

INTRODUCED BY: GARY GRANT

PROPOSED NO: 89 - 838

ORDINANCE NO. 9224

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AN ORDINANCE relating to noise control; increasing temporary variance application fees and establishing a fee for environmental plan reviews; amending Ordinance 3139, Section 701 and K.C.C. 12.96.010, as amended, and adding a new section to K.C.C. 12.96.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance No. 3139, Section 701, K.C.C. 12.96.010 are hereby amended to read as follows:

Variance procedure. A. Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Chapters 12.86 through 12.100 or rules and regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. In accordance with the administrative code, the administrator shall promulgate rules and regulations governing the application for and granting of such variances, including hearings and notice.

B. Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable base fee as follows:

- 1. Temporary variance ..... (~~(\$40.00)~~) \$100.00;
- 2. Technical or economic variance, source in rural or residential district ..... \$100.00;
- 3. Technical or economic variance, source in commercial or industrial district ..... \$250.00.

C. In addition to the base fee the review fee for technical or economic variance shall be the actual costs associated with application review over and above the base fee.

D. A variance or its renewal shall not be a right of the applicant or holder thereof, but shall be at the reasonable discretion of the administrator.

1 E. No variance shall be granted pursuant to this section until the admin-  
2 istrator has considered the relative interests of the applicant, other owners  
3 or possessors of property likely to be affected by the noise, and the general  
4 public. A technical or economic variance may be granted only after a public  
5 hearing on due notice. The administrator may grant a variance, if he finds  
6 that:

7 1. The noise occurring or proposed to occur does not endanger public  
8 health or safety; and

9 2. The applicant demonstrates the criteria required for temporary,  
10 technical or economic variance under Section 12.96.105.

11 F. Variances, except temporary variances, granted pursuant to Chapters  
12 12.86 through 12.100 may be renewed on terms and conditions and for periods  
13 which would be appropriate on the initial granting of a variance. No renewal  
14 shall be granted except on application made at least sixty days prior to the  
15 expiration of the variance.

16 G. Any person aggrieved by the denial, grant, or the terms and conditions  
17 on the grant of an application for a variance by the administrator may appeal  
18 such decision under procedures incorporated by Chapter 12.99.

19 H. Any person or source granted a variance pursuant to the procedures of  
20 this section or an appeal shall be exempt from the maximum permissible sound  
21 levels established by Chapters 12.86 through 12.100, to the extent provided in  
22 the variance.

23 NEW SECTION. SECTION 2. There is added to K.C.C. 12.96 a new section to  
24 read as follows:

25 Plan review fee. Whenever any project is submitted to the administrator  
26 for review, relating to any special noise studies and mitigating measures,  
27 proposed as part of a mitigated declaration of non-significance or environ-  
28 mental impact statement under any of the following:

29 Chapter 43.21C of the Revised Code of Washington, the state environmental  
30 policy act;

31 Chapter 197-11 of the Washington Administrative code, the state environ-  
32 mental policy act rules;

1 Chapter 20.44 of the King County Code, the county environmental  
2 procedures;

3 The environmental review ordinance of any other city or town or other  
4 municipal corporation;  
5 the request for review shall be accompanied by a plan review fee of fifty dol-  
6 lars (\$50.00). This fee shall be nonrefundable, and shall accompany each  
7 request for comment by the administrator, including each request for comment  
8 on a declaration of non-significance with mitigation, a declaration of  
9 significance, or an environmental impact statement.

10 INTRODUCED AND READ for the first time this 23rd day of  
11 October, 1989.

12 PASSED this 22nd day of November, 1989.

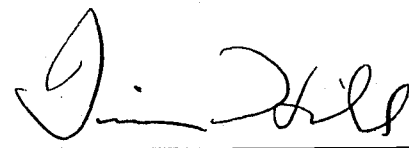
14 KING COUNTY COUNCIL  
15 KING COUNTY, WASHINGTON

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Clerk of the Council

23 APPROVED this 6th day of December, 1989.

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King County Executive