

September 26, 1997

Introduced By: Greg Nickels

10/17/97 clerk

Proposed No.: 97-618

ORDINANCE NO. **12920**

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AN ORDINANCE revising noise variance fees; amending Ordinance 3139, Section 701, Ordinance 4181, Section 1, Ordinance 7415, Section 1, Ordinance 9224, Section 1 and K.C.C. 12.96.010 as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3139, section 701, Ordinance 4181, Section 1, Ordinance 7415, Section 1, Ordinance 9224, Section 1, and K.C.C. 12.96.010 are each hereby amended to read as follows:

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

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

- 1. Temporary variance.....((~~\$100.00~~)) \$200.00

2. Technical or economic variance,  
source in rural or residential district.....(~~(\$100.00)~~) \$200.00

3. Technical or economic variance,  
source in commercial or industrial district.....(~~(\$250.00)~~) \$500.00

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

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

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

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

2. The applicant demonstrates the criteria required for temporary, technical or economic variance under Section 12.96.~~((105))~~020.

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

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

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

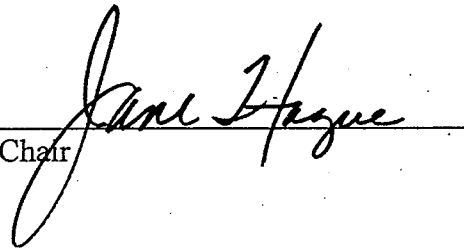
INTRODUCED AND READ for the first time this 20<sup>th</sup> day of

October, 1997

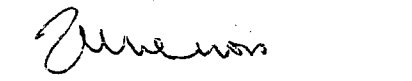
PASSED by a vote of 11 to 2 this 24<sup>th</sup> day of November,

1997

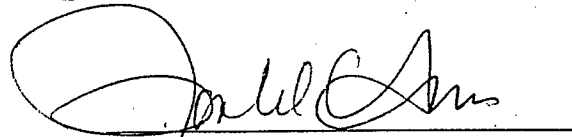
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

APPROVED this 5 day of December, 1997

  
King County Executive

Attachments: