person cited is a person responsible for code compliance. The
4801 determination is final unless contested as provided in this title.

4802 B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for
4803 code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

4804 C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for
4805 code compliance to an illegal dumping cleanup restitution payment.

4806 D. The person issued a citation shall respond to the citation as provided in K.C.C.
4807 23.20.060 and 23.20.070 within (~~fourteen~~) seventeen days of the date of service of the
4808 citation.

4809 E. Failure to respond to the citation within (~~fourteen~~) seventeen days shall
4810 render the citation a final determination that the conditions described in the citation
4811 existed and constituted a civil code violation and that the person cited is liable as a person
4812 responsible for code compliance.

4813 F. Imposition of a civil fine creates a joint and several personal obligation in all
4814 persons responsible for code compliance who are served with the citation. The
4815 prosecuting attorney on behalf of King County may collect the civil fines assessed by any
4816 appropriate legal means.

4817 G. Issuance of a citation in no way limits a director's authority to issue a notice
4818 and order or stop work order to the same person responsible for code compliance
4819 pursuant to this title. Payment of the civil fine assessed under the citation does not
4820 relieve a person responsible for code compliance of his or her duty to correct the

4821 violation or to pay any and all civil penalties accruing under a notice and order or stop
4822 work order issued pursuant to this title.

4823 SECTION 147. Ordinance 13263, Section 17, as amended, and K.C.C. 23.20.030
4824 are each hereby amended to read as follows:

4825 A citation shall contain the following:

4826 A. A reasonable description of the location of the property on which the violation
4827 occurred;

4828 B. The name and address of the person responsible for code compliance;

4829 C. A brief description of the violation or violations found;

4830 D. A statement of the specific ordinance, resolution, regulation, public rule,
4831 permit condition, notice and order provision, or stop work order provision that was
4832 violated;

4833 E. The date that the citation was served;

4834 F. A statement that the citation represents a determination that a civil code
4835 violation has occurred and that the person cited is subject to civil fines;

4836 G. A statement of the amount of the civil fine assessed;

4837 H. A statement of the options provided in this title for responding to the citation
4838 and the procedures necessary to exercise these options;

4839 I. A statement that, at any hearing to contest the determination that a civil code
4840 violation has occurred, the county has the burden of proving, by a preponderance of the
4841 evidence, that the violation was committed;

4842 J. A statement that, at any hearing requested for the purpose of explaining
4843 mitigating circumstances surrounding the commission of the violation, the person cited
4844 will be deemed to have committed the violation;

4845 K. A statement that the person cited must respond to the citation as provided in
4846 this chapter within (~~fourteen~~) seventeen days;

4847 L. A statement that failure to respond to the citation or to appear at a requested
4848 hearing renders the citation a final determination that the conditions described in the
4849 citation existed and constituted a civil code violation and that the person cited is liable as
4850 a person responsible for code compliance;

4851 M. A statement advising that a failure to respond to the citation or appear at a
4852 requested hearing may be referred to the prosecuting attorney for prosecution; and

4853 N. A statement, made under penalty of perjury as provided in RCW 9A.72.085,
4854 setting forth facts supporting issuance of the citation.

4855 SECTION 148. Ordinance 16278, Section 16, and K.C.C. 23.20.060 are each
4856 hereby amended to read as follows:

4857 A. A person issued a citation must respond within (~~fourteen~~) seventeen days
4858 after service of the citation in one of the following ways:

4859 1. If the person issued the citation does not contest the determination, the person
4860 shall pay the amount of the civil penalty plus cleanup restitution payment, if applicable,
4861 specified in the citation. The record shall show a finding that the person cited is the
4862 person responsible for code compliance.

4863 2. If the person issued the citation does not contest the determination, but wishes
4864 to explain the circumstances surrounding the commission of the violation, the person

4865 shall request in writing a mitigation hearing and provide a mailing address to which
4866 notice of the hearing may be sent; or

4867 3. If the person issued the citation wishes to contest the determination that a
4868 violation occurred or that the person issued the citation is responsible for the violation,
4869 the person shall request in writing a contested hearing and provide a mailing address to
4870 which notice of the hearing may be sent.

4871 B. The person issued the citation shall respond to the citation by mail to the
4872 address provided on the citation. The response shall be postmarked not later than
4873 ~~((fourteen))~~ seventeen days after the date the citation was served.

4874 C. If a person fails to respond to a citation within ~~((fourteen))~~ seventeen days, the
4875 person shall be deemed to have committed the violation stated in the citation. The
4876 department may assess the penalty and restitution payment specified in the citation.

4877 SECTION 149. Ordinance 16278, Section 18, and K.C.C. 23.20.080 are each
4878 hereby amended to read as follows:

4879 A. If a person requests a hearing in response to a citation to contest the finding
4880 that a violation occurred or to contest that the person issued the citation is responsible for
4881 the violation, the department shall notify the hearing examiner that a contested hearing
4882 has been requested. The office of the hearing examiner shall:

4883 1. Schedule a hearing to be held within sixty days after the department provides
4884 notice of the request; and

4885 2. At least twenty days before the date of the hearing, provide notice of the time,
4886 place and date of the hearing by first class mail to the address provided in the request for
4887 hearing.

4888 B. Except as otherwise provided in this section, contested hearings shall be
4889 conducted pursuant to K.C.C. (~~(20.24.170)~~) chapter 20.xx (the new chapter created under
4890 section 2 of this ordinance) and the rules of procedure of the (~~(King County)~~) hearing
4891 examiner. The hearing examiner may issue subpoenas for witnesses and order limited
4892 discovery. The requirements (~~(of K.C.C. 20.24.145)~~) relating to (~~(pre-hearing)~~)
4893 prehearing conferences do not apply to the contested hearing.

4894 C. If the rights of the alleged violator to receive notice that meets due process
4895 requirements are not prejudiced:

4896 1. A citation shall not be deemed insufficient by reason of formal defects or
4897 imperfections, including a failure to contain a detailed statement of the facts constituting
4898 the specific violation which the person cited is alleged to have committed; and

4899 2. A citation may be amended prior to the conclusion of the hearing so as to
4900 conform to the evidence presented.

4901 D. The burden of proof is on the county to establish by a preponderance of the
4902 evidence that the violation was committed. The hearing examiner shall consider the
4903 citation and any other written report made as provided in RCW 9A.72.085, submitted by
4904 the person who issued the citation or whose written statement was the basis for the
4905 issuance of the citation in lieu of that person's personal appearance at the hearing as
4906 prima facie evidence that a violation occurred and that the person cited is responsible.
4907 The statement and any other evidence accompanying the report shall be admissible
4908 without further evidentiary foundation. Any additional certification or declarations
4909 authorized under RCW 9A.72.085 shall also be admissible without further evidentiary

4910 foundation. The person cited may rebut the evidence and establish that the violation did
4911 not occur or that the person contesting the citation is not responsible for the violation.

4912 E. If the citation is sustained at the hearing, the hearing examiner shall enter an
4913 order finding that the person cited committed the violation. If an ongoing violation
4914 remains uncorrected, the hearing examiner shall impose the applicable penalty. The
4915 hearing examiner may reduce the penalty as provided in K.C.C. 23.20.070 if the violation
4916 has been corrected. If the hearing examiner finds by a preponderance of the evidence that
4917 the violation did not occur, an order shall be entered dismissing the citation.

4918 F. The hearing examiner's decision (~~((is a final agency action))~~) shall be final and
4919 conclusive unless an appeal is timely filed with the appropriate court or tribunal.

4920 G. A cited person's failure to appear for a scheduled hearing shall result in an
4921 order being entered that the person cited is the person responsible for code compliance
4922 and assessing the applicable civil penalty and if applicable, cleanup restitution payment.

4923 SECTION 150. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020
4924 are each hereby amended to read as follows:

4925 A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order
4926 represents a determination that a civil code violation has been committed, that the person
4927 cited is a person responsible for code compliance, and that the violations set out in the
4928 notice and order require the assessment of penalties and costs and other remedies
4929 including cleanup restitution payment, if applicable, specified in the notice and order.

4930 B. Failure to correct the civil code violation in the manner prescribed by the
4931 notice and order subjects the person to whom the notice and order is directed to the use of
4932 any of the compliance remedies provided by this title, including:

- 4933 1. Additional civil penalties and costs;
- 4934 2. A requirement that abatement, remediation or mitigation be performed;
- 4935 3. An agreement to perform community service as prescribed by this chapter;
- 4936 4. Permit suspension, revocation, modification or denial as prescribed by this
- 4937 chapter; or
- 4938 5. Abatement by a director and recovery of the costs of abatement according to
- 4939 the procedures described in this chapter.

4940 C. Any person identified in the notice and order as responsible for code

4941 compliance may appeal the notice and order (~~within fourteen days~~) according to the

4942 procedures in K.C.C. chapter 23.36.

4943 D. Failure to appeal the notice and order within the applicable time limits shall

4944 render the notice and order a final determination that the conditions described in the

4945 notice and order existed and constituted a civil code violation, and that the named party is

4946 liable as a person responsible for code compliance.

4947 E. Issuance of a notice and order in no way limits a director's authority to issue a

4948 citation or stop work order to a person previously cited through the notice and order

4949 process pursuant to this title. Payment of the civil penalties assessed under the notice and

4950 order does not relieve a person found to be responsible for code compliance of his or her

4951 duty to correct the violation and/or to pay any and all civil fines or penalties accruing

4952 under citations or stop work orders issued pursuant to this title.

4953 SECTION 151. Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030

4954 are each hereby amended to read as follows:

4955 The notice and order shall contain the following information:

- 4956 A. The address, when available, or location of the civil code violation;
- 4957 B. A legal description of the real property or the King County tax parcel number
4958 where the violation occurred or is located, or a description identifying the property by
4959 commonly used locators;
- 4960 C. A statement that the director has found the named person to have committed a
4961 civil code violation and a brief description of the violation or violations found;
- 4962 D. A statement of the specific provisions of the ordinance, resolution, regulation,
4963 public rule, permit condition, notice and order provision or stop work order that was or is
4964 being violated;
- 4965 E. The dollar amount of the civil penalty per separate violation;
- 4966 F. A statement advising that any costs of enforcement that exceed the amount of
4967 the penalty may also be assessed against the person to whom the notice and order is
4968 directed;
- 4969 G. A statement advising that the notice and order will be recorded against the
4970 property in the records and licensing services division subsequent to service;
- 4971 H. A statement of the corrective or abatement action required to be taken and that
4972 all required permits to perform the corrective action must be obtained from the proper
4973 issuing agency;
- 4974 I. A statement advising that, if any required work is not commenced or completed
4975 within the time specified by the notice and order, a director may proceed to abate the
4976 violation and cause the work to be done and charge the costs thereof as a lien against the
4977 property and as a joint and several personal obligation of any persons responsible for
4978 code compliance;

4979 J. A statement advising that, if any assessed penalty, fee or cost is not paid on or
4980 before the due date, a director may charge the unpaid amount as a lien against the
4981 property where the civil code violation occurred if owned by a person responsible for
4982 code compliance and as a joint and several personal obligation of all persons responsible
4983 for code compliance;

4984 K. A statement advising that any person named in the notice and order or having
4985 any record or equitable title in the property against which the notice and order is recorded
4986 may appeal from the notice and order to the hearing examiner within (~~fourteen~~) twenty-
4987 four days of the date of service of the notice and order;

4988 L. A statement advising that a failure to correct the violations cited in the notice
4989 and order could lead to the denial of subsequent King County permit applications on the
4990 subject property;

4991 M. A statement advising that a failure to appeal the notice and order within the
4992 applicable time limits renders the notice and order a final determination that the
4993 conditions described in the notice and order existed and constituted a civil code violation,
4994 and that the named party is liable as a person responsible for code compliance; and

4995 N. A statement advising the person responsible for code compliance of his or her
4996 duty to notify the director of any actions taken to achieve compliance with the notice and
4997 order.

4998 SECTION 152. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100
4999 are each hereby amended to read as follows:

5000 A. A director may suspend, revoke or limit any permit issued by that director
5001 whenever:

5002 1. The permit holder has committed a code violation in the course of performing
5003 activities subject to that permit;

5004 2. The permit holder has interfered with a director in the performance of his or
5005 her duties relating to that permit;

5006 3. The permit was issued in error or on the basis of materially incorrect
5007 information supplied to the county;

5008 4. Permit fees or costs were paid to the county by check and returned from a
5009 financial institution marked nonsufficient funds (NSF) or canceled;

5010 5. For a permit or approval that is subject to critical areas review, the applicant
5011 has failed to disclose a change of circumstances on the development proposal site which
5012 materially affects an applicant's ability to meet the permit or approval conditions or
5013 which makes inaccurate the critical areas study that was the basis for establishing permit
5014 or approval conditions; or

5015 6. For a permit or approval for which fees that have been billed are sixty days or
5016 more past due. If the applicant has filed a timely written notice for a fee waiver under
5017 K.C.C. 27.02.040, the permit shall not be suspended, revoked or otherwise limited under
5018 this subsection A.6_ until at least ~~((fourteen))~~ seventeen days after the fee waiver decision
5019 has been issued.

5020 B. A suspension, revocation or modification authorized by subsection A_ of this
5021 section shall be carried out through the notice and order provisions of this chapter and
5022 shall be effective upon the compliance date established by the notice and order. The
5023 revocation, suspension or cancellation may be appealed to the hearing examiner using the
5024 appeal provisions of this title.

5025 C. Notwithstanding any other provision of this title, a director may immediately
5026 suspend operations under any permit by issuing a stop work order pursuant to K.C.C.
5027 chapter 23.28.

5028 SECTION 153. Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050
5029 are each hereby amended to read as follows:

5030 A. The invoice for newly assessed civil penalties imposed under this title shall
5031 include a statement advising the person responsible for code compliance that there is a
5032 right, within twenty-~~((one))~~four days from service of the invoice, to request a waiver
5033 from the director of some or all of the penalties.

5034 B. Civil penalties, in whole or in part, may be waived or reimbursed to the payer
5035 by the director, with the concurrence of the director of the department of executive
5036 services, under the following circumstances:

- 5037 1. The citation, notice and order, notice of noncompliance or stop work order
5038 was issued in error;
- 5039 2. The civil penalties were assessed in error; or
- 5040 3. Notice failed to reach the property owner due to unusual circumstances.

5041 C. Civil penalties, in whole or in part, may be waived by the director, with the
5042 concurrence of the director of the department of executive services or its successor
5043 agency, under the following circumstances:

- 5044 1. The code violations have been cured under a voluntary compliance
5045 agreement;

5046 2. The code violations which formed the basis for the civil penalties have been
5047 cured, and the director finds that compelling reasons justify waiver of all or part of the
5048 outstanding civil penalties; or

5049 3. Other information warranting waiver has been presented to the director since
5050 the citation, notice and order, notice of noncompliance, stop work order or newly
5051 assessed penalty invoice was issued.

5052 D. In cases where additional penalties may be assessed and liens issued, or where
5053 compliance or other factors may provide a later ground for waiver, the director may
5054 postpone consideration of the waiver request. New penalties may be assessed as
5055 warranted, but interest shall not accrue on, and collection shall not be pursued for,
5056 penalties subject to a pending waiver request.

5057 E. When the director reaches a final determination on a waiver request, the
5058 department shall provide a written decision to the person filing the waiver request, either
5059 in person or by mail. The written decision shall inform the person of the right to appeal
5060 the waiver decision and shall provide notice of the appeal deadlines and requirements
5061 established in this chapter.

5062 F. The director shall document the circumstances under which a decision was
5063 made to waive penalties and such a statement shall become part of the public record
5064 unless privileged.

5065 SECTION 154. Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100
5066 are each hereby amended to read as follows:

5067 A. A person who filed a penalty waiver request under K.C.C. 23.32.050 may
5068 appeal the director's decision denying all or a portion of the request waiver.

5069 B. In order to be effective, a written notice and statement of appeal must be
5070 received by the department within (~~fourteen~~) seventeen days from service of the
5071 director's penalty waiver decision. The statement of appeal must include:

- 5072 1. The identity of the person filing the appeal;
- 5073 2. The address of the property where the violations were determined to exist;
- 5074 3. A description of the actions taken to achieve compliance and, if applicable,
5075 the date of compliance; and
- 5076 4. Any other reasons why the person believes the penalties are erroneous or
5077 excessive under the circumstances.

5078 C. Failure to effectively appeal the director's penalty waiver decision within the
5079 applicable time limits renders the decision final.

5080 SECTION 155. Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110
5081 are each hereby amended to read as follows:

5082 The burden is on the appellant to demonstrate by a preponderance of the evidence
5083 that civil penalties were assessed after achieving compliance or that the penalties are
5084 otherwise erroneous or excessive under the circumstances. If the hearing examiner grants
5085 the appeal, in whole or in part, the examiner shall modify the assessment of civil
5086 penalties accordingly. If the hearing examiner denies the appeal in full (~~whole or in~~
5087 ~~part~~), the assessed civil penalties shall be reinstated in full. The hearing examiner's
5088 decision is final.

5089 SECTION 156. Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120
5090 are each hereby amended to read as follows:

5091 A. In an appeal of the assessment of civil penalties, the appellant may not
5092 challenge findings, requirements or other items(~~(s)~~) that could have been challenged
5093 during the appeal period for a citation, notice and order, notice of noncompliance, stop
5094 work order or earlier penalty.

5095 B. The appeal of the assessment of civil penalties to the hearing examiner shall
5096 be governed by K.C.C. chapters (~~(20.24)~~) 20.xx (the new chapter created under section 2
5097 of this ordinance) and 23.36, except that where specific provisions in this chapter conflict
5098 with K.C.C. chapter (~~(20.24)~~) 20.xx (the new chapter created under section 2 of this
5099 ordinance) or 23.36, (~~(the provisions of)~~) this chapter shall govern.

5100 C. Upon the timely receipt of a statement of appeal, the assessment of civil
5101 penalties shall be tolled pending the hearing examiner's decision. New penalties may be
5102 assessed and liens issued as warranted, but interest shall not accrue on, and collection
5103 shall not be pursued for, penalties subject to a pending appeal. Should the hearing
5104 examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively
5105 from the date that compliance was required in the notice and order, stop work order,
5106 voluntary compliance agreement or the compliance dates set in the hearing examiner's
5107 decision on an appeal of a notice and order.

5108 SECTION 157. Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010
5109 are each hereby amended to read as follows:

5110 A.~~(1-)~~ Any person named in a notice and order or stop work order and any
5111 owner of the land where the violation occurred for which a notice and order or stop work
5112 order is issued may (~~(file with the issuing department a notice of)~~) appeal (~~(of)~~) the notice
5113 and order or stop work order in accordance with K.C.C. 20.24.090, as recodified by this

5114 ordinance. (~~The notice of appeal shall be filed within fourteen days of the service of the~~
5115 ~~notice and order or stop work order.~~)

5116 ~~((2-))~~ B. Any complainant who has alleged a violation of K.C.C. chapter 9.12,
5117 16.82 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to
5118 be kept advised in accordance with K.C.C. 23.02.070.H. may (~~file with the issuing~~
5119 ~~department a notice of~~) appeal (~~(of)~~) a citation, notice and order, stop work order or a
5120 determination not to issue a citation or order in accordance with K.C.C. 20.24.090, as
5121 recodified by this ordinance. (~~The notice of appeal shall be filed within fourteen days of~~
5122 ~~the service of the citation, notice and order, stop work order or notice of decision not to~~
5123 ~~issue a citation or order.~~)

5124 ~~B.~~ If a notice of appeal has been filed within the time period provided in this
5125 section, the appellant shall file a statement of appeal with the issuing department within
5126 twenty one days of the service of the citation, notice and order, stop work order or notice
5127 of decision not to issue a citation or order.)

5128 C. Any person issued a citation shall respond to the citation as provided in
5129 K.C.C. chapter 23.20.

5130 D. A (~~notice~~) statement of appeal shall comply with the form, content and
5131 service requirements of K.C.C. chapters 20.20 and (~~20.24~~) 20.xx (the new chapter
5132 created under section 2 of this ordinance) and adopted public rules.

5133 SECTION 158. Ordinance 13263, Section 44, and K.C.C. 23.36.020 are each
5134 hereby amended to read as follows:

5135 A. The appeal hearing shall be conducted as provided for in K.C.C. chapter
5136 (~~20.24~~) 20.xx (the new chapter created under section 2 of this ordinance) except that

5137 where specific provisions in this title conflict with K.C.C. chapter ((20.24)) 20.xx (the
5138 new chapter created under section 2 of this ordinance), the provisions of this title shall
5139 govern.

5140 B. Enforcement of any notice and order of a director issued pursuant to this title
5141 shall be stayed as to the appealing party during the pendency of any administrative appeal
5142 under this title, except when a director determines that the violation poses a significant
5143 threat of immediate and/or irreparable harm and so states in any notice and order issued.

5144 C. Enforcement of any stop work order of a director issued pursuant to this title
5145 shall not be stayed during the pendency of any administrative appeal under this title.

5146 D. When multiple citations, stop work orders, or notices and orders have been
5147 issued simultaneously for any set of facts constituting a violation, only one appeal of all
5148 the enforcement actions shall be allowed.

5149 SECTION 159. Ordinance 16026, Section 11, and K.C.C. 27.50.020 are each
5150 hereby amended to read as follows:

5151 An applicant disputing a fee estimate must do so in writing filed with the
5152 department not later than seventeen days after the date that the department mailed the fee
5153 estimate letter or estimate revision to the applicant. Within fourteen days after the
5154 applicant files the fee estimate dispute with the department, the department shall mail the
5155 director's decision on the fee estimate dispute to the applicant. The director's decision
5156 shall be final unless the applicant then files a written combined notice and statement of
5157 appeal with the director, together with the required appeal fee, not later than seventeen
5158 days after the department mailed the director's decision to the applicant. The applicant
5159 may only appeal an adverse decision, in which the director has denied all or a portion of

5160 the applicant's dispute. The department shall forward a copy of the combined notice and
5161 statement of appeal to the hearing examiner. The department shall also preserve the
5162 record((§)) and comply with the appeal provisions in K.C.C. 20.24.090.((D))E, as
5163 recodified by this ordinance.

5164 SECTION 160. Ordinance 16026, Section 15, and K.C.C. 27.50.060 are each
5165 hereby amended to read as follows:

5166 A. An applicant appealing any billing on a project managed permit or approval
5167 must file a written combined notice and statement of appeal with the director, together
5168 with the required appeal fee not later than twenty-one days after the date the department
5169 issues the written notice of completion or permit issuance document to the applicant. The
5170 department shall forward the combined notice and statement of appeal to the hearing
5171 examiner. The department shall also preserve the record((§)) and comply with the appeal
5172 provisions outlined in K.C.C. 20.24.090.((D))E, as recodified by this ordinance.

5173 B. The director shall respond to the combined notice and statement of appeal
5174 filed under this section within twenty-one days after the combined notice and statement is
5175 filed with the department. The director shall determine whether to grant, partially
5176 grant((§)) or deny the billing appeal. The department shall mail the director's decision to
5177 the applicant and the examiner. If the director grants the appeal of the billing, the
5178 examiner shall dismiss the appeal and the department shall refund the applicant's appeal
5179 fee. If the director partially grants or denies the applicant's billing appeal request, the
5180 examiner shall conduct an open record hearing((§)) and affirm, modify or reverse the
5181 decision of the director.

5182 SECTION 161. Ordinance 11034, Section 9, and K.C.C. 28.84.100 are each
5183 hereby amended to read as follows:

5184 The following ~~((provisions))~~ shall govern appeals from decisions of the director
5185 related to permits, discharge authorizations, violations and penalties under K.C.C.
5186 28.84.050 and 28.84.060~~((:))~~:

5187 A. Any person ~~((allegedly))~~ aggrieved by ~~((any such))~~ a decision of the director
5188 shall, before filing ~~((any))~~ an appeal ~~((with))~~ to the ~~((King County))~~ hearing examiner,
5189 request that the director reconsider the decision. The request must be made within fifteen
5190 calendar days of the date of the decision. The request shall state the decision to be
5191 appealed, the grounds for the appeal and the relief ~~((being))~~ sought. The director shall
5192 promptly issue a final decision, which shall be appealable only as provided ~~((herein))~~ in
5193 K.C.C. 20.24.090, as recodified by this ordinance;

5194 B. ~~((Within fifteen calendar days of the date of issuance of the director's final
5195 decision, the person allegedly aggrieved may file a written appeal statement with the
5196 King County hearing examiner. The appeal shall state the decision being appealed and
5197 the grounds for appeal~~

5198 ~~((:))~~ The examiner shall hear the appeal, determine whether the decision of the
5199 director was consistent with K.C.C. 28.84.050 or 28.84.060, as applicable, this chapter
5200 and rules and regulations promulgated by the director~~((:))~~ and promptly issue a final
5201 decision ~~((K.C.C. 20.24.080.))~~; and

5202 ~~((D.))~~ C. Appeals of the examiner's final decision shall be to the superior court or
5203 the state Pollution Control Hearings Board, as provided by law.

5204 SECTION 162. In accordance with K.C.C. 20.12.205, the executive shall submit
5205 this ordinance to the state Department of Ecology for its approval of the standards in
5206 sections 34, 35, 113, 114 and 115 of this ordinance, as provided in RCW 90.58.090.

5207 SECTION 163. Sections 34, 35, 113, 114 and 115 of this ordinance take effect

5208 within the shoreline jurisdiction fourteen days after the Department of Ecology provides
5209 written notice of final action stating that the proposal is approved.
5210

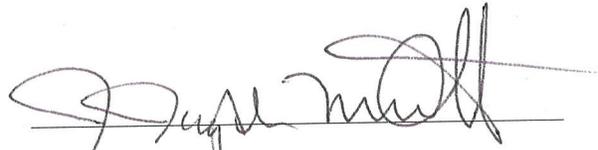
Ordinance 18230 was introduced on 11/23/2015 and passed as amended by the Metropolitan King County Council on 2/8/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

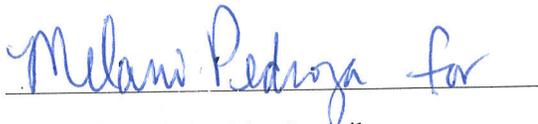
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 17 day of FEBRUARY, 2016.



Dow Constantine, County Executive

Attachments: None