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Introduced By: Christopher Vance

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Proposed No.: 96-112

ORDINANCE NO. **12196**

AN ORDINANCE implementing ESHB 1724 (Chapter 347, RCW), relating to permitting; providing new permit processes and administrative appeals, approval timelines, notice requirements, judicial review, SEPA/GMA integration through use of existing rules; amending Ordinance 9163, Section 2 and K.C.C. 9.04.020, Ordinance 4895, Section 1 and K.C.C. 14.28.010, Ordinance 3647, Section 2 and K.C.C. 16.04.010, Ordinance 11622, Section 3 and K.C.C. 16.04.052, Ordinance 1488, Section 5 and K.C.C. 16.82.020, Ordinance 1488, Section 7 and K.C.C. 16.82.060, Ordinance 2097, Section 1 and K.C.C. 17.04.010, Ordinance 263, Article 5, Section 4 and K.C.C. 20.24.040, Ordinance 263, Article 5 Section 5 and K.C.C. 20.24.050, Ordinance 263, Article 5, Section 6 and K.C.C. 20.24.060, Ordinance 4461, Section 1 and K.C.C. 20.24.070, Ordinance 4461, Section 2 and K.C.C. 20.24.080, Ordinance 4461, Section 3 and K.C.C. 20.24.090, Ordinance 11502, Section 14 and K.C.C. 20.24.097, Ordinance 11502, Section 15 and K.C.C. 20.24.098, Ordinance 263, Article 5, Section 7 (part) and K.C.C. 20.24.100, Ordinance 263, Article 5, Section 9 and K.C.C. 20.24.120, Ordinance 4461, Section 4 and K.C.C. 20.24.130, Ordinance 4461, Section 5 and K.C.C. 20.24.140, Ordinance 11502, Section 12 and K.C.C. 20.24.145, Ordinance 263, Article 5, Section 11 and K.C.C. 20.24.150, Ordinance 263, Article 5, Section 12 and K.C.C. 20.24.160, Ordinance 4461, Section 9, and K.C.C. 20.24.180, Ordinance 9544, Section 16, and K.C.C. 20.24.195, Ordinance 4461, Section 11, and K.C.C. 20.24.210, Ordinance 4461, Section 12, and K.C.C. 20.24.220, Ordinance 263, Article 5 Section 18, and K.C.C. 20.24.230, Ordinance 9544, Section 18, and K.C.C. 20.24.235, Ordinance 4461, Section 15, and K.C.C. 20.24.240, Ordinance 4461, Section 14, and K.C.C. 20.24.250, Ordinance 6949, Section 6, and K.C.C. 20.44.040, Ordinance 6949, Section 7, and K.C.C. 20.44.050, Ordinance 6949, Section 8, and K.C.C. 20.44.060, Ordinance 6949, Section 10, and K.C.C. 20.44.080, Ordinance 6949, Section 12 and K.C.C. 20.44.100, Ordinance 6949, Section 14, and K.C.C. 20.44.120, Ordinance 10870, Section 54 and K.C.C. 21A.06.070, Ordinance 10870, Section 454, and K.C.C. 21A.24.070, Ordinance 10870, Section 612, and K.C.C. 21A.42.040, Ordinance 10870, Section 616, and K.C.C. 21A.42.080, Ordinance 10870, Section 617, and K.C.C. 21A.42.090, Ordinance 11700, Section 45 and K.C.C. 25.08.015, Ordinance 3688, Section 806, and K.C.C. 25.32.060, Ordinance 3688, Section 808, and K.C.C. 25.32.080, Ordinance 3688, Section 809, and K.C.C. 25.32.090,

1 Ordinance 3688, Section 810, and K.C.C.
 2 25.32.100, Ordinance 3688, Section 813, and
 3 K.C.C. 25.32.130, and repealing Ordinance 11622,
 4 Section 5, and K.C.C. 26.82.054, Ordinance
 5 11622, Section 6, and K.C.C. 16.82.056,
 6 Ordinance 263, Article 1, Section 1 and K.C.C.
 7 20.08.010, Ordinance 3747, Sections 1-3 and
 8 K.C.C. 20.24.200, Ordinance 263, Article 6
 9 (part) Sections 1-6, and K.C.C. 20.28.010-.070,
 10 Ordinance 10870, Section 46, and K.C.C.
 11 21A.06.030, Ordinance 10870, Sections 595, 596,
 12 597 and K.C.C. 21A.40.010, .020, .030, Ordinance
 13 11621, Section 108 and K.C.C. 21A.40.035,
 14 Ordinance 11622, Section 17 and K.C.C.
 15 21A.40.037, Ordinance 11622, Sections 22 and 23
 16 and K.C.C. 21A.40.040-.050, Ordinance 11622,
 17 Section 601 and K.C.C. 21A.40.060, Ordinance
 18 10870, Section 603, and K.C.C. 21A.40.080,
 19 Ordinance 10870, Section 604, and K.C.C.
 20 21A.40.090, Ordinance 10870, Sections 605-608
 21 and K.C.C. 21A.40.100-.130, Ordinance 11621,
 22 Section 122, and K.C.C. 21A.41.030, Ordinance
 23 11621, Section 123 and K.C.C. 21A.41.040,
 24 Ordinance 11621, Section 128, and K.C.C.
 25 21A.41.090, Ordinance 10870, Sections 613-615
 26 and K.C.C. 21A.42.050-.070, Ordinance 11622,
 27 Section 11 and K.C.C. 25.32.012, Ordinance
 28 11622, Section 12, and K.C.C. 25.32.014,
 29 Ordinance 11622, Sections 13, 14, 15 and K.C.C.
 30 25.32.016, .024 and .026, Ordinance 3688,
 31 Section 803 and K.C.C. 25.32.030, Ordinance
 32 3688, Section 807, and K.C.C. 25.32.070, all as
 33 amended, and declaring an emergency.
 34

35 FINDINGS OF FACT:

- 36 1. ESHB 1724 requires local governments planning under the
 37 Growth Management Act to establish an "integrated and
 38 consolidated" project permit process.
 39 2. Key elements of that process include: combined
 40 environmental review and project review; determination
 41 of complete application to the applicant within 28
 42 days of filing; notice of application within 14 days
 43 following a determination of completeness and prior to
 44 a decision by the department; a single consolidated
 45 staff report for all decisions and recommendations
 46 made by the department; completion of project review
 47 and a decision within 120 days from the determination
 48 of completeness; an optional consolidated project
 49 permit review process for all permits; a uniform 14-
 50 day administrative appeal period; and providing for no
 51 more than one open record hearing and, excepting a
 52 SEPA determination of significance, one closed record
 53 appeal.
 54 3. The County, as well as the State, has a strong interest
 55 in regulatory reform and efficient permitting to
 56 achieve affordable housing, economic vitality and
 57 other County goals.
 58 4. The Council desires to eliminate delays to the fullest
 59 extent possible in the permitting and appeals process.
 60 5. The Council desires to implement the recommendations of
 61 the Forum for Regulatory Balance by having subjected
 62 this ordinance to reasonable review, and by providing

1 for greater uniformity of standards among
2 jurisdictions by modeling this ordinance on procedures
3 used by the cities of Seattle and Bellevue.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 9163, Section 2 and K.C.C. 9.04.020 are
6 hereby amended to read as follows:

7 Definitions.

8 A. "Applicant" means a property owner or a public agency or
9 public or private utility which owns a right-of-way or other easement
10 or has been adjudicated the right to such an easement pursuant to RCW
11 8.12.090, or any person or entity designated or named in writing by
12 the property or easement owner to be the applicant, in an application
13 for a development proposal, permit or approval.

14 B. "Basin" means a drainage area which drains either to the
15 Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage
16 areas which drain directly to Puget Sound.

17 C. "Basin Plan" means a plan and all implementing regulations
18 and procedures including but not limited to capital projects, public
19 education activities, and land use management adopted by ordinance for
20 managing surface and storm water management facilities and features
21 within individual subbasins.

22 D. "Bond" means a surety bond, cash deposit or escrow account,
23 assignment of savings, irrevocable letter of credit or other means
24 acceptable to or required by the manager to guarantee that work is
25 completed in compliance with the project's engineering plan and in
26 compliance with all King County requirements.

27 E. "Closed depression" means an area of King County which is
28 low-lying and either has no, or such a limited, surface water outlet
29 that during storm events the area acts as a retention basin, with more
30 than five thousand square feet at overflow elevation.

31 F. "Department" means the department of public works.

1 G. "Design storm" means a rainfall (or other precipitation)
2 event or pattern of events for use in analyzing and designing drainage
3 facilities.

4 H. "Development" means any activity that requires a permit or
5 approval, including but not limited to a building permit, grading
6 permit, shoreline substantial development permit, conditional use
7 permit, special use permit, zoning variance or reclassification,
8 subdivision, short subdivision, urban planned development, building
9 site plan, or commercial site development permit or right-of-way use
10 permit.

11 I. "Development engineer" means the department and development
12 and environmental services employee authorized to oversee the review,
13 conditioning, inspection and acceptance of right-of-way use permits,
14 road and drainage projects constructed pursuant to permits
15 administered by the division. The development engineer or designee
16 shall be a professional civil engineer registered and licensed under
17 the laws of the State of Washington.

18 J. "Director" means the director of the department of public
19 works or the director's designee.

20 K. "Division" means the building and land development division
21 of the department of parks, planning and resources or its successor
22 agency.

23 L. "Drainage" means the collection, conveyance, containment,
24 and/or discharge of surface and storm water runoff.

25 M. "Drainage facility" means the system of collecting,
26 conveying and storing surface and storm water runoff. Drainage
27 facilities shall include but not be limited to all surface and storm
28 water conveyance and containment facilities including streams,
29 pipelines, channels, ditches, swamps, lakes, wetlands, closed
30 depressions, infiltration facilities, retention/detention facilities,
31 erosion/ sedimentation control facilities and other drainage
32 structures and appurtenances, both natural and constructed.

1 N. "Drainage review" means an evaluation by the department of
2 development and environmental services staff of a proposed project's
3 compliance with the drainage requirements in the Surface Water Design
4 Manual.

5 O. "Erosion/sedimentation control" means any temporary or
6 permanent measures taken to reduce erosion, control siltation and
7 sedimentation, and ensure that sediment-laden water does not leave the
8 site.

9 P. "Infiltration facility" means a drainage facility designed
10 to use the hydrologic process of surface and storm water runoff
11 soaking into the ground, commonly referred to as percolation, to
12 dispose of surface and storm water runoff.

13 Q. "Impervious surface" means a hard surface area which either
14 prevents or retards the entry of water into the soil mantle as under
15 natural conditions prior to development, and/or a hard surface area
16 which causes water to run off the surface in greater quantities or at
17 an increased rate of flow from the flow present under natural
18 conditions prior to development. Common impervious surfaces include,
19 but are not limited to, roofs, walkways, patios, driveways, parking
20 lots, storage areas, areas which are paved, graveled or made of packed
21 or oiled earthen materials, or other surfaces which similarly impede
22 the natural infiltration of surface and storm water. Open, uncovered
23 retention/detention facilities shall not be considered as impervious
24 surfaces for the purposes of this chapter.

25 R. "Improvement" means streets (with or without curbs or
26 gutters) sidewalks, crosswalks, parking lots, water mains, sanitary
27 and storm sewers, drainage facilities, street trees and other
28 appropriate items.

29 S. "Manager" means the manager of the building and land
30 development division of the department of parks, planning and
31 resources or its successor agency, or his/her designee.

1 T. "Master Drainage Plan" means a comprehensive drainage
2 control plan intended to prevent specific adverse impacts to the
3 natural and man made drainage system, both on and off-site.

4 U. "Multifamily/commercial retention/detention facility" means
5 a retention/detention facility which is not a subdivision
6 retention/detention facility as defined in this chapter.

7 V. "Preapplication" for the purposes of this chapter refers to
8 the meeting(s) and/or form(s) used by applicants for some development
9 permits to present initial project intentions to the division.
10 Preapplication does not mean application.

11 W. "Professional civil engineer" means a person registered with
12 the State of Washington as a professional engineer in civil
13 engineering.

14 X. "Project" means the proposed action of a permit application
15 or an approval which requires drainage review.

16 Y. "Retention/detention facility" means a type of drainage
17 facility designed either to hold water for a considerable length of
18 time and then release it by evaporation, plant transpiration and/or
19 infiltration into the ground; or to hold runoff for a short period of
20 time and then release it to the surface and storm water management
21 system.

22 Z. "Runoff" means water originating from rainfall and other
23 precipitation that is found in drainage facilities, rivers, streams,
24 springs, seeps, ponds, lakes and wetlands as well as shallow ground
25 water.

26 AA. "Shared Facility" means a drainage facility designed to
27 meet one or more of the requirements of K.C.C. 9.04.050 for two or
28 more separate projects contained within a basin as defined in K.C.C.
29 9.04.020. Shared facilities usually include shared financial
30 commitments for those drainage facilities.

31 BB. "Site" means the portion of a piece of property that is
32 directly subject to development.

1 CC. "Subbasin" means a drainage area which drains to a water
2 course or water body named and noted on common maps and which is
3 contained within a basin as defined in K.C.C. 9.04.020.

4 DD. "Subdivision retention/detention facility" means a
5 retention/detention facility which is both located within or
6 associated with a short or formal plat subdivision containing only
7 single family or duplex residential structures located on individual
8 lots and which is required to handle excess runoff generated by
9 development of an area of which two-thirds or more is designated for
10 single family or duplex residential structures located on individual
11 lots.

12 EE. "Surface and storm water" means water originating from
13 rainfall and other precipitation that is found in drainage facilities,
14 rivers, streams, springs, seeps, ponds, lakes and wetlands as well as
15 shallow ground water.

16 FF. "Surface and storm water management system" means drainage
17 facilities and any other natural features which collect, store,
18 control, treat and/or convey surface and storm water.

19 GG. "Surface Water Design Manual" means the manual (and
20 supporting documents as appropriate) describing surface and storm
21 water design and analysis requirements, procedures and guidance which
22 has been formally adopted by rule under the procedures specified in
23 K.C.C. 2.98. The Surface Water Design Manual is available from the
24 division permit center.

25 HH. "Water quality swale" means an open vegetated drainage
26 channel intended to optimize water quality treatment of surface and
27 storm water runoff by following the specific design criteria described
28 in the Surface Water Design Manual.

29 II. "Wetponds" and "wetvaults" mean drainage facilities for
30 water quality treatment that contain a permanent pool of water,
31 usually four feet in depth, that are filled during the initial runoff
32 from a storm event. They are designed to optimize water quality by

1 providing retention time (on the order of a week or more) in order to
2 settle out particles of fine sediment to which pollutants such as
3 heavy metals absorb, and to allow biologic activity to occur that
4 metabolizes nutrients and organic pollutants. For wetvaults, the
5 permanent pool of water is covered by a lid which blocks sunlight from
6 entering the facility, limiting photo-dependent biologic activity.

7 SECTION 2. Ordinance 4895, Section 1, as amended and K.C.C.
8 14.28.010 are hereby amended to read as follows:

9 Definitions.

10 A. Applicant. "Applicant" means a property owner or a public
11 agency or public or private utility which owns a right-of-way or other
12 easement or has been adjudicated the right to such an easement
13 pursuant to RCW 8.12.090, or any person or entity designated or named
14 in writing by the property or easement owner to be the applicant, in
15 an application for a development proposal, permit or approval.

16 B. ~~((Division. "Division" means the building and land~~
17 ~~development division of the department of parks, planning and~~
18 ~~resources)) Department. "Department" means the department of~~
19 development and environmental services.

20 C. Development approval. "Development approval" means the
21 granting of a building permit, mobile home on-site permit, short
22 subdivision or other county land use approval or approvals.

23 D. Development engineer. "Development engineer" means the
24 building and land development division employee authorized to oversee
25 the review, conditioning, inspection and acceptance of right-of-way
26 use permits, road and drainage projects constructed pursuant to
27 permits administered by the division. The development engineer or
28 designee shall be a professional civil engineer registered and
29 licensed under the laws of the State of Washington.

30 E. Right-of-way use permit.

1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

2. "Right-of-way use permit: extended" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time exceeding one year in duration.

SECTION 3. Ordinance 3647, Section 2, as amended and K.C.C. 16.04.010 are hereby amended to read as follows:

Adoption. The following volumes, as published by or jointly with the International Conference of Building Officials, together with amendments, additions and deletions hereinafter adopted by reference, together with King County modifications attached to Ordinance 10608* and referred to as Attachment A, (~~and with~~) modifications attached to (~~this~~) Ordinance 11700 and referred to as Attachment A(~~7~~) and modifications attached to this Ordinance and referred to as Attachment A, are adopted as the building codes of King County and hereinafter referred to as "the code":

A. The Uniform Building Code, including Chapter 41 Uniform Building Security Code, 1991 Edition, with Appendices, and the Uniform Building Code Standards, 1991 Edition as amended in WAC 51-20 and 51-21 on November 8, 1991;

B. The Uniform Mechanical Code, 1991 Edition, with Appendices as amended in WAC 51-22 on November 8, 1991;

C. The Uniform Housing Code, 1991 Edition;

D. The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition.

This code also may be further clarified and implemented with administrative rules adopted in accordance with K.C.C. 2.98.

SECTION 4. Ordinance 11622, Section 3, as amended and K.C.C. 16.04.052 are hereby amended as follows:

Applications - Complete applications. A. For the purposes of determining the application of time periods and procedures adopted by

1 ((~~this chapter~~)) K.C.C. Title 20, applications for permits authorized
2 by Chapter 16.04 shall be considered complete as of the date of
3 submittal upon determination by the department that the materials
4 submitted contain the following ~~((+))~~, in addition to the complete
5 application requirements of Section 11.

6 ~~1. ((Application forms provided by the department and completed~~
7 ~~by the applicant;~~

8 ~~2. As applicable, certificates of sewer and water availability~~
9 ~~from the appropriate purveyors, where sewer and/or water service is~~
10 ~~proposed to be obtained from a purveyor, confirming that the proposed~~
11 ~~water supply and/or sewage disposal are adequate to serve the~~
12 ~~development in compliance with adopted state and local system design~~
13 ~~and operating guidelines;~~

14 ~~3. Certificate of transportation concurrency from the department~~
15 ~~of public works;~~

16 ~~4. Certificate of future connection from the appropriate~~
17 ~~purveyor for lots located within the Urban Growth Area which are~~
18 ~~proposed to be served by onsite or community sewage system and/or~~
19 ~~Group B water systems or private well;~~

20 ~~5. Receipt signed by the fire district verifying application~~
21 ~~submittal pursuant to K.C.C. 17.10.020E, if applicable;~~

22 ~~6.) Identification on the site plan of all easements, deed~~
23 ~~restrictions, or other encumbrances restricting the use of the~~
24 ~~property, if applicable; and~~

25 ~~((7. Proof that the lot or lots are recognized as separate lots~~
26 ~~pursuant to the provisions of K.C.C. Title 19.04;~~

27 ~~8. A sensitive area affidavit as provided by K.C.C. 21A.24;~~

28 ~~9. A completed environmental checklist, if required by K.C.C.~~
29 ~~20.44, County Environmental Procedures;~~

30 ~~10. Payment of any development permit review fees, excluding~~
31 ~~impact fees collectible pursuant to K.C.C. Title 27, Development~~

1 ~~Permit Fees and impact fees (mitigation payment system) collectible~~
 2 ~~pursuant to K.C.C. Title 14; and~~

3 ~~11. Copies of approved permits that are required to be obtained~~
 4 ~~prior to the proposed application.~~

5 ~~12.))~~ 2. All architectural/structural/mechanical plans
 6 consistent with uniform code requirements adopted by this title.

7 ~~((B. Within 20 days following receipt of an application for a~~
 8 ~~permit referenced in 16.82.056A, the department shall mail or provide~~
 9 ~~written notice to the applicant that the application is either~~
 10 ~~complete or incomplete. If the application is incomplete, the notice~~
 11 ~~shall state what is necessary to make the application complete. To~~
 12 ~~that extent known by the department, the notice shall identify other~~
 13 ~~agencies of local, state or federal governments that may have~~
 14 ~~jurisdiction over some aspect of the application. This initial~~
 15 ~~screening by the department is intended to determine completeness~~
 16 ~~solely for purposes of applying the time periods established in this~~
 17 ~~title.~~

18 ~~C. The director may waive specific submittal requirements~~
 19 ~~determined to be unnecessary for review of an application.))~~

20 SECTION 5. Ordinance 1488, Section 5, as amended and K.C.C.
 21 16.82.020 are hereby amended to read as follows:

22 Definitions. Certain words and phrases used in this chapter,
 23 unless otherwise clearly indicated by their context, mean as follows:

24 A. "Applicant" is a property owner or a public agency or public
 25 or private utility which owns a right-of-way or other easement or has
 26 been adjudicated the right to such an easement pursuant to RCW
 27 8.12.090, or any person or entity designated or named in writing by
 28 the property or easement owner to be the applicant, in an application
 29 for a development proposal, permit or approval.

30 B. "Bench" is a relatively level step excavated or constructed
 31 on the face of a graded slope surface for drainage and maintenance
 32 purposes.

1 C. "Berm" is a mound or raised area used for the purpose of
2 screening a site or operation.

3 D. "Civil engineer" means a professional engineer registered in
4 the State of Washington to practice in the field of civil works.

5 E. "Clearing" means the cutting or removal of vegetation or
6 other organic plant material by physical, mechanical, chemical or any
7 other means.

8 F. "Compaction" is the densification of a fill by mechanical
9 means.

10 G. "Cutting" is the severing of the main trunk or stems from
11 close to or at the soil surface or at a point up to 25% of the total
12 vegetation height.

13 H. "Director" means the director or the authorized agent of the
14 parks, planning and resources department.

15 I. "Earth material" is any rock, natural soil or any
16 combination thereof.

17 J. "Erosion" is the wearing away of the ground surface as the
18 result of the movement of wind, water and/or ice.

19 K. "Excavation" is the removal of earth material.

20 L. "Fill" is a deposit of earth material placed by mechanical
21 means.

22 M. "Grade" means the elevation of the ground surface:

23 1. "Existing grade" is the grade prior to grading.

24 2. "Rough grade" is the stage at which the grade
25 approximately conforms to the approved plan as required in Section
26 16.82.060.

27 3. "Finish grade" is the final grade of the site which
28 conforms to the approved plan as required in Section 16.82.060.

29 N. "Grading" is any excavating, filling, removing of the duff
30 layer, or combination thereof.

1 O. "Grading and clearing permit" means the permit required by
2 this chapter for grading and clearing activities, including temporary
3 permits.

4 P. "Reclamation" means the final grading and land restoration
5 of a site.

6 Q. "Shorelines" means those lands defined as shorelines in the
7 state Shorelines Management Act of 1971.

8 R. "Site" is any lot or parcel of land or contiguous
9 combination thereof where projects covered by this chapter are
10 performed or permitted where a public street or way may intervene.

11 S. "Slope" is an inclined ground surface, the inclination of
12 which is expressed as a ratio of (~~horizontal distance to vertical~~
13 ~~distance~~) vertical distance to horizontal distance.

14 T. "Soil engineer" means a person who has earned a degree in
15 geology from an accredited college or university, or a person who has
16 equivalent educational training and has experience as a practicing
17 geologist.

18 U. "Structure" is that which is built or constructed, an
19 edifice or building of any kind, or any piece of work artificially
20 built up or composed of parts jointed together in some definite
21 manner.

22 V. "Terrace" is a relatively level step excavated or
23 constructed on the face of a graded slope surface for drainage and
24 maintenance purposes.

25 W. "Tidelands" means that portion of the land which is covered
26 and uncovered by the ebb and flood tide.

27 X. "Tree" is a large woody perennial plant usually with a
28 single main stem or trunk and generally over twelve feet tall at
29 maturity.

30 Y. "Understory" is the vegetation layer of a forest that
31 includes shrubs, herbs, grasses, and grass-like plants, but excludes
32 native trees.

1 Z. "Vegetation" means any and all organic plant life growing
2 at, below, or above the soil surface.

3 SECTION 6. Ordinance 1488, Section 7, as amended and K.C.C.
4 16.82.060 are hereby amended to read as follows:

5 Permit requirements. Except as exempted in Section 16.82.050,
6 no person shall do any clearing or grading without first obtaining a
7 clearing and grading permit from the director. A separate permit
8 shall be required for each site and may cover both excavations and
9 fills.

10 A. Application. To obtain a permit, the applicant shall first
11 file an application therefor in writing on a form furnished for that
12 purpose. The director shall prescribe the form by which application
13 is made. No application shall be accepted unless it is completed
14 consistent with the requirements of this chapter, and the permit
15 process and procedures chapter of K.C.C. Title 20.XXX. In addition to
16 the requirements of Section 11, ((E))every application shall:

17 1. Identify and describe the work to be covered by the permit
18 for which application is made;

19 2. Describe the land on which the proposed work is to be
20 done, by lot, block, tract and house and street address, or similar
21 description that will readily identify and definitely locate the
22 proposed site;

23 3. Identify and describe those sensitive areas as defined in
24 K.C.C. 21A.24 on or adjacent to the site;

25 4. Indicate the estimated quantities of work involved;

26 5. Identify any clearing restrictions contained in wildlife
27 habitat corridors pursuant to K.C.C. 21A.14, a critical drainage area
28 established by administrative rule or in p-suffix conditions in an
29 adopted community plan;

30 6. Be accompanied by plans and specifications as required in
31 subsections B. and C.;

1 ~~((7. Be signed by the property owner or his authorized agent~~
2 ~~who may be required to submit evidence to indicate such authority;))~~

3 ~~((8-))~~ 7. Designate who the applicant is, on a form
4 prescribed by the department, except that the application may be
5 accepted and reviewed without meeting this requirement when a public
6 agency or public or private utility is applying for a permit for
7 property on which the agency or utility does not own an easement or
8 right of way and the following three requirements are met:

9 a. the name of the agency or public or private utility is
10 shown on the application as the applicant;

11 b. the agency or public or private utility includes in the
12 complete application an affidavit declaring that notice of the pending
13 application has been given to all owners of property to which the
14 application applies, on a form provided by the department; and

15 c. the form designating ~~((who))~~ the applicant is submitted
16 to the department prior to permit issuance; ~~((and))~~

17 ~~((9-))~~ 8. Give such other information as may be required by
18 the director.

19 B. Plans and specifications. When required by the director,
20 each application for a grading permit shall be accompanied by six sets
21 of plans and specifications and other supporting data as may be
22 required. The plans and specifications shall be prepared and signed
23 by a civil engineer or landscape architect registered to practice in
24 the State of Washington when required by the director; provided, he
25 may require additional studies prepared by a qualified soils
26 specialist. If the plans and specifications are returned as a result
27 of permit denial or any other reason, they shall be returned to the
28 applicant.

29 C. Information on plans and in specifications. Plans shall be
30 drawn to an engineer's scale upon substantial paper or cloth and shall
31 be of sufficient clarity to indicate the nature and extent of the work
32 proposed and show in detail that they will conform to the provisions

1 of this chapter and all other relevant laws, rules, regulations and
2 standards. The first sheet of each set of plans shall give the
3 location of the work and the name and address of the owner and the
4 person by whom they were prepared. The plans shall include the
5 following minimum information:

6 1. General vicinity of the proposed site;

7 2. Property limits and accurate contours of existing ground
8 and details of terrain and area drainage;

9 3. Limiting dimensions, elevations or finished contours to be
10 achieved by the grading, and proposed drainage channels and related
11 construction;

12 4. Location of all cleared areas, any open space tracts or
13 conservation easements if required pursuant to K.C.C. 21A.14, critical
14 drainage areas, or p-suffix conditions and the total area cleared on
15 site as a percentage of the total site area;

16 5. Detailed plans of all surface and subsurface drainage
17 devices, walls, cribbing, dams, berms, settling ponds and other
18 protective devices to be constructed with or as a part of the proposed
19 work, together with the maps showing the drainage area and the
20 estimated runoff of the area served by any drains;

21 6. Location of any buildings or structures on the property
22 where the work is to be performed and the location of any buildings or
23 structures on land of adjacent owners which are within fifty feet of
24 the property or which may be affected by the proposed grading
25 operations;

26 7. Landscape and rehabilitation plan as required by Section
27 16.82.110;

28 8. Other information as may be required by the director; and

29 9. If the clearing or grading is proposed to take place in or
30 adjacent to a sensitive area as regulated in K.C.C. 21A.24, provide
31 information as required by that chapter.

32 D. Granting of permits.

1 1. The director shall determine if the proposed grading will
2 adversely affect the character of the site for present lawful uses or
3 with the future development of the site and adjacent properties for
4 building or other purposes as indicated by the comprehensive plan, the
5 shoreline master program, and the zoning code.

6 2. After an application has been filed and reviewed, the
7 director shall also ascertain whether such grading work complies with
8 the other provisions of this chapter. If the application and plans so
9 comply, or if they are corrected or amended so as to comply, the
10 director may issue to the applicant a grading permit. A grading
11 permit shall be valid for the number of days stated in the permit but
12 in no case shall the period be more than two years; provided, that
13 when operating conditions have been met, the permit may be renewed
14 every two years, or less if a shorter approval and/or renewal period
15 is specified by the director.

16 3. Upon approval of the application and issuance of the
17 grading permit, no work shall be done that is not provided for in the
18 permit. The director is authorized to inspect the premises at any
19 reasonable time to determine if the work is in accordance with the
20 permit application and plans.

21 4. The permits from the director shall be required regardless
22 of any permits issued by any other department of county government or
23 any other governmental agency who may be interested in certain aspects
24 of the proposed work. Where work for which a permit is required by
25 this chapter is started or proceeded with prior to obtaining the
26 permit, the violator shall be subject to such civil penalties as
27 provided in Chapter 23.04. However, the payment of such civil
28 penalties shall not relieve any persons from fully complying with the
29 requirements of this chapter in the execution of the work nor from any
30 other penalties prescribed thereon.

31 SECTION 7. Ordinance 2097, Section 1, as amended and K.C.C.
32 17.04.010 are hereby amended to read as follows:

1 Adoption. The Uniform Fire Code, 1991 Edition, and the Uniform
 2 Fire Standards, 1991 Edition, as published by the Western Fire Chiefs
 3 Association and the International Conference of Building Officials
 4 with Appendices, as amended in WAC 51-24 and 51-25 on November 8,
 5 1991, together with amendments, additions and deletions listed in the
 6 King County modifications to the 1991 Uniform Fire Code, as amended by
 7 Attachment "A" and "B" of Ordinance 11016, Attachment "A" of Ordinance
 8 11017, ~~((and by)) Attachment "B" ((to this Ordinance))~~ of Ordinance
 9 11700 and by Attachment "B" of this Ordinance, are adopted as the Fire
 10 Code of King County, and hereinafter referred to as "this code."
 11 Administrative rules may be adopted in accordance with K.C.C. 2.98 to
 12 further clarify and implement these code requirements.

13 NEW SECTION. SECTION 8. There is added to the King County
 14 Code, Title 20, a new chapter, to read as follows:

15 Chapter purpose. The purpose of this chapter is to establish
 16 standard procedures for land use permit applications, public notice,
 17 hearings and appeals in King County. These procedures are designed to
 18 promote timely and informed public participation in discretionary land
 19 use decisions; eliminate redundancy in the application, permit review,
 20 hearing and appeal processes; provide for uniformity in public notice
 21 procedures; minimize delay and expense; and result in development
 22 approvals that implement the policies of the Comprehensive Plan.
 23 These procedures also provide for an integrated and consolidated land
 24 use permit and environmental review process consistent with chapter
 25 347, laws of 1995.

26 NEW SECTION. SECTION 9. There is added to the King County
 27 Code, Title 20, a new section, to read as follows:

28 Classifications of Land Use Decision Processes.

29 A. Land use permit decisions are classified into four types,
 30 based on the amount of discretion associated with each decision.
 31 Procedures for the four different types are distinguished according to
 32 who makes the decision, whether public notice is required, whether a

1 public hearing is required before a decision is made and whether
2 administrative appeals are provided. The types of land use decisions
3 are listed in Exhibit XXX of this section.

4 1. Type 1 decisions are made by the Director, or his or her
5 designee, ("Director") of the department of development and
6 environmental services ("department"). Type 1 decisions are non-
7 appealable administrative decisions which require the exercise of
8 little or no administrative discretion. Public notice is not required
9 for Type 1 decisions. For Type 1 decisions involving a SEPA
10 determination, the SEPA determination is appealable to the Hearing
11 Examiner as a Type 2 decision. However, the decision on the Type 1
12 permit, exclusive of SEPA, is not appealable to the Hearing Examiner;
13 rather it is appealable to Superior Court. For the purposes of
14 appealing a Type 1 decision to Superior Court, the Type 1 decision
15 shall not be considered final until any associated SEPA appeal is
16 decided by the Hearing Examiner.

17 2. Type 2 decisions are made by the director, or his or her
18 designee. Type 2 decisions are discretionary decisions which are
19 subject to administrative appeal in accordance with applicable
20 provisions of law or ordinance.

21 3. Type 3 decisions are quasi-judicial decisions made by the
22 hearing examiner following an open record hearing. Type 3 decisions
23 may be appealed to the County Council, based on the record established
24 by the hearing examiner.

25 4. Type 4 decisions are quasi-judicial decisions made by the
26 Council based on the record established by the hearing examiner.

27 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or
28 unless otherwise agreed to by the applicant, all Type 2,3 and 4
29 decisions included in consolidated permit applications that would
30 require more than one Type of land use decision process may be
31 processed and decided together, including any administrative appeals,

1 using the highest numbered land use decision Type applicable to the
2 project application.

3 C. Certain development proposals are subject to additional
4 procedural requirements beyond the standard procedures established in
5 this chapter.

6 D. Land use permits that are categorically exempt from review
7 under the State Environmental Policy Act ("SEPA") will not require a
8 threshold determination (determination of non-significance ("DNS") or
9 determination of significance ("DS")). For all other projects, the
10 SEPA review procedures codified in Chapter 20.44 K.C.C. are
11 supplemental to the procedures set forth in this chapter.

12 Exhibit XXX

13 LAND USE DECISION TYPES

14	TYPE 1	(Decision by	Building; clearing and grading;
15		Director, no	boundary line adjustment;
16		administrative	right of way; road
17		appeal)	variance except those rendered in
18			conjunction with a short plat
19			decision**; variance from the
20			requirements of Chapter 9.04 K.C.C.;
21			shoreline exemption
22	TYPE 2	(Decision by	Short plat; road variance
23		Director	decisions rendered in conjunction
24		appealable to	with a short plat decision; zoning
25		Hearing	variance; conditional use permit;
26		Examiner, no	temporary use; shoreline
27		further	substantial development permit;
28		administrative	procedural and substantive SEPA
29		appeal)	decision; site development permit;
30			approval of residential density
31			incentives or transfer of development
32			credits; reuse of public schools;
33			reasonable use exceptions under K.C.C.
34			21A.24.070B; preliminary determinations
35			under Section 10B; sensitive areas
36			exceptions and decisions to require
37			studies or to approve, condition or
38			deny a development proposal based on
39			the requirements of Chapter 21A.24
40			K.C.C., extractive operations pursuant
41			to K.C.C. 21A.22.050; binding site
42			plan.
43			
44	TYPE 3	(Recommendation	Preliminary plat, plat
45		by Director,	alterations; preliminary plat
46		hearing and	revisions
47		decision by	
48		Hearing	
49		Examiner,	

1 appealable to
2 County Council
3 on the record)

4 TYPE 4*** (Recommendation Zone reclassifications; shoreline
5 by Director, environment redesignation; urban
6 hearing and planned development; special use;
7 recommendation amendment or deletion of P suffix
8 by Hearing conditions; plat vacations
9 Examiner
10 decision by
11 County Council
12 On the record)

13 * When applications for shoreline permits are combined with other
14 permits requiring Type 3 or 4 land use decisions pursuant to
15 K.C.C. 25.32.080, the examiner (not the Director) makes the
16 decision. All shoreline permits, including shoreline variances
17 and conditional uses, are appealable to the State Shorelines
18 Hearings Board and not to the Hearing Examiner.

19 ** The road variance process is administered by the County Road
20 Engineer of the King County department of transportation
21 pursuant to the King County road standards.

22 *** Only approvals that are consistent with the Comprehensive Plan
23 are included.

24 NEW SECTION. SECTION 10. There is added to the King County
25 Code, Title 20, a new section, to read as follows:

26 Pre-application Conferences. Prior to filing a permit
27 application for a Type 1 decision, the applicant shall contact the
28 department to schedule a preapplication conference which shall be held
29 prior to filing the application, if the property will have 5,000
30 square feet of development site or right-of-way improvements, the
31 property is in a critical drainage basin, or the property has a
32 wetland, steep slope, landslide hazard, erosion hazard, or coal mine
33 on site. Exempt from this requirement are: 1. a single family
34 residence and its accessory buildings; 2. other structures where all
35 work is in an existing building and no parking is required or added.
36 Prior to filing a permit application requiring a Type 2, 3 or 4
37 decision, the applicant shall contact the department to schedule a
38 pre-application conference which shall be held prior to filing the
39 application, except as provided herein. The purpose of the pre-
40 application conference is to review and discuss the application
41 requirements with the applicant and provide comments on the
42 development proposal. The pre-application conference shall be

1 scheduled by the department, at the request of an applicant, and shall
2 be held in a timely manner, within thirty (30) days from the date of
3 the applicant's request. The fee for the pre-application conference
4 shall be credited in full against the permit application fee. A
5 project coordinator shall be assigned by the department following the
6 pre-application conference. The Director may waive the requirement
7 for a pre-application conference if it is determined to be unnecessary
8 for review of an application. Nothing in this section shall be
9 interpreted to require more than one pre-application conference or to
10 prohibit the applicant from filing an application if the department is
11 unable to schedule a pre-application conference within 30 days
12 following the applicant's request.

13 Information presented at or required as a result of the pre-
14 application conference shall be valid for a period of 180 days
15 following the pre-application conference. An applicant wishing to
16 submit a permit application more than 180 days following a
17 preapplication for the same permit application shall be required to
18 schedule another preapplication conference.

19 B. At or subsequent to a preapplication conference, the
20 department may issue a preliminary determination that a proposed
21 development is not permissible under applicable county policies or
22 regulatory enactments. In that event, the applicant shall have the
23 option to appeal the preliminary determination to the hearing examiner
24 in the manner provided for a Type 2 permit, as an alternative to
25 proceeding with a complete application. Mailed and published notice
26 of the appeal shall be provided for as in New Section 13 (G) and (H).

27 NEW SECTION. SECTION 11. There is added to the King County
28 Code, Title 20, a new section, to read as follows:

29 Application Requirements. A. The department shall not commence
30 review of any application set forth in this chapter until the
31 applicant has submitted the materials and fees specified for complete
32 applications. Applications for land use permits requiring Type 1, 2,

1 3, or 4 decisions shall be considered complete as of the date of
2 submittal upon determination by the department that the materials
3 submitted meet the requirements of this Section. Except as provided
4 in Subsection B of this Section, all land use permit applications
5 described in Exhibit 20.XXX shall include the following:

6 1. An application form provided by the department and
7 completed by the applicant that allows the applicant to file a single
8 application form for all land use permits requested by the applicant
9 for the development proposal at the time the application is filed;

10 2. Designation of who the applicant is, except that this
11 designation shall not be required as part of a complete application
12 for purposes of this section when a public agency or public or private
13 utility is applying for a permit for property on which the agency or
14 utility does not own an easement or right of way and the following
15 three requirements are met:

16 a. the name of the agency or public or private utility
17 is shown on the application as the applicant;

18 b. the agency or public or private utility includes in
19 the complete application an affidavit declaring that notice of the
20 pending application has been given to all owners of property to which
21 the application applies, on a form provided by the department; and

22 c. the form designating the applicant is submitted to
23 the department prior to permit approval;

24 3. A Certificate of Sewer Availability or site percolation data
25 with preliminary approval by the Seattle-King County department of
26 public health; or for schools located in rural areas, a letter
27 indicating compliance with the tightline sewer provisions in the
28 zoning code, as required by Chapter 13.08 or 13.24 K.C.C.;

29 4. A current Certificate of Water Availability, if required by
30 Chapter 13.24 K.C.C.;

31 5. A fire district receipt pursuant to Title 17 K.C.C., if
32 required by Chapter 21A.40 K.C.C.;

- 1 6. A site plan, prepared in a form prescribed by the Director;
- 2 7. Proof that the lot or lots are recognized as separate lots
- 3 pursuant to the provisions of K.C.C. 19.04, if required by K.C.C.
- 4 21A.24.090;
- 5 8. A sensitive areas affidavit if required by Chapter 21A.24
- 6 K.C.C.;
- 7 9. A completed environmental checklist, if required by Chapter
- 8 20.44 K.C.C., County Environmental Procedures;
- 9 10. Payment of any development permit review fees, excluding
- 10 impact fees collectible pursuant to Title 27 K.C.C., Development
- 11 Permit Fees;
- 12 11. A list of any permits or decisions applicable to the
- 13 development proposal that have been obtained prior to filing the
- 14 application or that are pending before the County or any other
- 15 governmental entity;
- 16 12. Certificate of transportation concurrency from the
- 17 department of public works, if required by Chapter 14.70 K.C.C.;
- 18 13. Certificate of future connection from the appropriate
- 19 purveyor for lots located within the Urban Growth area which are
- 20 proposed to be served by onsite or community sewage system and or
- 21 group B water systems or private well, if required by K.C.C.
- 22 13.24.136-140;
- 23 14. Documentation required by the code requirements set
- 24 forth in the Surface Water Design Manual adopted pursuant to Chapter
- 25 9.04 K.C.C.;
- 26 15. Current assessor's maps and a list of tax parcels to
- 27 which public notice must be given for land use permits requiring a
- 28 Type 2, 3 or 4 decision; and
- 29 16. Legal description of the site.
- 30 17. Variances obtained or required under Title 21A to the
- 31 extent known at the date of application.

1 18. For commercial site development permits only, a phasing
2 plan and a time schedule, if the site is intended to be developed in
3 phases or if all building permits will not be submitted within three
4 years.

5 A permit application is complete for purposes of this section
6 when it meets the procedural submission requirements of the department
7 and is sufficient for continued processing even though additional
8 information may be required or project modifications may be undertaken
9 subsequently. The determination of completeness shall not preclude
10 the department from requesting additional information or studies
11 either at the time of notice of completeness or subsequently if new or
12 additional information is required or substantial changes in the
13 proposed action occur, as determined by the department.

14 B. Additional complete application requirements for the
15 following land use permits are set forth in the following sections of
16 the King County Code:

17 1. Clearing and grading permit, see K.C.C. 16.82.060.

18 2. Construction permits, K.C.C. 16.04.052.

19 C. The Director may specify the requirements of the site plan
20 required to be submitted for various permits and may waive any of the
21 specific submittal requirements listed herein that are determined to
22 provide information that has no material value or are not applicable
23 for review of an application.

24 D. The applicant shall attest by written oath to the accuracy
25 of all information submitted for an application.

26 E. Applications shall be accompanied by the payment of the
27 applicable filing fees, if any, as established by K.C.C. Title 27.

28 NEW SECTION. SECTION 12. There is added to the King County
29 Code, Title 20, a new section, to read as follows:

30 Notice of Complete Application to Applicant.

31 A. Within twenty-eight (28) days following receipt of a land
32 use permit application, the department shall mail or provide written

1 notice to the applicant that the application is either complete or
2 incomplete. If the application is incomplete, the notice shall state
3 with specificity what is necessary to make the application complete.
4 To the extent known by the department, the notice shall identify other
5 agencies of local, state, regional or federal governments that may
6 have jurisdiction over some aspects of the development proposal.

7 B. An application shall be deemed complete under this section
8 if the department does not provide written notice to the applicant
9 that the application is incomplete within the 28 day period as
10 provided herein.

11 C. If the application is incomplete and the applicant submits
12 the additional information requested by the department, the department
13 shall notify the applicant in writing within fourteen (14) days
14 whether the application is complete or what additional information
15 specified by the department as provided in subsection A hereof is
16 necessary to make the application complete. An application shall be
17 deemed complete if the department fails to provide written notice to
18 the applicant within the 14 day period that the application is
19 incomplete.

20 D. The date an application is deemed complete is the date of
21 receipt by the department of all of the information necessary to make
22 the application complete as provided in this chapter. The
23 department's issuance of a notice of complete application as provided
24 in subsections A or C hereof, or the failure of the department to
25 provide such a notice as provided in subsections B or C hereof, shall
26 cause an application to be conclusively deemed to be complete and
27 vested as provided in this chapter.

28 E. The department may cancel an incomplete application if the
29 applicant fails to submit the additional information required by this
30 chapter within ninety (90) days following notification from the
31 department that the application is incomplete.

1 NEW SECTION. SECTION 13. There is added to the King County
2 Code, Title 20, a new section, to read as follows:

3 Notice of Application. A. A notice of application shall be
4 provided to the public for all land use permit applications requiring
5 Type 2, 3, or 4 decisions pursuant to this section.

6 B. Notice of the application shall be provided by the
7 department within fourteen (14) days following the department's
8 determination that the application is complete. A public comment
9 period of twenty-one (21) days shall be provided, except as otherwise
10 provided in RCW 90.58. The public comment period shall commence on
11 the 15th day following the department's determination that the
12 application is complete.

13 C. If the County has made a determination of significance
14 ("DS") under Chapter 43.21 RCW prior to the issuance of the notice of
15 application, the notice of the DS shall be combined with the notice of
16 application and the scoping notice.

17 D. All required notices of application shall contain the
18 following information:

- 19 1. The file number;
- 20 2. The name of the applicant;
- 21 3. The date of application, the date of the notice of
22 completeness, and the date of the notice of application;
- 23 4. A description of the project, the location, a list of the
24 permits included in the application and the location where the
25 application and any environmental documents or studies can be
26 reviewed;
- 27 5. A site plan on 8 1/2 x 14 inch paper, if applicable;
- 28 6. The procedures and deadline for filing comments, requesting
29 notice of any required hearings, and any appeal procedure.
- 30 7. The date, time, place and type of hearing, if applicable and
31 scheduled at the time of notice.

1 8. The identification of other permits not included in the
2 application to the extent known.

3 9. The identification of existing environmental documents that
4 evaluate the proposed project.

5 10. A statement of the preliminary determination, if one has
6 been made, of those development regulations that will be used for
7 project mitigation and of consistency with applicable County plans and
8 regulations.

9 E. Notice shall be provided in the following manner:

10 1. Posted at the project site as provided in subsection F
11 hereof;

12 2. Mailed by first class mail as provided in subsection G
13 hereof; and

14 3. Published as provided in subsection H hereof.

15 F. Posted notice. Posted notice for a proposal shall consist
16 of one or more notice boards posted by the applicant within 14 days
17 following the department's determination of completeness as follows:

18 1. A single notice board shall be posted for a project. This
19 notice board may also be used for the posting of the Notice of
20 Decision and Notice of Hearing, and shall be placed by the applicant:

21 a. At the midpoint of the site street frontage or as
22 otherwise directed by the department for maximum visibility;

23 b. Five feet inside the street property line except when
24 the board is structurally attached to an existing building, provided
25 that no notice board shall be placed more than five feet from the
26 street property without approval of the department;

27 c. So that the top of the notice board is between seven to
28 nine feet above grade; and

29 d. Where it is completely visible to pedestrians.

30 2. Additional notice boards may be required when:

31 a. The site does not abut a public road;

32 b. A large site abuts more than one public road; or

1 c. The department determines that additional notice boards
2 are necessary to provide adequate public notice.

3 3. Notice boards shall be:

4 a. maintained in good condition by the applicant during the
5 notice period, which shall extend through the time of the final county
6 decision on the proposal and the expiration of any applicable appeal
7 periods.

8 b. in place at least 28 days prior to the date of any
9 required hearing for a Type 3 or 4 decision, or at least 14 days
10 following the department's determination of completeness for any Type
11 2 decision; and

12 c. removed within 14 days after the end of the notice
13 period.

14 4. Removal of the notice board prior to the end of the notice
15 period may be cause for discontinuance of county review until the
16 notice board is replaced and remains in place for the specified time
17 period.

18 5. An affidavit of posting shall be submitted to the
19 department by the applicant within 14 days following the department's
20 determination of completeness to allow continued processing of the
21 application by the department.

22 6. Notice boards shall be constructed and installed in
23 accordance with subsection F, above, and any additional specifications
24 promulgated by the department pursuant to Chapter 2.98 K.C.C., Rules
25 of County Agencies.

26 G. Mailed notice. Mailed notice for a proposal shall be sent
27 by the department within 14 days after the department's determination
28 of completeness:

29 1. By first class mail to owners of record of property in an
30 area within 500 feet of the site, provided such area shall be expanded
31 as necessary to send mailed notices to at least 20 different property
32 owners;

1 2. To any city with a utility which is intended to serve the
2 site;

3 3. To the State Department of Transportation, if the site
4 adjoins a state highway;

5 4. To the affected tribes;

6 5. To any agency or community group which the department may
7 identify as having an interest in the proposal;

8 6. Be considered supplementary to posted notice and be deemed
9 satisfactory despite the failure of one or more owners to receive
10 mailed notice; and

11 7. For preliminary plats only, to all cities within one mile
12 of the proposed preliminary plat, and to all airports within two miles
13 of the proposed preliminary plat.

14 H. Published notice. Notice of a proposed action shall be
15 published by the department within 14 days after the department's
16 determination of completeness in the official county newspaper and
17 another newspaper of general circulation in the affected area.

18 NEW SECTION. SECTION 14. There is added to the King County
19 Code, Title 20, a new section, to read as follows:

20 Vesting. A. Applications for Type 1, 2, and 3 land use
21 decisions, except those which seek variance from or exception to land
22 use regulations and substantive and procedural SEPA decisions shall be
23 considered under the zoning and other land use control ordinances in
24 effect, on the date a complete application is filed meeting all of the
25 requirements of this chapter. The department's issuance of a notice
26 of complete application as provided in this chapter, or the failure of
27 the department to provide such a notice as provided in this chapter,
28 shall cause an application to be conclusively deemed to be vested as
29 provided herein.

30 B. Supplemental information required after vesting of a
31 complete application shall not affect the validity of the vesting for
32 such application.

1 C. Vesting of an application does not vest any subsequently
2 required permits, nor does it affect the requirements for vesting of
3 subsequent permits or approvals.

4 NEW SECTION. SECTION 15. There is added to the King County
5 Code, Title 20, a new section, to read as follows:

6 Applications - Modifications to proposal. A. Modifications
7 required by the county to a pending application shall not be deemed a
8 new application.

9 B. An applicant-requested modification occurring either before
10 or after issuance of the permit shall be deemed a new application when
11 such modification would result in a substantial change in a project's
12 review requirements, as determined by the department.

13 NEW SECTION. SECTION 16. There is added to the King County
14 Code, Title 20, a new section, to read as follows:

15 Notice of Decision or Recommendation - Appeals. A. The
16 department shall provide notice in a timely manner of its final
17 decision or recommendation on permits requiring Type 2, 3 and 4 land
18 use decisions, including the threshold determination, if any, the
19 dates for any public hearings and the procedures for administrative
20 appeals, if any. Notice shall be provided to the applicant, to the
21 Department of Ecology and to agencies with jurisdiction if required by
22 Chapter 20.44 K.C.C., to the Department of Ecology and Attorney
23 General as provided in RCW 90.58, and to any person who, prior to the
24 decision or recommendation, had requested notice of the decision or
25 recommendation or submitted comments. The notice shall also be
26 provided to the public as provided in section 13 of this ordinance.

27 B. Except for shoreline permits which are appealable to the
28 state Shorelines Hearings Board, all notices of appeal to the hearing
29 examiner of Type 2 land use decisions made by the Director shall be
30 filed within fourteen (14) calendar days from the date of issuance of
31 the notice of decision as provided in K.C.C. 20.24.090; provided that

1 the appeal period shall be extended for an additional seven (7)
2 calendar days if WAC 197-11-340(2)(a) applies.

3 NEW SECTION. SECTION 17. There is added to the King County
4 Code, Title 20, a new section, to read as follows:

5 Permit Issuance. A. Final decisions by the County on all
6 permits and approvals subject to the procedures of this chapter shall
7 be issued within 120 days from the date the applicant is notified by
8 the department pursuant to this chapter that the application is
9 complete, provided that the following shorter time periods should
10 apply for the type of land use permit indicated:

- 11 1. New Residential building permits.....90 days
- 12 2. Residential remodels.....40 days
- 13 3. Residential appurtenances, such as decks and garages....15
- 14 days
- 15 4. SEPA exempt clearing and grading.....45 days
- 16 5. SEPA clearing and grading.....90 days.

17 The following periods shall be excluded from this 120-day period:

- 18 1. Any period of time during which the applicant has been
- 19 requested by the department, hearing examiner or council to correct
- 20 plans; perform required studies, or provide additional information,
- 21 including road variances and variances required under K.C.C. 9.04.
- 22 The period shall be calculated from the date of notice to the
- 23 applicant of the need for additional information until the earlier of
- 24 the date the county advises the applicant that the additional
- 25 information satisfies the county's request, or fourteen days after the
- 26 date the information has been provided. If the county determines that
- 27 the correction, study or other information submitted by the applicant
- 28 is insufficient, it shall notify the applicant of the deficiencies and
- 29 the procedures of this section shall apply as if a new request for
- 30 information had been made.

- 31 a. The department shall set a reasonable deadline for the
- 32 submittal of corrections, studies, or other information when

1 requested, and shall provide written notification to the applicant.
2 An extension of such deadline may be granted upon submittal by an
3 applicant of a written request providing satisfactory justification of
4 an extension.

5 b. Failure by the applicant to meet such deadline shall be
6 cause for the department to cancel/deny the application.

7 c. When granting a request for a deadline extension, the
8 department shall give consideration to the number of days between
9 receipt by the department of a written request for a deadline
10 extension and the mailing to the applicant of the department's
11 decision regarding that request.

12 2. The period of time, as set forth in K.C.C. 20.44.050, during
13 which an environmental impact statement is being prepared following a
14 determination of significance pursuant to Chapter 43.21C RCW.

15 3. A period of no more than ninety days for an open record
16 appeal hearing by the hearing examiner on a Type 2 land use decision,
17 and no more than sixty days for a closed record appeal by the County
18 Council on a Type 3 land use decision appealable to the County
19 Council, except when the parties to an appeal agree to extend these
20 time periods.

21 4. Any period of time during which an applicant fails to post
22 the property, if required by this chapter, following the date notice
23 is required until an affidavit of posting is provided to the
24 department by the applicant.

25 5. Any time extension mutually agreed upon by the applicant and
26 the department.

27 B. The time limits established in this section shall not apply
28 if a proposed development:

29 1. Requires an amendment to the comprehensive plan or a
30 development regulation;

31 2. Requires approval of a new fully contained community as
32 provided in RCW 36.70A.350, master planned resort as provided in RCW

1 36.70A.360, or the siting of an essential public facility as provided
2 for RCW 36.70A.200, or

3 3. Is substantially revised by the applicant, when such
4 revisions will result in a substantial change in a project's review
5 requirements, as determined by the department, in which case the time
6 period shall start from the date at which the revised project
7 application is determined to be complete.

8 C. If the department is unable to issue its final decision
9 within the time limits established by this section, it shall provide
10 written notice of this fact to the project applicant. The notice
11 shall include a statement of reasons why the time limits have not been
12 met and an estimated date for issuance of the notice of final
13 decision.

14 NEW SECTION. SECTION 18. There is added to the King County
15 Code, Title 20, a new section, to read as follows:

16 Quarterly report. Beginning October 1, 1996 and continuing
17 quarterly thereafter until October 1, 1998, the Director shall prepare
18 a quarterly report to the King County council detailing what measures
19 the department has in place to assure that adequate environmental
20 protections are maintained, how the review process addresses these
21 measures, and the length of time required to process applications for
22 Type 1, 2, 3, and 4 land use decisions in the previous period,
23 categorized both on average and by type of permit. The report shall
24 provide commentary on department operations and identify any need for
25 clarification of county policy or development regulations or process.

26 NEW SECTION. SECTION 19. There is added to the King County Code,
27 Title 20, a new section, to read as follows:

28 Citizen's Guide. The director shall issue a citizen's guide to
29 permit processing including making an appeal or participating in a
30 hearing.

31 NEW SECTION. SECTION 20. There is added to the King County Code,
32 Title 20, a new section, to read as follows: Citizen's Oversight
33 Committee. The director shall create a Citizen's Oversight Committee,

1 which shall represent a broad cross-section of constituencies. The
2 oversight committee shall consist of 6 members to be appointed from
3 the membership of the The Forum for Regulatory Balance, and a
4 representative from labor and a representative from small property
5 owners groups. There shall be one member representing each of the
6 following constituencies: 1) environmental 2) good government 3)
7 affordable housing 4) building industry 5) business 6) neighborhood
8 groups 7) labor 8) small property owners groups. This committee shall
9 serve a term of one year, to be appointed by June 1, 1996. The role
10 of the committee will be to monitor and evaluate the County's
11 implementation of this ordinance. Their findings will be included in
12 the director's quarterly report, required by new section 18 of this
13 ordinance.

14 SECTION 21. Ordinance 263, Article 5, Section 4 and K.C.C.
15 20.24.040 are hereby amended as follows:

16 Removal. The examiner or his or her deputy may be removed from
17 office at any time by the affirmative vote of not less than ((~~six~~))
18 eight members of the council for just cause.

19 SECTION 22. Ordinance 263, Article 5, Section 5 and K.C.C.
20 20.24.050 are hereby amended as follows:

21 Qualifications. The examiner and his or her deputy shall be
22 appointed solely with regard to their qualifications for the duties of
23 their office and shall have such training or experience as will
24 qualify them to conduct administrative or quasi-judicial hearings on
25 regulatory enactments and to discharge the other functions conferred
26 upon them, and shall hold no other appointive or elective public
27 office or position in the county government except as provided herein.

28 SECTION 23. Ordinance 263, Article 5, Section 6 and K.C.C.
29 20.24.060 are hereby amended as follows:

30 Deputy examiner duties. The deputy shall assist the examiner in
31 the performance of the duties conferred upon ((~~him~~)) the examiner by
32 ordinance and shall, in the event of the absence or the inability of

1 the examiner to act, have all the duties and powers of the examiner.
 2 The deputy may also serve in other capacities as an employee of the
 3 council.

4 SECTION 24. Ordinance 4461, Section 1 as amended, and K.C.C.
 5 20.24.070 are hereby amended as follows:

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

11 1. (~~Applications for reclassifications of property;~~
 12 ~~2. Applications for special use permits;~~
 13 ~~3. Applications for urban planned development permits;~~
 14 ~~4. Applications for preliminary plats; including those variance~~
 15 ~~decisions made by the road engineer pursuant to KCC 14.42.060 with~~
 16 ~~regard to road circulation in the subject preliminary plat proposal;~~
 17 ~~5. Applications for shoreline environment redesignations;)) All
 18 Type 4 land use decisions.~~

19 ((~~6-~~)) 2. Applications to extend sewer service pursuant to
 20 Chapter 13.24 K.C.C.;

21 ((~~7-~~)) 3. Applications for agricultural land variances;

22 ((~~8-~~)) 4. Applications for public benefit rating system assessed
 23 valuation on open space land and current use assessment on timber
 24 lands except as provided in Section 20.36.090;

25 ((~~9-~~)) 5. Appeals from denials by the county assessor of
 26 applications for current use assessments on farm and agricultural
 27 lands;

28 ((~~10-~~ Appeals from decisions regarding residential condominium
 29 binding site plan applications pursuant to Section 19.34.050;))

30 ((~~11-~~)) 6. Applications for the vacation of county roads;

31 ((~~12-~~)) 7. Appeals of a recommendation by the department of
 32 public works to deny the petition for vacation of a county road;

1 ((13-)) 8. Appeals of a recommendation by the department of
2 public works of the compensation amount to be paid for vacation of a
3 county road;

4 ((14-)) 9. Proposals for establishment or modification of cable
5 system rates;

6 ((15.)) 10. Other applications or appeals which the council may
7 prescribe by ordinance.

8 B. The examiner's recommendation may be to grant or deny the
9 application or appeal, or the examiner may recommend that the council
10 adopt the application or appeal with such conditions, modifications
11 and restrictions as the examiner finds necessary to ~~((make the
12 application reasonably compatible with the environment and))~~ carry out
13 applicable state laws and regulations, including Chapter 43.21C RCW,
14 and the regulations, policies, objectives and goals of the
15 comprehensive plan, the community plan, sub-area or neighborhood
16 plans, the zoning code, the subdivision code and other official laws,
17 policies and objectives of King County. In case of any conflict
18 between the King County Comprehensive Plan and a community, sub-area
19 or neighborhood plan, the Comprehensive Plan shall govern.

20 NEW SECTION. SECTION 25. There is added to the King County
21 Code, Chapter 20.24, a new section, to read as follows:

22 Type 3 decisions by the examiner, appealable to the council.

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

30 B. The examiner's decision may be to grant or deny the
31 application, or the examiner may grant the application with such
32 conditions, modifications and restrictions as the examiner finds

1 necessary to carry out applicable state laws and regulations,
 2 including Chapter 43.21C RCW, and the regulations, policies,
 3 objectives and goals of the comprehensive plan, the community plan,
 4 sub-area or neighborhood plans, the zoning code, the subdivision code
 5 and other official laws, policies and objectives of King County. In
 6 case of any conflict between the King County Comprehensive Plan and a
 7 community, sub-area or neighborhood plan, the Comprehensive Plan shall
 8 govern.

9 SECTION 26. Ordinance 4461, Section 2 as amended, and K.C.C.
 10 20.24.080 are hereby amended as follows:

11 Final decisions by the examiner. A. The examiner shall receive
 12 and examine available information, conduct open record public hearings
 13 and prepare records and reports thereof, and issue final decisions,
 14 including findings and conclusions, based on the issues and evidence
 15 in the record, which shall be appealable to superior court as provided
 16 by Section 20.24.240B, or to other designated authority in the
 17 following cases:

18 1. Appeals of all Type 2 land use decisions with the exception
 19 of appeals of shoreline permits including shoreline variances and
 20 conditional uses which are appealable to the State Shoreline Hearings
 21 Board;

22 2. Appeals of threshold determinations;

23 3. Appeals from notices and orders issued pursuant to Title 23
 24 of this code or the Rules and Regulations VII of the King County
 25 department of public health;

26 ~~4. Appeals from decisions to require sensitive areas~~
 27 ~~studies or to condition or deny pursuant to chapter 21A.24 development~~
 28 ~~proposals which do not otherwise have an appeal process available;~~

29 ~~5. Appeals from conditions imposed on final approvals of~~
 30 ~~subdivisions receiving extensions pursuant to Section 19.28.050E or~~
 31 ~~F7))~~

1 ~~((6. Appeals from decisions of the director of the department of~~
 2 ~~development and environmental services or zoning adjuster on~~
 3 ~~conditional use permits, variances or periodic review of extractive~~
 4 ~~operations;))~~

5 ~~((7. Appeals from decisions regarding site plan approvals;))~~

6 ~~((8.))~~ 4. Appeals from decisions regarding the abatement of a
 7 nonconformance;

8 ~~((9. Applications for shoreline substantial development permits~~
 9 ~~when combined with other land use applications pursuant to Section~~
 10 ~~25.32.080;))~~

11 ~~((10.))~~ 5. Appeals from decisions of the director of the
 12 department of public works on requests for rate adjustments to surface
 13 and storm management rates and charges;

14 ~~((11. Appeals from decisions regarding the reuse of public~~
 15 ~~schools pursuant to Title 21A KCC;~~

16 ~~((12. Appeals from decisions to condition or deny~~
 17 ~~applications pursuant to RCW 43.21C.060, as provided in Section~~
 18 ~~20.44.120C.2;))~~

19 ~~((13.))~~ 6. Appeals from department of public safety seizures and
 20 intended forfeitures, when properly designated by the chief law
 21 enforcement officer of that department as provided in RCW 69.50.505;

22 ~~((14. Appeals from decisions of the director of the department~~
 23 ~~of development and environmental services on variances;))~~

24 ~~((15.))~~ 7. Appeals from notices and certifications of junk
 25 vehicles to be removed as a public nuisance as provided in Chapter
 26 23.10 K.C.C.;

27 ~~((16. Applications for a reasonable use exception pursuant to~~
 28 ~~KCC 21A.24.070;~~

29 ~~((17.))~~ 8. Appeals from enforcement actions under K.C.C.
 30 23.08.120;

1 ~~((18. Appeals from decisions of the director of the~~
 2 ~~department of development and environmental services on commercial~~
 3 ~~site development permits;))~~

4 ~~((19-))~~ 9. Appeals from the department's final decisions
 5 regarding transportation concurrency, mitigation payment system and
 6 intersection standards provisions of Title 14;

7 10. Applications for reasonable use exceptions pursuant to
 8 chapter 21A.24 K.C.C.

9 ~~((20-))~~ 11. Other applications or appeals which the council may
 10 prescribe by ordinance.

11 B. The examiner's decision may be to grant or deny the
 12 application or appeal, or the examiner may grant the application or
 13 appeal with such conditions, modifications and restrictions as the
 14 examiner finds necessary to make the application or appeal compatible
 15 with the environment and carry out applicable state laws and
 16 regulations, including Chapter 43.21C RCW, and the regulations,
 17 policies, objectives and goals of the comprehensive plan, the
 18 community plan, sub-area or neighborhood plans, the zoning code, the
 19 subdivision code and other official laws, policies and objectives of
 20 King County. In case of any conflict between the King County
 21 Comprehensive Plan and a community, sub-area or neighborhood plan, the
 22 Comprehensive Plan shall govern.

23 SECTION 27. Ordinance 4461, Section 3, as amended, and K.C.C.
 24 20.24.090 are hereby amended as follows:

25 Notice of appeal to examiner - Filing. A. Except as otherwise
 26 provided herein, all notices of appeal to the examiner shall be filed
 27 with the county department or division issuing the original decision
 28 with a copy provided by the department or division to the office of
 29 the hearing examiner. Except as otherwise provided herein, notice of
 30 appeal, together with the required appeal fee, shall be filed within
 31 ~~((ten))~~ fourteen (14) calendar days from the date of issuance of such
 32 decisions. ~~((except as follows-))~~ In cases of appeals of Type 2 land

1 use decisions made by the Director, the appeal period shall be
2 extended for an additional seven (7) calendar days if WAC 197-11-
3 340(2)(a) applies.

4 ~~((A. Notices of appeal of State Environmental Policy Act threshold~~
5 ~~determinations shall be filed within fifteen days of the lead agency~~
6 ~~determination, provided however, that the time period within which an~~
7 ~~appeal shall be filed for threshold determinations of county projects~~
8 ~~may be extended by the lead agency; and))~~

9 B. Notices of appeal of the recommendation to deny vacation of a
10 county road by the department of public works, shall be filed along
11 with the required two hundred dollar administrative fee with the clerk
12 of the county council within thirty days of an issuance of said
13 denial.

14 C. ~~((Statements of appeal—appeal arguments--))~~ If a notice of
15 appeal has been filed within the time period provided herein, the
16 appellant shall file a statement of appeal with the county department
17 or division issuing the original decision or action within ~~((15))~~ 21
18 calendar days from the date of issuance of such decision or action.
19 department or division staff shall:

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

24 2. Make available within a reasonable time a complete set of
25 files detailing the facts of the department or division ruling in
26 question to persons wishing to file a statement of appeal, subsequent
27 to an agency ruling. If a department or division is unable to comply
28 with these provisions, the hearing examiner may authorize amendments
29 to a statement of appeal to reflect information not made available to
30 an appellant within a reasonable time due to a failure by a county
31 agency to meet the foregoing requirements. The statement of appeal
32 shall identify the decision being appealed and the alleged errors in

1 that decision. Further, the statement of appeal shall state specific
2 reasons why the decision should be reversed or modified; and the harm
3 suffered or anticipated by the appellant, and the relief sought. The
4 scope of an appeal shall be based (~~(principally)~~) on matters or issues
5 raised in the statement of appeal. Failure to timely file a notice of
6 appeal, appeal fee or statement of appeal deprives the examiner of
7 jurisdiction to consider the appeal.

8 SECTION 28. Ordinance 11502, Section 14 and K.C.C. 20.24.097 are
9 hereby amended as follows:

10 Expeditious processing. A. Hearings shall be scheduled by the
11 examiner to ensure that final decisions are issued within the time
12 periods provided in K.C.C. 20.XXX. During periods of time when the
13 volume of permit activity is high, the examiner shall retain one or
14 more pro-tem examiners to ensure that the 120 day time period for
15 final decisions is met.

16 B. Appeals shall be processed by the examiner as expeditiously
17 as possible, giving appropriate consideration to the procedural due
18 process rights of the parties. Unless a longer period is agreed to by
19 the parties, or the examiner determines that the size and scope of the
20 project is so compelling that a longer period is required, a pre-
21 hearing conference or a public hearing shall occur within 45 days from
22 the date the office of the hearing examiner is notified that a
23 complete statement of appeal has been filed. In such cases where the
24 examiner has determined that the size and scope warrant such an
25 extension, the reason for the deferral shall be stated in the
26 examiner's recommendation or decision. The time period may be
27 extended by the examiner at the examiner's discretion for not more
28 than 30 days.

29 SECTION 29. Ordinance 11502, Section 15 and K.C.C. 20.24.098 are
30 hereby amended as follows:

31 Time limits. In all matters where the examiner holds a hearing on
32 applications under K.C.C. 20.24.070, the hearing shall be completed

1 and the examiner's written report and recommendation issued within 30
 2 days from the date the hearing opens. In every appeal heard by the
 3 examiner pursuant to K.C.C. 20.24.080, the appeal process including a
 4 written decision, shall be completed within 90 days from the date the
 5 examiner's office is notified of the filing of a notice of appeal
 6 pursuant to K.C.C. 20.24.090. When reasonably required to enable the
 7 attendance of all necessary parties at the hearing, or the production
 8 of evidence, or to otherwise assure that due process is afforded and
 9 the objectives of this chapter are met, these time periods may be
 10 extended by the examiner at the examiner's discretion for an
 11 additional 30 days. With the consent of all parties, the time periods
 12 may be extended indefinitely. In all such cases, the reason for such
 13 deferral shall be stated in the examiner's recommendation or decision.
 14 Failure to complete the hearing process within the stated time shall
 15 not terminate the jurisdiction of the examiner.

16 SECTION 30. Ordinance 263, Article 5, Section 7.(part) and K.C.C.
 17 20.24.100 are hereby amended as follows:

18 Condition, modification and restriction examples. The examiner is
 19 authorized to impose (~~Examples of, but not limited to, the kinds of~~)
 20 conditions, modifications and restrictions (~~which may be imposed are~~
 21 ~~additional~~), including but not limited to setbacks, screenings in the
 22 form of landscaping or fencing, covenants, easements, road
 23 improvements and dedications of additional road right-of-way and
 24 performance bonds (~~may be required to insure compliance with~~
 25 ~~conditions, modifications and restrictions~~) as authorized by County
 26 ordinances.

27 SECTION 31. Ordinance 263, Article 5, Section 9 and K.C.C.
 28 20.24.120 are hereby amended as follows:

29 Freedom from improper influence. Individual (~~councilmen~~) council
 30 members, county officials or any other person, shall not interfere
 31 with or attempt to interfere with the examiner or deputy examiner in
 32 the performance of his or her designated duties.

1 SECTION 32. Ordinance 4461, Section 4 and K.C.C. 20.24.130 are
2 hereby amended as follows:

3 Public hearing. When it is found that an application meets the
4 filing requirements of the responsible county department or an appeal
5 meets the filing rules, it shall be accepted and a date assigned for
6 public hearing. If for any reason testimony on any matter set for
7 public hearing, or being heard, cannot be completed on the date set
8 for such hearing, the matter shall be continued to the soonest
9 available date. A matter should be heard, to the extent practicable,
10 on consecutive days until it is concluded. For purposes of
11 proceedings identified in Sections 20.24.070 and XXX (new section 24),
12 the public hearing by the hearing examiner shall constitute the
13 hearing by the council. ~~((Before rendering a recommendation or
14 decision on any application or appeal, the examiner shall hold at
15 least one public hearing thereon; provided, that the examiner's review
16 of appeals regarding variances and conditional use permits shall be
17 based upon the record before the zoning adjuster as provided by
18 Section 21.58.070))~~.

19 SECTION 33. Ordinance 4461, Section 5 and K.C.C. 20.24.140 are
20 hereby amended as follows:

21 Consolidation of hearings. Whenever a project application
22 ~~((requires))~~ includes more than one county permit, ~~((or))~~ approval or
23 determination for which a public hearing is required or for which an
24 appeal is provided pursuant to this chapter, the hearings and any such
25 appeals ~~((of procedural or preliminary determinations shall))~~ may be
26 consolidated ~~((to the extent feasible))~~ into a single proceeding
27 before the hearing examiner pursuant to section 9(B) of this
28 ordinance, ~~((using the hearing officer and processes applicable to the
29 primary permit or appeal. The examiner's decision concerning
30 consolidation of hearings shall be final))~~.

31 SECTION 34. Ordinance 11502, Section 12 and K.C.C. 20.24.145 are
32 hereby amended as follows:

1 Pre-hearing conference. A pre-hearing conference may be called by
2 the examiner pursuant to ((~~Section 20.24.070~~)) this chapter upon the
3 request of a party, or on the examiner's own motion. A pre-hearing
4 conference shall be held in every appeal brought pursuant to ((~~Section~~
5 ~~20.24.080~~)) this chapter if timely requested by any party.

6 The pre-hearing conference shall be held at such time as ordered by
7 the examiner, but not less than 14 days prior to the scheduled hearing
8 on not less than ((~~14~~)) 7 days notice to those who are then parties of
9 record to the proceeding. The purpose of a pre-hearing conference
10 shall be to identify to the extent possible, the facts in dispute,
11 issues, laws, parties and witnesses in the case. In addition the pre-
12 hearing conference is intended to establish a timeline for the
13 presentation of the case. The examiner shall establish rules for the
14 conduct of pre-hearing conferences.

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

20 SECTION 35. Ordinance 263, Article 5, Section 11 and K.C.C.
21 20.24.150 are hereby amended as follows:

22 Report by department. When an application or appeal has been set
23 for public hearing, the responsible county department shall coordinate
24 and assemble the reviews of other departments and governmental
25 agencies having an interest in ((~~subject~~)) the application or appeal
26 and shall prepare a report summarizing the factors involved and the
27 department findings and recommendation or decision. At least fourteen
28 calendar days prior to the scheduled hearing, the report, and in the
29 case of appeals any written appeal arguments submitted to the county,
30 shall be filed with the examiner and copies thereof shall be mailed to
31 all persons of record who have not previously received said materials.

1 SECTION 36. Ordinance 263, Article 5, Section 12 and K.C.C.
2 20.24.160 are hereby amended as follows:

3 Notice. ~~((Unless otherwise provided by ordinance, the responsible~~
4 ~~county department shall cause notice of the receipt of completed~~
5 ~~applications for the cases identified in KCC 20.24.070A.1-5 to be~~
6 ~~posted not more than 10 days after the applicant has been advised by~~
7 ~~certified mail that the application is determined to be complete, and~~
8 ~~notice of the time and place of the public hearing to be mailed to all~~
9 ~~persons of record at least 14 calendar days prior to the scheduled~~
10 ~~hearing. The applicant shall not be held responsible for a failure to~~
11 ~~post the site in the absence of the department's certified notice to~~
12 ~~the applicant that the application has been determined to be complete.~~
13 ~~Additional notice shall be given as provided in the ordinance~~
14 ~~governing the particular type of application or appeal.))~~ A. Notice
15 of the time and place of any hearing on an application before the
16 hearing examiner pursuant to this chapter shall be mailed by first
17 class mail at least 14 calendar days prior to the scheduled hearing
18 date to all persons who commented or requested notice of the hearing.
19 The notice of decision or recommendation required by K.C.C. Title 20
20 may be combined with the notice of hearing required hereby.

21 B. Notice of the time and place of any appeal hearing before the
22 hearing examiner pursuant to this chapter shall be mailed to all
23 parties of record by first class mail at least 14 calendar days prior
24 to the scheduled hearing date.

25 C. If testimony cannot be completed prior to adjournment on the
26 date set for a hearing, the examiner shall~~((~~

27 ~~1. A)) announce prior to adjournment the time and place said~~
28 ~~hearing will be continued. ((or~~

29 ~~2. Provide mailed notice for a continued hearing to all parties~~
30 ~~of record, when a new time and place is determined.))~~

31 SECTION 37. Ordinance 4461, Section 9 and K.C.C. 20.24.180 are
32 hereby amended as follows:

1 Examiner findings. When the examiner renders a decision or
2 recommendation, he or she shall make and enter findings of fact and
3 conclusions from the record which support the (~~(his)~~) decision and the
4 findings and conclusions shall set forth and demonstrate the manner in
5 which the decision or recommendation is consistent with, carries out
6 and helps implement applicable state laws and regulations and the
7 regulations, policies, objectives and goals of the comprehensive plan,
8 (~~(the)~~) subarea or community plans, (~~(the sewerage general plan,~~) the
9 zoning code, the (~~(subdivision)~~) land segregation code and other
10 official laws, policies and objectives of King County, and that the
11 recommendation or decision will not be unreasonably incompatible with
12 or detrimental to affected properties and the general public.

13 SECTION 38. Ordinance 9544, Section 16 and K.C.C. 20.24.195 are
14 hereby amended as follows:

15 Additional examiner findings - preliminary plats. When the
16 examiner (~~(issues a recommendation)~~) makes a decision regarding an
17 application for a proposed preliminary plat, the (~~(recommendation)~~)
18 decision shall include additional findings as to whether:

19 A. Appropriate provisions are made for the public health,
20 safety, and general welfare and for such open spaces, drainage ways,
21 streets or roads, alleys, other public ways, transit stops, potable
22 water supplies, sanitary wastes, parks and recreation, playgrounds,
23 schools and school grounds and all other relevant facts, including
24 sidewalks and other planning features that assure safe walking
25 conditions for students who only walk to and from school; and

26 B. The public use and interest will be served by the platting of
27 such subdivision and dedication.

28 SECTION 39. Ordinance 4461, Section 11 and K.C.C. 20.24.210 are
29 hereby amended as follows:

30 Written recommendation or decision. A. Within ten days of the
31 conclusion of a hearing or rehearing, the examiner shall render a
32 written recommendation or decision and shall transmit a copy thereof

1 to all persons of record. The examiner's decision shall identify the
2 applicant and/or the owner by name and address.

3 B. Recommendations of the examiner in cases identified in
4 ~~((Section))~~ K.C.C. 20.24.070 may be appealed to the council by an
5 aggrieved party by filing a notice of appeal with the clerk of the
6 council within fourteen 14 calendar days of the date the examiner's
7 written recommendation is mailed. ~~((A copy of the notice shall also~~
8 ~~be delivered to the examiner.))~~

9 C. If no appeal is filed within fourteen calendar days, the
10 clerk of the council shall place a proposed ordinance which implements
11 the examiner's recommended action on the agenda of the next available
12 council meeting for adoption; provided, that no final action to amend
13 or reverse the examiner's recommendation shall be taken at that
14 meeting and notice to parties shall be given before the adoption of a
15 substitute or amended ordinance which amends or reverses the
16 examiner's recommendation; provided further, the council by motion may
17 refer the matter to a council committee or remand to the examiner for
18 the purpose of further hearing, receipt of additional information or
19 further consideration when determined necessary prior to the council's
20 taking final action thereon.

21 D. Decisions of the examiner, that are appealable to the Council
22 as provided in chapter 20.24 K.C.C., shall be final unless appealed to
23 the Council by an aggrieved party of record by filing a notice of
24 appeal with the Clerk of the Council within fourteen (14) calendar
25 days of the date the examiner's written decision is mailed.

26 E. Decisions of the examiner in cases identified in ~~((section))~~
27 K.C.C. 20.24.080 shall be final and reviewable pursuant to ~~((section))~~
28 K.C.C. 20.24.240B.

29 SECTION 40. Ordinance 4461, Section 12 and K.C.C. 20.24.220 are
30 hereby amended as follows:

31 Appeal to council - Recommendation. If an appeal has been filed
32 pursuant to K.C.C. 20.24.210B, the appellant shall file with the

1 office of the clerk of the county council within twenty-one calendar
2 days of the date of the examiner's written recommendation a written
3 appeal statement specifying the basis for the appeal and any arguments
4 in support of the appeal. If no written appeal statement or arguments
5 are filed within the twenty-one calendar days, the clerk of the
6 council shall place a proposed Ordinance which implements the
7 examiner's recommended action on the agenda of the next available
8 council meeting. If written appeal arguments are filed, the clerk of
9 the council shall cause notice to be given to other parties of record
10 that a notice of appeal and appeal statement have been filed and that
11 written appeal statements or arguments in response thereto may be
12 submitted to the clerk within fourteen calendar days of the date of
13 such notification by the clerk.

14 Consideration by the council of the appeal shall be based upon the
15 record as presented to the examiner at the public hearing and upon
16 written appeal statements based upon the record; provided, the council
17 also may allow parties a period of time for oral argument based on the
18 record. The examiner may conduct a conference with all parties to the
19 appeal for the purpose of clarifying or attempting to resolve certain
20 issues on appeal, provided, that the deputy examiner who conducted the
21 public hearing on the proposal may not conduct the conference. Such
22 conference shall be informal and shall not be part of the public
23 record.

24 If, after consideration of the record, written appeal statements
25 and any oral argument the council determines that:

26 A. An error in fact or procedure may exist or additional
27 information or clarification is desired, the council shall remand the
28 matter to the examiner; or

29 B. The recommendation of the examiner is based on an error in
30 judgment or conclusion, the council may modify or reverse the
31 recommendation of the examiner; provided, the council's land use
32 appeal committee may retain the matter, refer it to other council

1 committee or remand to the examiner for the purpose of further
2 hearing, receipt of additional information or further consideration
3 when determined necessary prior to the council's taking final action
4 thereon.

5 NEW SECTION. SECTION 41. There is added to the King County
6 Code, Chapter 20.24, a new section, to read as follows:

7 Appeal to Council - Examiner's Decision. If an appeal has been
8 filed pursuant to K.C.C. 20.24.210D, the appellant shall file with the
9 office of the clerk of the county council within twenty-one calendar
10 days of the date of the examiner's written decision a written appeal
11 statement specifying the basis for the appeal and any arguments in
12 support of the appeal. If no written appeal statement or arguments
13 are filed within the twenty-one calendar days, the hearing examiner's
14 decision made pursuant to Section 24 shall be deemed final and
15 conclusive action. If written appeal arguments are filed, the clerk
16 of the council shall cause notice to be given to other parties of
17 record that a notice of appeal and appeal statement have been filed
18 and that written appeal statements or arguments in response thereto
19 may be submitted to the clerk within fourteen calendar days of the
20 date of such notification by the clerk.

21 Consideration by the council of the appeal shall be based upon the
22 record as presented to the examiner at the public hearing and upon
23 written appeal statements based upon the record; provided, the council
24 also may allow parties a period of time for oral argument based on the
25 record. The examiner may conduct a conference with all parties to the
26 appeal for the purpose of clarifying or attempting to resolve certain
27 issues on appeal, provided, that the deputy examiner who conducted the
28 public hearing on the proposal may not conduct the conference. Such
29 conference shall be informal and shall not be part of the public
30 record.

31 If, after consideration of the record, written appeal statements
32 and any oral argument the council determines that:

1 A. Additional information or clarification is required, the
2 council shall remand the matter to the examiner; or

3 B. The decision of the examiner is based on an error in judgment
4 or conclusion, the council may modify or reverse the recommendation of
5 the examiner; provided, the council's land use appeal committee may
6 retain the matter, refer it to another council committee or remand to
7 the examiner for the purpose of further hearing, receipt of additional
8 information or further consideration when determined necessary prior
9 to the council's taking final action thereon.

10 Appeals shall be processed by the council as expeditiously as
11 possible, giving appropriate consideration to the procedural due
12 process rights of the parties. Consideration of the appeal by the
13 council shall be scheduled to ensure that such appeals are processed
14 within the time periods provided in K.C.C. 20.XXX. Failure of the
15 Council to determine an appeal within applicable time limits shall not
16 terminate the jurisdiction of the Council.

17 SECTION 42. Ordinance 263, Article 5, Section 18 and K.C.C.
18 20.24.230 are hereby amended as follows:

19 Council action. The council shall take final action on any
20 recommendation of the examiner or appeal from a decision by the
21 examiner by ordinance and when so doing, it shall make and enter
22 findings of fact and conclusions from the record (~~which support its~~
23 ~~action~~) of the public hearing conducted by the examiner. Said
24 findings and conclusions shall set forth and demonstrate the manner in
25 which the action is consistent with, carries out and helps implement
26 applicable state laws and regulations and the regulations, policies,
27 objectives and goals of the comprehensive plan, the community plans,
28 the sewerage general plan, the zoning code, the subdivision code and
29 other official laws, policies and objectives for the development of
30 King County. The council may adopt as its own all or portions of the
31 examiner's findings and conclusions.

1 Any ordinance may contain conditions regarding the manner of
2 development or other aspects regarding use of the property including
3 but not limited to dedication of land, provision of public
4 improvements to serve the subdivision, and/or impact fees authorized
5 by Chapter 82.02 RCW.

6 Any ordinance may also contain reasonable conditions, in accordance
7 with state law and County ordinances, which must be satisfied before
8 the ordinance becomes effective and the official zoning maps shall not
9 be amended until said conditions have been satisfied; provided, the
10 ordinance shall also designate the time period within which any such
11 conditions must be satisfied. All authority pursuant to such
12 ordinance shall expire if any of said conditions are not satisfied
13 within the designated time period and the property shall continue to
14 be subject to all laws, regulations and zoning as if the ordinance had
15 not been adopted; provided, the council may extend the period for
16 satisfaction of said conditions if after a public hearing by the
17 examiner the council finds an extension will be in the public interest
18 and the extension was requested by applicant within the initial time
19 period. As an alternative to the adoption of an ordinance containing
20 conditions, the council may adopt an ordinance subject to the
21 execution of a concomitant agreement between the county and the
22 applicant regarding the manner of development of the property, any
23 required improvements or any aspect regarding use of the property.

24 SECTION 43. Ordinance 9544, Section 18 and K.C.C. 20.24.235 are
25 hereby amended as follows:

26 ((Council)) Findings - Preliminary Plats.

27 A. In addition to the provisions of K.C.C. 20.24.230, ((the
28 council)) King County shall not approve a proposed subdivision and
29 dedication unless it finds that:

30 1. Appropriate provisions are made for the public health,
31 safety, and general welfare and for such open spaces, drainage ways,
32 streets or roads, alleys, other public ways, transit stops, potable

1 water supplies, sanitary wastes, parks and recreation, playgrounds,
 2 schools and schoolgrounds and all other relevant facts, including
 3 sidewalks and other planning features that assure safe walking
 4 conditions for students who only walk to and from school; and

5 2. The public use and interest will be served by the platting of
 6 such subdivision and dedication.

7 B. If it finds that the proposed subdivision and dedication make
 8 such appropriate provisions and that the public use and interest will
 9 be served, then the council shall approve the proposed subdivision and
 10 dedication. Dedication of land to any public body, provision of
 11 public improvements to serve the subdivision, and/or impact fees may
 12 be required as a condition of subdivision approval. Dedications shall
 13 be clearly shown on the final plat.

14 The council may adopt as its own all or portions of the examiner's
 15 findings and conditions.

16 SECTION 44. Ordinance 4461, Section 15 and K.C.C. 20.24.240 are
 17 hereby amended as follows:

18 Judicial Review of Final Decisions. A. Decisions of the council in
 19 cases identified in K.C.C. 20.24.070, or in cases appealed to the
 20 council as provided in K.C.C. 20.24.210D, shall be final and
 21 conclusive action unless within twenty-one calendar days ~~((, or~~
 22 ~~within thirty calendar days for decisions approving or denying~~
 23 ~~plats,))~~ from the date of the council's adoption of an ordinance an
 24 ~~((aggrieved person applies for a writ of certiorari from the))~~ appeal
 25 is filed in Superior Court ((in and for the county of King)), State of
 26 Washington, for the purpose of review of the action taken; provided,
 27 no development or related action may occur during said twenty-one day
 28 ~~((, or thirty day for plat approvals))~~ appeal period.

29 B. Decisions of the examiner in cases identified in K.C.C.
 30 20.24.080 shall be final and conclusive unless within twenty-one
 31 calendar days from the date of issuance of the examiner's decision an
 32 aggrieved person ~~((applies for a writ of certiorari from))~~ files an

1 appeal in Superior Court ((in and for the county of King)), State of
 2 Washington, for the purpose of review of the action taken; provided,
 3 no development or related action may occur during said twenty-one day
 4 appeal period; provided further, that (~~examiner decisions on appeals~~
 5 ~~of threshold determinations are not appealable to Superior Court prior~~
 6 ~~to~~) the twenty-one day appeal period from examiner decisions on
 7 appeals of threshold determinations or the adequacy of a final EIS
 8 shall not commence until final action on the underlying proposal.

9 SECTION 45. Ordinance 4461, Section 14 and K.C.C. 20.24.250 are
 10 hereby amended as follows:

11 A. Reconsideration of final action. Any final action by the
 12 county council or hearing examiner ((The council)) may be reconsidered
 13 ((any action after it has become final)) by the council or examiner,
 14 respectively if:

15 ((A)) 1. The action was based in whole or in part on erroneous
 16 facts or information;

17 ((B)) 2. The action when taken failed to comply with existing laws
 18 or regulations applicable thereto; or

19 ((C)) 3. An error of procedure occurred which prevented
 20 consideration of the interests of persons directly affected by the
 21 action.

22 B. The council upon reconsideration shall refer the matter to the
 23 land use appeal committee to review the matter pursuant to the
 24 procedures and authority for appeals pursuant to Section K.C.C.
 25 20.24.220 of this chapter.

26 C. The examiner shall reconsider a final decision pursuant to the
 27 rules of the hearing examiner.

28 D. Authority of the council and examiner to reconsider does not
 29 affect the finality of a decision when made.

30 SECTION 46. Ordinance 6949, Section 6, as amended and K.C.C.
 31 20.44.040 are hereby amended as follows:

32 Categorical exemptions and threshold determinations.

1 A. King County adopts the standards and procedures specified in
2 WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890
3 for determining categorical exemptions and making threshold
4 determinations subject to the following:

5 ~~((1. The determination of whether a proposal is categorically
6 exempt shall be made by the county department that serves as lead
7 agency for such proposal.~~

8 ~~2. Sensitive area maps adopted by KCC 21.54.130 are designated
9 as maps of environmentally sensitive areas for purposes of WAC
10 197-11-908. The following categorical exemptions shall not apply
11 should the proposal site be within areas designated as environmentally
12 sensitive pursuant to the sensitive area maps and KCC 21A.24.080: WAC~~

13 ~~197-11-800 (6)(a).)~~ 1. The following exempt threshold levels
14 are hereby established pursuant to WAC 197-11-800(1)(c) for the
15 exemptions in WAC 197-11-800(1)(b):

16 a. The construction or location of any residential structures of
17 8 dwelling units:

18 b. The construction of a barn, loafing shed, farm equipment
19 storage building, produce storage or packing structure, or similar
20 agricultural structure, covering 30,000 square feet on land zoned
21 agricultural, or 15,000 square feet in all other zones, and to be used
22 only by the property owner or his or her agent in the conduct of
23 farming the property. This exemption shall not apply to feed lots:

24 c. The construction of an office, school, commercial,
25 recreational, service or storage building with 12,000 square feet of
26 gross floor area, and with associated parking facilities designed for
27 forty automobiles:

28 d. The construction of a parking lot designed for forty
29 automobiles:

30 e. Any fill or excavation of 500 cubic yards throughout the
31 total lifetime of the fill or excavation and any fill or excavation
32 classified as a class I, II, or III forest practice under RCW
33 76.09.050 or regulation thereunder; provided, however, (i) that the

1 categorical exemption threshold shall be 100 cubic yards for any fill
2 or excavation that is in a sensitive area, and (ii) that if the
3 proposed action is to remove from or replace fill in a sensitive area
4 to correct a violation, the threshold shall be 500 cubic yards.

5 2. The determination of whether a proposal is categorically exempt
6 shall be made by the county department that serves as lead agency for
7 such proposal.

8 A. The mitigated DNS provision of WAC 197-11-350 shall be
9 enforced as follows:

10 1. If the department issues a mitigated DNS, conditions
11 requiring compliance with the mitigation measures which were specified
12 in the application and environmental checklist shall be deemed
13 conditions of any decision or recommendation of approval of the
14 action.

15 2. If at any time the proposed mitigation measures are
16 withdrawn or substantially changed, the responsible official shall
17 review the threshold determination and, if necessary, may withdraw the
18 mitigated DNS and issue a DS.

19 NEW SECTION. SECTION 47. A new section is hereby added to K.C.C.
20 20.44, to read as follows:

21 Planned Actions. A planned action does not require a threshold
22 determination or the preparation of an environmental impact statement,
23 but is subject to environmental review and mitigation under SEPA. The
24 County may designate planned actions in the future pursuant to RCW ch.
25 43.21C.031.

26 SECTION 48. Ordinance 6949, Section 7 and K.C.C. 20.44.050 are
27 hereby amended as follows:

28 Environmental impact statements and other environmental documents.
29 The procedures and standards for preparation of environmental impact
30 statements and other environmental documents pursuant to WAC 197-11-
31 400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted,
32 subject to the following:

1 A. Pursuant to WAC 197-11-408(2)(a), all comments on
2 determinations of significance and scoping notices shall be in
3 writing, except where a public meeting on EIS scoping occurs pursuant
4 to WAC 197-11-410(1)(b).

5 B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the
6 county department acting as lead agency shall be responsible for
7 preparation and content of EIS's and other environmental documents.
8 The department shall contract with consultants as necessary for the
9 preparation of environmental documents. The department shall consider
10 the opinion of the applicant regarding the qualifications of the
11 consultant but the department shall retain sole authority for
12 selecting persons or firms to author, co-author, provide special
13 services or otherwise participate in the preparation of required
14 environmental documents.

15 C. Consultants or subconsultants selected by King County to
16 prepare environmental documents for a private development proposal
17 shall not: act as agents for the applicant in preparation or
18 acquisition of associated underlying permits; have a financial
19 interest in the proposal for which the environmental document is being
20 prepared; perform any work or provide any services for the applicant
21 in connection with or related to the proposal.

22 D. The department shall establish and maintain one or more lists
23 of qualified consultants who are eligible to receive contracts for
24 preparation of environmental documents. Separate lists may be
25 maintained to reflect specialized qualifications or expertise. When
26 the department requires consultant services to prepare environmental
27 documents, the department shall select a consultant from the lists and
28 negotiate a contract for such services. The department director may
29 waive these requirements as provided for in rules adopted to implement
30 this section. Subject to Section 20.44.145 and pursuant to Chapter
31 2.98 K.C.C., the department of development and environmental services
32 shall promulgate administrative rules prior to the effective date of

1 this section that establish processes to: create and maintain a
2 qualified consultant list; select consultants from the list; remove
3 consultants from the list; provide a method by which applicants may
4 request a reconsideration of selected consultants based upon costs,
5 qualifications, or timely production of the environmental document;
6 and waive the consultant selection requirements of this chapter on any
7 basis provided by Chapter 4.16 K.C.C.

8 E. All costs of preparing the environment document shall be borne
9 by the applicant. Subject to Section 20.44.145 and pursuant to
10 Chapter 2.98 K.C.C., the department of development and environmental
11 services shall promulgate administrative rules which establish a trust
12 fund for consultant payment purposes, define consultant payment
13 schedules, prescribe procedures for treating interest from deposited
14 funds, and develop other procedures necessary to implement this
15 chapter.

16 F. In the event an applicant decides to suspend or abandon the
17 project, the applicant must provide formal written notice to the
18 department and consultant. The applicant shall continue to be
19 responsible for all monies expended by the division or consultants to
20 the point of receipt of notification to suspend or abandon, or other
21 obligations or penalties under the terms of any contract let for
22 preparation of the environmental documents.

23 G. The department shall only publish an environmental impact
24 statement (EIS)~~((documents-))~~ when it believes that the EIS
25 ~~((documents))~~ adequately discloses: the specific direct, indirect, and
26 cumulative adverse impacts of the proposal and its alternatives;
27 mitigation measures proposed and committed to by the applicant, and
28 their effectiveness in significantly mitigating impacts; mitigation
29 measures that could be implemented or required; and unavoidable
30 specific adverse impacts. Unless otherwise agreed to by the
31 applicant, a final environmental impact statement shall be issued by
32 the department within 270 days following the issuance of a DS for the

1 proposal, except for public projects and nonproject actions, unless
 2 the department determines at the time of issuance of the DS that a
 3 longer time period will be required because of the extraordinary size
 4 of the proposal or the scope of the environmental impacts resulting
 5 therefrom; provided that the additional time shall not exceed 90 days
 6 unless agreed to by the applicant.

7 H. The following periods shall be excluded from the 270 day time
 8 period for issuing a final environmental impact statement:

9 1. Any time period during which the applicant has failed to
 10 pay required environmental review fees to the department:

11 2. Any period of time during which the applicant has been
 12 requested to provide additional information required for preparation
 13 of the environmental impact statement, and

14 3. Any period of time during which the applicant has not
 15 authorized the department to proceed with preparation of the
 16 environmental impact statement.

17 SECTION 49. Ordinance 6949, Section 8, as amended and K.C.C.
 18 20.44.060 are hereby amended as follows:

19 Comments and public notice. A. The procedures and standards of
 20 WAC 197-11-500 through 197-11-570 are adopted regarding public notice
 21 and comments.

22 B. For purposes of WAC 197-11-510, public notice (~~shall consist~~
 23 of:

24 ~~1. For project specific proposals, posting of a notice board,~~
 25 ~~KCC 19.26.070 A., on or adjacent to the subject property at a place~~
 26 ~~conspicuous and likely to be seen by persons passing the property.~~
 27 ~~The division may require additional notice boards when a site does not~~
 28 ~~abut a public road, when a large site abuts more than one public road~~
 29 ~~or in any other instance when the division deems additional boards to~~
 30 ~~be necessary. The notice board shall be posted for fifteen days.~~

31 ~~Notice shall contain:~~

- 1 ~~_____ a. The name of the applicant, the description of the proposed~~
 2 ~~action, the proposed use of the property, and the file number;~~
 3 ~~_____ b. A plot plan and general location description in non legal~~
 4 ~~language;~~
 5 ~~_____ c. The procedures and deadline for submitting comments;~~
 6 ~~_____ d. A form to request subsequent department reports or~~
 7 ~~decisions;~~
 8 ~~_____ e. Identification of the responsible county official; and~~
 9 ~~_____ f. A description of the appeal procedure.~~

10 ~~_____ A notarized affidavit of posting which certifies the location of a~~
 11 ~~notice board on a vicinity map shall be submitted to the department~~
 12 ~~within fifteen days of publication pursuant to this section.~~

13 ~~_____ 2-) shall be required as provided in K.C.C. Title 20.~~
 14 ~~Publication of notice in a newspaper of general circulation in the~~
 15 ~~area where the proposal is located also shall be required for all non~~
 16 ~~project actions and for all other proposals that are subject to the~~
 17 ~~provisions of this chapter but are not classified as land use permit~~
 18 ~~decisions in K.C.C. Title 20.~~

19 C. ~~Additional notice.~~

20 ~~_____ 1. For project specific proposals, the department shall mail to~~
 21 ~~property owners within five hundred feet of the proposal's property~~
 22 ~~boundaries: the threshold determination, or the decision to condition~~
 23 ~~the permit pursuant to RCW ch. 43.21C.060 if notice has not been~~
 24 ~~previously mailed. Failure of any specific property owner to receive~~
 25 ~~notice shall not invalidate the determination or decision to~~
 26 ~~condition.~~

27 ~~_____ 2. The responsible official may require further notice if deemed~~
 28 ~~necessary to provide adequate public notice of a pending action.~~
 29 ~~Failure to require further or alternative notice shall not be a~~
 30 ~~violation of any notice procedure. The procedures and standards of~~
 31 ~~WAC 197-11-500 through 197-11-570 are adopted regarding public notice~~
 32 ~~and commenting.))~~

1 SECTION 50. Ordinance 6949, Section 10 and K.C.C. 20.44.080 are
2 hereby amended as follows:

3 Substantive authority. A. The procedures and standards of WAC
4 197-11-650 through 197-11-660 are adopted regarding substantive
5 authority and mitigation.

6 B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the
7 following policies, plans, rules and regulations, and all amendments
8 thereto, are designated as potential bases for the exercise of King
9 County's substantive authority under SEPA, subject to the provisions
10 of RCW 43.21C.240 and subsection C of this section.

11 1. The policies of the State Environmental Policy Act, RCW
12 43.21C.020.

13 2. The King County Comprehensive Plan, its addenda, and
14 revisions and community and ((middle)) subarea plans and housing
15 report, and surface water management program basin plans, as specified
16 in King County Code chapter 20.12.

17 3. The King County Zoning Code, as adopted in King County Code
18 Title 21A.

19 4. The King County Agricultural Lands Policy, as adopted in King
20 County Code chapter 20.54 and Title 26.

21 5. The King County Landmarks Preservation Code, as adopted in
22 King County Code chapter 20.62.

23 6. The King County Shoreline Management Master Plan, as adopted
24 in King County Code Title 25.

25 7. The King County Surface Water Runoff Policy (chapter 9.04),
26 including the Covington Master Drainage Plan (chapter 20.14), as
27 adopted in King County Code.

28 8. The King County Road Standards, 1993 Update, as adopted in
29 King County Code chapter 14.42.

30 9. The Comprehensive Plan for Transportation adopted by
31 Resolution No. 6617 of the council of the Municipality of Metropolitan

1 Seattle and readopted and ratified by the county council by Ordinance
2 11032, section 28, as amended.

3 10. The Comprehensive Sewerage Disposal Plan adopted by
4 Resolution No. 23 of the council of the Municipality of Metropolitan
5 Seattle and readopted and ratified by the county council by Ordinance
6 11032, Section 28, as amended.

7 11. The rules and regulations for construction and use of local
8 sewerage facilities set forth in Ordinance 11034, as amended.

9 12. The rules and regulations on the consistency of sewer
10 projects with local land use plans and policies set forth in Ordinance
11 11034, as amended.

12 13. The rules and regulations for the disposal of industrial
13 waste into the sewerage system set forth in Ordinance 11034, as
14 amended.

15 14. The Duwamish Clean Water Plan adopted by the council of the
16 Municipality of Metropolitan Seattle and readopted and ratified by the
17 county council by Ordinance 11032, section 28, as amended.

18 15. The Washington Department of Ecology's Best Management
19 Practices for the Use of Municipal Sludge.

20 C. Within the Urban Growth Boundary, substantive SEPA authority to
21 condition or deny new development proposals or other actions shall be
22 used only in cases where specific adverse environmental impacts are
23 not addressed by regulations as set forth below or unusual
24 circumstances exist. In cases where the County has adopted the
25 following regulations to systematically avoid or mitigate adverse
26 impacts [Chapter 21A.12 K.C.C. Development Standards - Density and
27 Dimensions, Chapter 21A.14 K.C.C. Development Standards - Design
28 Requirements, Chapter 21A.16 K.C.C. Development Standards -
29 Landscaping and Water Use, Chapter 21A.18 K.C.C. Development Standards
30 - Parking and Circulation, Chapter 21A.20 K.C.C. Development Standards
31 - Signs, Chapter 21A.22 K.C.C. Development Standards - Mineral
32 Extraction, Chapter 21A.24 K.C.C. Development Standards -
33 Environmentally Sensitive Areas, Chapter 21A.26 K.C.C. Development

1 Standards - Communication Facilities, Chapter 21A.28 K.C.C.
2 Development Standards - Adequacy of Public Facilities and Services,
3 those standards and regulations will normally constitute adequate
4 mitigation of the impacts of new development. Unusual circumstances
5 related to a site or to a proposal, as well as environmental impacts
6 not mitigated by the foregoing regulations will be subject to site-
7 specific or project-specific SEPA mitigation.

8 The provisions of this subsection shall not apply if the County's
9 development regulations cited in this subsection are amended following
10 the effective date of this ordinance unless the amending ordinance
11 contains a finding, supported by documentation, and that the
12 requirements for environmental analysis, protections and mitigation
13 measures in the code chapter, as amended, provide adequate analysis of
14 and mitigation for the specific adverse environmental impacts to which
15 the requirements apply.

16 D. - Outside the Urban Growth Boundary, in the course of project
17 review, including any required environmental analysis, the responsible
18 official may determine that requirements for environmental analysis,
19 protection and mitigation measures in the County's development
20 regulations or comprehensive plans adopted under 36.70A RCW and in
21 other applicable local, state or federal laws and rules provide
22 adequate analysis and mitigation for specific adverse environmental
23 impacts of the project, if the following criteria are met:

24 1. In the course of project review, the responsible
25 official shall identify and consider the specific probable adverse
26 environmental impacts of the proposed action and then make a
27 determination whether these specific impacts are adequately addressed
28 by the development regulations. If they are not, the responsible
29 official shall apply mitigation consistent with the applicable
30 requirements of the comprehensive plan, subarea plan element of the
31 comprehensive plan or other local, state or federal rules or laws, and

1 2. The responsible official bases or conditions its
2 approval on compliance with these requirements or mitigation measures.

3 E. Any decision to approve, deny or approve with conditions
4 pursuant to RCW 43.21C.060 shall be contained in the responsible
5 official's decision document. The written (~~order~~) decision shall
6 contain facts and conclusions based on the (~~proposals~~) proposal's
7 specific adverse environmental impacts (or lack thereof) as identified
8 in an environmental checklist, EIS, threshold determination, other
9 environmental document including an executive department's staff
10 report and recommendation to a decision maker, or findings made
11 pursuant to a public hearing authorized or required by law or
12 Ordinance. The decision document shall state the specific plan,
13 policy or regulation which supports the SEPA decision and, if
14 mitigation beyond existing development regulations is required, the
15 specific adverse environmental impacts and the reasons why additional
16 mitigation is needed to comply with SEPA.

17 (~~D~~)F. This chapter shall not be construed as a limitation on the
18 authority of King County to approve, deny or condition a proposal for
19 reasons based upon other statutes, ordinances or regulations.

20 SECTION 51. Ordinance 6949, Section 12 and K.C.C. 20.44.100 are
21 hereby amended as follows:

22 Responsibility as consulted agency. All requests from other
23 agencies that King County consults on threshold investigations, the
24 scoping process, EIS's or other environmental documents shall be
25 submitted to the department of (~~parks, planning and~~
26 ~~resources~~) development and environmental services. The department
27 shall be responsible for coordination with other affected county
28 departments and for compiling and transmitting King County's response
29 to such requests for consultation."

30 SECTION 52. Ordinance 6949, Section 14 and K.C.C. 20.44.120 are
31 hereby amended as follows:

1 Appeals. A. Appeals of threshold determinations (~~shall be~~
2 ~~conducted by the hearing examiner pursuant to the provisions of this~~
3 ~~title and,~~) or the adequacy of a final EIS are procedural SEPA
4 appeals which are conducted by the hearing examiner pursuant to the
5 provisions of K.C.C. 20.24.080, subject to the following:

6 1. Only one appeal proceeding on each procedural SEPA
7 determination shall be allowed.

8 2. As provided in RCW 43.21C.075(3)(d), the decision of the
9 responsible official shall be entitled to substantial weight.

10 3. An appeal of a DS must be filed within fourteen calendar (14)
11 days following issuance of the DS.

12 4. An Appeal of a DNS for actions classified as land use permit
13 decisions in K.C.C. 20.XXX must be filed within fourteen calendar (14)
14 days following notice of the decision as provided in K.C.C. chapter
15 20.XXX, provided that the appeal period for a DNS for land use permit
16 decisions shall be extended for an additional seven (7) calendar days
17 if WAC 197-11-340(2)(a) applies. For actions not classified as land
18 use permit decisions in K.C.C. chapter 20.XXX, no administrative
19 appeal of a DNS is permitted.

20 5. Administrative appeals of the adequacy of a final EIS are
21 permitted only for actions classified as land use permit decisions in
22 K.C.C. chapter 20.XXX. Such appeals must be filed within fourteen
23 calendar (14) days following notice of the decision or recommendation
24 as provided in K.C.C. chapter 20.XXX.

25 6. The hearing examiner shall make a final decision on all
26 procedural SEPA determinations. The hearing examiner's decision may
27 be appealed to Superior Court as provided in K.C.C. 20.24.240B.

28 B. (~~Consideration of the adequacy of the final EIS shall be~~
29 ~~consolidated in all cases with the public hearing, if any, on the~~
30 ~~proposal. Administrative appeals regarding adequacy of the EIS shall~~
31 ~~be consolidated with the administrative appeal, if any, on the~~
32 ~~proposal. If no public hearing process exists for a proposal, review~~

1 ~~of final EIS adequacy shall only be by writ of certiorari in King~~
2 ~~County Superior Court.))~~ The hearing examiner's consideration of
3 procedural SEPA appeals shall be consolidated in all cases with
4 substantive SEPA appeals, if any, involving decisions to condition or
5 deny an application pursuant to RCW 43.21C.060 and with the public
6 hearing or appeal, if any, on the proposal, except for appeals of a
7 DS.

8 C. Administrative appeals of decisions to condition or deny
9 applications pursuant to RCW 43.21C.060 shall be consolidated in all
10 cases with administrative appeals, if any, on the merits of a
11 proposal. If proposals requiring Type 3 or 4 land use decisions are
12 appealed to the County Council as provided in K.C.C. 20.24.210B or D,
13 the recommendation or decision of the examiner to condition or deny
14 the proposal pursuant to RCW 43.21C.060 also may be appealed to the
15 council, which shall make a final decision.

16 D. If no administrative appeal is otherwise authorized for a
17 proposal, a decision denying or conditioning an application pursuant
18 to RCW 43.21C.060 may be appealed to the ~~((zoning and subdivision))~~
19 hearing examiner pursuant to the provisions of this title as a Type 2
20 decision. Such appeals shall be limited to issue of whether or not
21 the application was properly conditioned or denied pursuant to RCW
22 43.21C.060 and the regulations and ordinances implementing that
23 statute.

24 E. ~~((Appeals of the adequacy of a final EIS shall be filed within~~
25 ~~the time periods for appeals of the proposal. Appeals of threshold~~
26 ~~determinations must be filed within fifteen days of the lead agency~~
27 ~~determination; provided however that the time period within which an~~
28 ~~appeal must be filed for threshold determinations of county projects~~
29 ~~may be extended by the lead agency.))~~ Notwithstanding the provisions
30 of subsections A through D of this section, a department may adopt
31 procedures under which an administrative appeal shall not be provided
32 if the director of that department finds that consideration of an

1 appeal would be likely to cause the department to violate a
2 compliance, enforcement, or other specific mandatory order or specific
3 legal obligation. The director's determination shall be included in
4 the notice of the SEPA determination, and the director shall provide a
5 written summary upon which the determination is based within five days
6 of receiving a written request. Because there would be no
7 administrative appeal in such situations, review may be sought before
8 a court of competent jurisdiction under RCW 43.21C.075 and applicable
9 regulations, in connection with an appeal of the underlying
10 governmental action.

11 SECTION 53. Ordinance 10870, Section 54 and K.C.C. 21A.06.070
12 are hereby amended to read as follows:

13 Applicant. Applicant: a property owner or a public agency or
14 public or private utility which owns a right-of-way or other easement
15 or has been adjudicated the right to such an easement pursuant to RCW
16 8.12.090, or any person or entity designated or named in writing by
17 the property or easement owner to be the applicant, in an application
18 for a development proposal, permit or approval.

19 SECTION 54. Ordinance 10870, Section 454 as amended, and K.C.C.
20 21A.24.070 are hereby amended as follows:

21 Exceptions. A. If the application of this chapter would prohibit
22 a development proposal by a public agency and utility, the agency or
23 utility may apply for an exception pursuant to this subsection:

24 1. The public agency or utility shall apply to the department
25 and shall make available to the department other related project
26 documents such as permit applications to other agencies, special
27 studies and SEPA documents.

28 2. The department shall review the application based on the
29 following criteria:

30 a. there is no other practical alternative to the proposed
31 development with less impact on the sensitive area; and

32 b. the proposal minimizes the impact on sensitive areas.

1 3. The department shall process exceptions, provide public
2 notice, and provide opportunity for the public to request a public
3 hearing, and provide an appeal process consistent with the provisions
4 of K.C.C. (~~(21A.42.040 through K.C.C. 21A.42.090)~~) chapter 20.XXX.

5 4. This exception shall not allow the use of the following
6 sensitive areas for regional retention/detention facilities except
7 where there is a clear showing that the facility will protect public
8 health and safety or repair damaged natural resources:

9 a. class 1 streams or buffers;

10 b. class 1 wetlands or buffers with plant associations of
11 infrequent occurrence; or

12 c. class 1 or 2 wetlands or buffers which provide critical
13 or outstanding habitat for herons, raptors or state or federal
14 designated endangered or threatened species unless clearly
15 demonstrated by the applicant that there will be no impact on such
16 habitat.

17 B. If the application of this chapter would deny all reasonable
18 use of the property, the applicant may apply for an exception pursuant
19 to this subsection:

20 1. The applicant may apply for a reasonable use exception
21 without first having applied for a variance if the requested exception
22 includes relief from standards for which a variance cannot be granted
23 pursuant to the provisions of K.C.C. 21A.44. The applicant shall
24 apply to the department, and the department shall (~~prepare a~~
25 ~~recommendation to the hearing examiner~~) make a final decision based
26 on the following criteria:

27 a. the application of this chapter would deny all reasonable
28 use of the property;

29 b. there is no other reasonable use with less impact on the
30 sensitive area;

31 c. the proposed development does not pose an unreasonable
32 threat to the public health, safety or welfare on or off the

1 development proposal site and is consistent with the general purposes
 2 of this chapter and the public interest; and

3 d. any alterations permitted to the sensitive area shall be
 4 the minimum necessary to allow for reasonable use of the property; and

5 3-)) any authorized alteration of a sensitive area under this
 6 subsection shall be subject to conditions established by the
 7 ((~~examiner~~)) department including, but not limited to, mitigation
 8 under an approved mitigation plan.

9 SECTION 55. Ordinance 10870, Section 612 as amended, and K.C.C.
 10 21A.42.040 are hereby amended as follows:

11 Director((~~/adjuster~~)) review - Actions subject to review. The
 12 following actions shall be subject to the director((~~/adjuster~~)) review
 13 procedures set forth in this chapter:

14 A. Applications for variances, exceptions under 21A.24.070(A)
 15 and conditional uses; and

16 B. Periodic review of extractive operations.

17 SECTION 56. Ordinance 10870, Section 616, and K.C.C. 21A.42.080
 18 are hereby amended as follows:

19 Director((~~/adjuster~~)) review - Decision regarding proposal. A.
 20 Decisions regarding the approval or denial of proposals (excluding
 21 periodic review of extractive operations) subject to
 22 director((~~/adjuster~~)) review shall be based upon compliance with the
 23 required showings of K.C.C. 21A.44. Periodic reviews of extractive
 24 operations shall be based upon the criteria outlined in K.C.C.
 25 21A.22.050.B.

26 (~~(B. Decisions shall be rendered no more than 40 days after the~~
 27 ~~termination of a public hearing or comment period. A public hearing~~
 28 ~~or comment period may be reopened for purposes of obtaining additional~~
 29 ~~information.))~~

30 ((C)) B. The written decision contained in the record shall
 31 show:

1 1. Facts, findings and conclusions supporting the decision and
2 demonstrating compliance with the applicable decision criteria; and

3 2. Any conditions and limitations imposed, if the request is
4 granted.

5 ((D)) C. The director (~~(ex adjuster)~~) shall mail a copy of the
6 written decision to the applicant and to all parties of record.

7 D. Rules. The director shall adopt rules for the
8 transaction of business and shall keep a public record of his actions.
9 findings, waivers and determinations.

10 SECTION 57. Ordinance 10870, Section 617, and K.C.C. 21A.42.090
11 are hereby amended as follows:

12 Director(~~(/adjuster)~~) review - Decision final unless appealed.

13 A. The decision of the director (~~(ex adjuster)~~) shall be final unless
14 the applicant or an (~~(adverse)~~) aggrieved party files an appeal to the
15 (~~(zoning and subdivision)~~) hearing examiner pursuant to K.C.C. 20.24.

16 (~~(B. Prior to an appeal hearing by the examiner, the examiner~~
17 ~~shall mail notice of the appeal to parties of record.))~~)

18 (~~(C. On appeals from a decision of the director, the examiner~~
19 ~~shall conduct the hearing as provided in King County Council~~
20 ~~20.24.080. On appeals from a decision of the zoning adjuster, the~~
21 ~~examiner's review shall be limited to the record of the hearing~~
22 ~~conducted by the adjuster, the written appeal statement(s), and~~
23 ~~written and oral argument provided on the appeal.))~~)

24 ((D)) B. The examiner's decision may affirm, modify, or
25 reverse the decision of the (~~(responsible official)~~) Director. ((A
26 ~~modification or reversal of the decision of the Zoning Adjuster or~~
27 ~~Director shall be based upon a determination that the prior decision~~
28 ~~was clearly erroneous. Alternatively, the examiner may remand the~~
29 ~~matter, with or without direction, if the examiner determines that~~
30 ~~additional evidence should have been considered by the responsible~~
31 ~~official or a substantial error in procedure occurred in the prior~~
32 ~~proceedings.))~~)

1 ((E)) C. As provided by K.C.C. 20.24.210A. and C.:

2 1. The examiner shall render a decision within ten days of
3 the closing of hearing; and

4 2. The decision shall be final unless appealed under the
5 provisions of K.C.C. 20.24.240B.

6 ((F)) D. Establishment of any use or activity authorized
7 pursuant to a conditional use permit or variance shall occur within
8 four years of the effective date of the decision for such permit or
9 variance, provided that for schools this period shall be five years.
10 This period may be extended for one additional year by the director if
11 the applicant has submitted the applications necessary to establish
12 the use or activity and has provided written justification for the
13 extension.

14 ((G)) E. For the purpose of this section, "establishment"
15 shall occur upon the issuance of all local permit(s) for on-site
16 improvements needed to begin the authorized use or activity, provided
17 that the conditions or improvements required by such permits are
18 completed within the timeframes of said permits.

19 ((H)) F. Once a use, activity or improvement allowed by a
20 conditional use permit or variance has been established, it may
21 continue as long as all conditions of permit issuance are met.

22 SECTION 58. Ordinance 11700, Section 45 and K.C.C. 25.08.015
23 are hereby amended to read as follows:

24 Applicant. "Applicant" means a property owner or a public
25 agency or public or private utility which owns a right-of-way or other
26 easement or has been adjudicated the right to such an easement
27 pursuant to RCW 8.12.090, or any person or entity designated or named
28 in writing by the property or easement owner to be the applicant, in
29 an application for a development proposal, permit or approval.

30 SECTION 59. Ordinance 3688, Section 806 and K.C.C. 25.32.060 are
31 hereby amended as follows:

32 Alteration or Reconstruction of Nonconforming use or Development.

1 A. Applications for substantial development or building permits
2 to modify a nonconforming use or development in the shoreline may be
3 approved only if:

4 1. The modifications will make the use or development less
5 nonconforming; or

6 2. The modifications will not make the use or development more
7 nonconforming.

8 B. A use or development, not conforming to existing regulations,
9 which is destroyed, deteriorated, or damaged more than fifty percent
10 of its fair market value at present or at the time of its destruction
11 by fire, explosion, or other casualty or act of God, may be
12 reconstructed only insofar as it is consistent with existing
13 regulations.

14 C. The review of applications for the modification of a
15 nonconforming use or development shall be subject to the guidelines
16 enumerated in ((Chapter 21A.32-21.51.)) K.C.C. . ((Nonconforming
17 Buildings and Uses)) 21A.32.

18 SECTION 60. Ordinance 3688, Section 808 and K.C.C. 25.32.080 are
19 hereby amended as follows:

20 Permits - Combined hearing authority. A. In those cases when
21 proposed development under the jurisdiction of this title also
22 requires ((a public hearing before either the zoning adjuster or the
23 hearing examiner, the adjuster or the examiner may, pursuant to
24 agreement between the director and the adjuster or examiner, act as
25 the director for the purposes of the public hearing and decision
26 provided for in Section 25.32.070. Acting as the director, the
27 adjuster or a Type 3 or Type 4 decision and a public hearing before
28 the hearing examiner is required, the department shall issue a
29 recommendation on the proposal and the examiner shall conduct a public
30 hearing to receive evidence relating to the issuance of a substantial
31 development permit or exemption therefrom, a shoreline management

1 conditional use permit and/or a shoreline management variance, if
2 applicable.

3 B. The examiner shall conduct the hearing in accordance with the
4 provisions of Chapter 20.24(~~Section 25.32.070~~) K.C.C. and shall
5 exercise the powers therein.

6 C. The decision of the (~~adjuster or~~) examiner shall be the
7 decision of the director and shall be the final decision of the county
8 with regard to shoreline management.

9 SECTION 61. Ordinance 3688, Section 809 and K.C.C. 25.32.090 are
10 hereby amended as follows:

11 Permits - Approval or disapproval - Additional conditions -
12 Limitations. (~~A. The director shall notify the following persons in
13 writing of his final approval, disapproval or conditional approval of
14 a substantial development permit application within five days of his
15 final decision:~~

16 1. ~~The applicant;~~

17 2. ~~The Washington State Department of Ecology;~~

18 3. ~~The Washington State Attorney General;~~

19 4. ~~Any person who has submitted to the director written comments
20 on the application;~~

21 5. ~~Any person requesting notification prior to permit action.))~~

22 A. (~~B-~~) In granting or extending a permit, the director may
23 attach thereto such conditions, modifications and restrictions
24 regarding the location, character and other features of the proposed
25 development and related development and activity outside of the
26 shoreline as he finds necessary to make the permit compatible with the
27 criteria set forth in Sections 25.04.030 and 25.32.010 of this title.
28 Such conditions may include requirement to post a performance bond
29 assuring compliance with permit requirements, terms and conditions.

30 B. (~~C-~~) Issuance of a substantial development permit does not
31 constitute approval pursuant to any other federal, state or county
32 laws or regulations.

1 SECTION 62. Ordinance 3688, Section 810 and K.C.C. 25.32.100 are
2 hereby amended as follows:

3 Appeals. A. Appeals from the final decision of the county with
4 regard to shoreline management shall be governed solely by the
5 provisions of RCW 90.58.180.

6 B. The effective date of King County's decision shall be the date
7 of filing with the Department of Ecology as defined in RCW 90.58.140.

8 C. When a hearing and decision has occurred pursuant to Section
9 25.32.080 and the examiner's recommendation with regard to disposition
10 of a proposed development pursuant to Titles ((197)) 20 and ((Title))
11 21A of this code requires King County council action, the final
12 decision of the county pursuant to this title shall be effective on
13 the date of filing as defined in RCW 90.58.140 for the purposes of
14 appeal as provided in RCW 90.50.140. However, no development may
15 occur until the King County council has taken final action on the
16 examiner's recommendation required by Titles ((197)). 20-and ((Title))
17 21A of this code.

18 SECTION 63. Ordinance 3688, Section 813 and K.C.C. 25.32.130 are
19 hereby amended as follows:

20 Shoreline environment redesignation. A. Shoreline environments
21 designated by the master program may be redesignated by the County
22 Council upon finding that such a redesignation will be consistent
23 with:

- 24 1. The policy of Section 2 of the Shoreline Management Act of
- 25 1971;
- 26 2. The goals, objectives and policies of the master program;
- 27 3. The designation criteria of the shoreline environment
- 28 designation requested.

29 B. Application for redesignation shall be made on forms and
30 processed in a manner prescribed ((by the director)) in Chapter 20.24
31 K.C.C., chapter 20.XXX K.C.C.

1 C. The fee which shall accompany an application for a shoreline
2 redesignation shall be as adopted by ordinance.

3 ~~((D. Redesignations may be initiated by:~~

4 ~~1. The verified application of the owner(s) of the property~~
5 ~~requested to be redesignated; or~~

6 ~~2. The adoption of a motion by the council requesting the~~
7 ~~executive to set the matter for hearing and recommendation.))~~

8 D. ~~((E-))~~ Applications for redesignation shall not be accepted by
9 the department if a request for redesignation involving the same
10 designation for substantially the same property has been denied within
11 the last year.

12 ~~((F. Upon receipt of a properly filed application for~~
13 ~~redesignation, the department shall prepare a report to the zoning and~~
14 ~~subdivision examiner.))~~

15 E. ~~((G.))~~ The report and recommendation of the department shall be
16 forwarded to the ~~((zoning and subdivision))~~ hearing examiner for
17 consideration together with all relevant testimony at a public hearing
18 to be held consistent with the procedures for a zone reclassification
19 as provided in Chapter 20.42.

20 SECTION 64. Ordinance 11622, Section 5, and K.C.C. 16.82.054
21 are hereby repealed.

22 SECTION 65. Ordinance 11622, Section 6, and K.C.C. 16.82.056
23 are hereby repealed.

24 SECTION 66. Ordinance 263, Article 1, Section 1 and K.C.C.
25 20.08.010 are hereby repealed.

26 SECTION 67. Ordinance 3747, Sections 1-3 as amended and K.C.C.
27 20.24.200 are hereby repealed.

28 SECTION 68. Ordinance 263, Article 6 (part), Sections 1 through
29 6, and K.C.C. 20.28.010 - .070 are hereby repealed.

30 SECTION 69. Ordinance 10870, Section 46, and K.C.C. 21A.06.030
31 are hereby repealed.

1 SECTION 70. Ordinance 10870, Sections 595, 596, 597, and K.C.C.
2 21A.40.010, .020, .030 are hereby repealed.

3 SECTION 71. Ordinance 11621, Section 103, as amended, and
4 K.C.C. 21A.40.035 are hereby repealed.

5 SECTION 72. Ordinance 11622, Section ¹⁴17, and K.C.C. 21A.40.037
6 are hereby repealed.

7 SECTION 73. Ordinance 11622, Sections 22 and 23, as amended,
8 and K.C.C. 21A.40.040 - .050 are hereby repealed.

9 SECTION 74. Ordinance 11622, Section 601, as amended, and
10 K.C.C. 21A.40.060 are hereby repealed.

11 SECTION 75. Ordinance 10870, Section 603, and K.C.C. 21A.40.080
12 are hereby repealed.

13 SECTION 76. Ordinance 10870, Section 604, as amended, and K.C.C.
14 21A.40.090 are hereby repealed.

15 SECTION 77. Ordinance 10870, Sections 605 through 608, and
16 K.C.C. 21A.40.100 - .130 are hereby repealed.

17 SECTION 78. Ordinance 11621, Section 122, and K.C.C. 21A.41.030
18 are hereby repealed.

19 SECTION 79. Ordinance 11621, Section 123, and K.C.C. 21A.41.040
20 are hereby repealed.

21 SECTION 80. Ordinance 11621, Section 128, and K.C.C.
22 21A.41.090 are hereby repealed.

23 SECTION 81. Ordinance 10870, Sections 613 through 615, and
24 K.C.C. 21A.42.050 through .070 are hereby repealed.

25 SECTION 82. Ordinance 11622, Section 11 and K.C.C. 25.32.012
26 are hereby repealed.

27 SECTION 83. Ordinance 11622, Section 12, as amended, and K.C.C.
28 25.32.014 are hereby repealed.

29 SECTION 84. Ordinance 11622, Sections 13, 14, and 15, and
30 K.C.C. 25.32. 016, .024, and .026 are hereby repealed.

31 SECTION 85. Ordinance 3688, Section 803, as amended, and K.C.C.
32 25.32.030 are hereby repealed.

1 SECTION 86. Ordinance 3688, Section 807, and K.C.C. 25.32.070
2 are hereby repealed.

3 SECTION 87. Severability. Should any section, subsection,
4 paragraph, sentence, clause or phrase of this ordinance be declared
5 unconstitutional or invalid for any reason, such decisions shall not
6 affect the validity of the remaining portion of this ordinance.

7 SECTION 88. Effective date. This ordinance shall become
8 effective April 1, 1996 and shall apply to complete applications filed
9 on and after that date.

10 SECTION 89. Emergency clause. The county council finds as a fact
11 and declares that an emergency exists and that this ordinance is
12 necessary for the immediate preservation of public peace, health or
13 safety or for the support of county government and its existing public
14 institutions.

15 INTRODUCED AND READ for the first time this 22nd day of

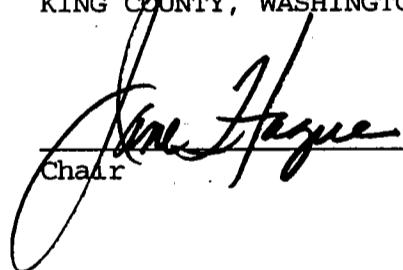
16 January, 1996.

17 PASSED by a vote of 13 to 0 this 1st day of

18 April, 1996.


19
20

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

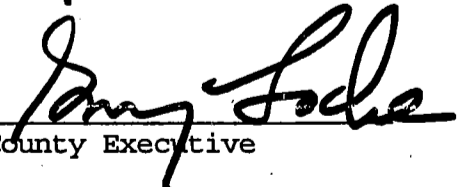
21
22

23 ATTEST:

24 
25 Clerk of the Council

26 APPROVED this 12th day of April, 1996.

27
28


King County Executive

29 Attachments: A: (Modifications to 1991 Uniform Building Code)
30 B: (Modifications to 1991 Uniform Fire Code)