



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

September 17, 2012

### Ordinance 17420

**Proposed No.** 2012-0273.2

**Sponsors** Lambert

1 AN ORDINANCE renaming and reorganizing the  
2 department of development and environmental services;  
3 and amending Ordinance 11955, Section 5, as amended,  
4 and K.C.C. 2.16.055, Ordinance 13263, Section 42, as  
5 amended, and K.C.C. 2.16.097, Ordinance 13410, Section  
6 6, and K.C.C. 2.34.035, Ordinance 11955, Section 5, as  
7 amended, and K.C.C. 2.16.055, Ordinance 13263, Section  
8 42, as amended, and K.C.C. 2.16.097, Ordinance 13410,  
9 Section 6, and K.C.C. 2.34.035, Ordinance 12075, Section  
10 11, as amended, and K.C.C. 2.40.030, Ordinance 12901,  
11 Section 3, as amended, and K.C.C. 2.41.030, Ordinance  
12 14033, Section 4, as amended, and K.C.C. 2.100.030,  
13 Ordinance 14033, Section 5, as amended, and K.C.C.  
14 2.100.040, Ordinance 12076, Section 9, as amended, and  
15 K.C.C. 4.08.015, Ordinance 9368, Sections 1 and 2, as  
16 amended, and K.C.C. 4.08.235, Ordinance 1888 Art. I,  
17 Section 2, as amended, and K.C.C. 6.01.010, Ordinance  
18 9915, Section 11, as amended, and K.C.C. 6.08.021,  
19 Ordinance 1492, Section 23, as amended, and K.C.C.

20 6.24.180, Ordinance 8659, Section 2, as amended, and  
21 K.C.C. 6.72.020, Ordinance 1603, Section 1, as amended,  
22 and K.C.C. 6.76.010, Ordinance 11177, Section 5, as  
23 amended, and K.C.C. 6.84.030, Ordinance 9163, Section 2,  
24 as amended, and K.C.C. 9.04.020, Ordinance 9163, Section  
25 3, as amended, and K.C.C. 9.04.030, Ordinance 2281,  
26 Section 5, as amended, and K.C.C. 9.04.050, Ordinance  
27 2812, Section 4, as amended, and K.C.C. 9.04.060,  
28 Ordinance 2281, Section 6, as amended, and K.C.C.  
29 9.04.070, Ordinance 4938, Section 7, as amended, and  
30 K.C.C. 9.04.090, Ordinance 2281, Section 7, as amended,  
31 and K.C.C. 9.04.100, Ordinance 12020, Section 33, and  
32 K.C.C. 9.04.105, Ordinance 4938, Section 10, as amended,  
33 and K.C.C. 9.04.120, Ordinance 4938, Section 12, as  
34 amended, and K.C.C. 9.04.140, Ordinance 7590, Section 1,  
35 as amended, and K.C.C. 9.08.010, Ordinance 7590, Section  
36 7, as amended, and K.C.C. 9.08.060, Ordinance 14214,  
37 Section 6, as amended, and K.C.C. 9.14.050, Ordinance  
38 4257, Section 8, and K.C.C. 12.46.080, Ordinance 1709,  
39 Section 6, as amended, and K.C.C. 13.24.080, Ordinance  
40 11616, Section 12, as amended, and K.C.C. 13.24.136,  
41 Ordinance 11616, Section 14, as amended, and K.C.C.  
42 13.24.140, Ordinance 9839, Sections 1 through 4, as

43 amended, and K.C.C. 13.28.035, Ordinance 9462, Sections  
44 1 through 3, as amended, and K.C.C. 13.28.055, Ordinance  
45 12020, Section 34, as amended, and K.C.C. 14.02.020,  
46 Ordinance 4895, Section 1, as amended, and K.C.C.  
47 14.28.010, Ordinance 4895, Section 11, as amended, and  
48 K.C.C. 14.28.090, Ordinance 6254, Section 2, as amended,  
49 and K.C.C. 14.30.020, Ordinance 8041, Section 3, as  
50 amended, and K.C.C. 14.42.020, Ordinance 13734, Section  
51 9, and K.C.C. 14.45.070, Ordinance 13734, Section 10, as  
52 amended, and K.C.C. 14.45.080, Ordinance 4099, Section  
53 9, as amended, and K.C.C. 14.46.090, Ordinance 11617,  
54 Section 4, as amended, and K.C.C. 14.65.020, Ordinance  
55 14050, Section 8, as amended, and K.C.C. 14.70.210,  
56 Ordinance 14050, Section 11, as amended, and K.C.C.  
57 14.70.240, Ordinance 14050, Section 13, as amended, and  
58 K.C.C. 14.70.260, Ordinance 14050, Section 14, as  
59 amended, and K.C.C. 14.70.270, Ordinance 17190, Section  
60 5, and K.C.C. 14.75.075, Ordinance 12560, Section 18, as  
61 amended, and K.C.C. 16.02.290, Ordinance 3647, Section  
62 3, as amended, and K.C.C. 16.03.040, Ordinance 14914,  
63 Section 104, and K.C.C. 16.03.120, Ordinance 14914,  
64 Section 105, and K.C.C. 16.03.130, Ordinance 12560,  
65 Section 69, as amended, and K.C.C. 16.04.570, Ordinance

66 12560, Section 71, as amended, and K.C.C. 16.04.590,  
67 Ordinance 11622, Section 2, 1994, and K.C.C. 16.04.880,  
68 Ordinance 12380, Section 3, as amended, and K.C.C.  
69 16.04.950, Ordinance 12380, Section 4, as amended, and  
70 K.C.C. 16.04.960, Ordinance 12380, Section 5, as  
71 amended, and K.C.C. 16.04.970, Resolution 21284, Section  
72 3, as amended, and K.C.C. 16.05.106, Resolution 21284  
73 (part), as amended, and K.C.C. 16.05.108, Ordinance 8766,  
74 Section 1, as amended, and K.C.C. 16.08.010, Ordinance  
75 12560, Section 119, as amended, and K.C.C. 16.14.180,  
76 Ordinance 2560, Section 136, as amended, and K.C.C.  
77 16.14.230, Ordinance 14238, Section 13, as amended, and  
78 K.C.C. 16.14.380, Ordinance 1283 (part), as amended, and  
79 K.C.C. 16.78.060, Ordinance 1488, Section 5, as amended,  
80 and K.C.C. 16.82.020, Ordinance 15053, Section 3, as  
81 amended, and K.C.C. 16.82.051, Ordinance 14259, Section  
82 4, as amended, and K.C.C. 16.82.052, Ordinance 15053,  
83 Section 11, and K.C.C. 16.82.105, Ordinance 2097, Section  
84 2, as amended, and K.C.C. 17.04.020, Ordinance 12560,  
85 Section 154, as amended, and K.C.C. 17.04.230, Ordinance  
86 12560, Section 151, as amended, and K.C.C. 17.04.270,  
87 Ordinance 7980, Section 1, as amended, and K.C.C.  
88 17.04.420, Ordinance 16147, Section 2, and K.C.C.



89 18.17.010, Ordinance 13694, Section 13, and K.C.C.  
90 19A.04.100, Ordinance 13694, Section 14, and K.C.C.  
91 19A.04.110, Ordinance 13694, Section 15, and K.C.C.  
92 19A.04.120, Ordinance 3694, Section 78, as amended, and  
93 K.C.C. 19A.24.030, Ordinance 13694, Section 81, and  
94 K.C.C. 19A.28.030, Ordinance 12824, Section 3, as  
95 amended, and K.C.C. 20.12.050, Ordinance 13147, Section  
96 21, as amended, and K.C.C. 20.18.050, Ordinance 13147,  
97 Section 25, and K.C.C. 20.18.090, Ordinance 12196,  
98 Section 9, as amended, and K.C.C. 20.20.020, Ordinance  
99 12196, Section 9, as amended, and K.C.C. 20.20.020,  
100 Ordinance 16950, Section 10, and K.C.C. 20.20.035,  
101 Ordinance 16026, Section 2, and K.C.C. 20.24.085,  
102 Ordinance 9785, Section 10, as amended, and K.C.C.  
103 20.24.197, Ordinance 6949, Section 5, as amended, and  
104 K.C.C. 20.44.030, Ordinance 6949, Section 7, as amended,  
105 and K.C.C. 20.44.050, Ordinance 6949, Section 12, as  
106 amended, and K.C.C. 20.44.100, Ordinance 6949, Section  
107 15, as amended, and K.C.C. 20.44.130, Ordinance 4828,  
108 Section 2, as amended, and K.C.C. 20.62.020, Ordinance  
109 10870, Section 40, and K.C.C. 21A.04.190, Ordinance  
110 10870, Section 96, and K.C.C. 21A.06.280, Ordinance  
111 10870, Section 105, and K.C.C. 21A.06.325, Ordinance

112 10870, Section 340, as amended, and K.C.C. 21A.12.030,  
113 Ordinance 10870, Section 384, as amended, and K.C.C.  
114 21A.14.240, Ordinance 14045, Section 38, as amended,  
115 and K.C.C. 21A.14.370, Ordinance 15051, Section 138,  
116 and K.C.C. 21A.24.051, Ordinance 15051, Section 139, as  
117 amended, and K.C.C. 21A.24.055, Ordinance 15051,  
118 Section 140, and K.C.C. 21A.24.061, Ordinance 15051,  
119 Section 230, as amended, and K.C.C. 21A.24.515,  
120 Ordinance 3688, Section 801, as amended, and K.C.C.  
121 21A.25.290, Ordinance 13129, Section 2, and K.C.C.  
122 21A.27.010, Ordinance 13129, Section 22, and K.C.C.  
123 21A.27.160, Ordinance 11621, Section 90, as amended,  
124 and K.C.C. 21A.28.154, Ordinance 11168, Section 9, and  
125 K.C.C. 21A.30.066, Ordinance 13274, Section 6, Section ,  
126 as amended, and K.C.C. 21A.37.040, Ordinance 14190,  
127 Section 8, as amended, and K.C.C. 21A.37.060, Ordinance  
128 13274, Section 7, as amended, and K.C.C. 21A.37.070,  
129 Ordinance 13274, Section 8, as amended, and K.C.C.  
130 21A.37.080, Ordinance 10870, Section 576, as amended,  
131 and K.C.C. 21A.38.030, Ordinance 10870, Section 577, as  
132 amended, and K.C.C. 21A.38.040, Ordinance 10870,  
133 Section 583, as amended, and K.C.C. 21A.39.020,  
134 Ordinance 11621, Section 113, and K.C.C. 21A.43.040,

135 Ordinance 11621, Section 117, and K.C.C. 21A.43.080,  
136 Ordinance 12627, Section 2, and K.C.C. 21A.55.020,  
137 Ordinance 13275, Section 1, as amended, and K.C.C.  
138 21A.55.050, Ordinance 14662, Section 1, as amended, and  
139 K.C.C. 21A.55.060, Ordinance 16650, Section 1, as  
140 amended, and K.C.C. 21A.55.101, Ordinance 13263,  
141 Section 3, as amended, and K.C.C. 23.02.010, Ordinance  
142 13263, Section 5, as amended, and K.C.C. 23.02.040,  
143 Ordinance 13263, Section 13, as amended, and K.C.C.  
144 23.02.120, Ordinance 12024, Section 4, and K.C.C.  
145 23.10.030, Ordinance 13263, Section 33, as amended, and  
146 K.C.C. 23.24.140, Ordinance 3332, Section 8, as amended,  
147 and K.C.C. 27.02.130, Ordinance 14238, Section 32, and  
148 K.C.C. 27.02.220, Ordinance 13332, Section 14, and  
149 K.C.C. 27.04.003, Ordinance 10662, Section 51, as  
150 amended, and K.C.C. 27.04.005, Ordinance 8330, Section  
151 31, as amended, and K.C.C. 27.04.010, Ordinance 10662,  
152 Section 52, and K.C.C. 27.04.015, Ordinance 13332,  
153 Section 22, as amended, and K.C.C. 27.10.070, Ordinance  
154 12020, Section 5, and K.C.C. 27A.20.030, Ordinance  
155 12020, Section 6, and K.C.C. 27A.20.040, Ordinance  
156 12020, Section 16, as amended, and K.C.C. 27A.30.050.

157 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

158            SECTION 1. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are  
159 each hereby amended to read as follows:

160            A. The department of ~~((development and environmental services))~~ permitting and  
161 environmental review is responsible ~~((to manage and be fiscally accountable for the~~  
162 ~~building services division, land use services division, fire marshal division and~~  
163 ~~administrative services division. The director of the department shall be the county~~  
164 ~~planning director, zoning adjuster and responsible official for purposes of administering~~  
165 ~~the state Environmental Policy Act, and may delegate those functions to qualified~~  
166 ~~subordinates. The department shall be responsible for regulating the operation,~~  
167 ~~maintenance and conduct of county licensed businesses, except taxicab and for hire~~  
168 ~~drivers and vehicles. The department shall be responsible))~~ for:

169            1. Ensuring consistent and efficient administration of environmental, building  
170 and land use codes and regulations for commercial and residential projects by means of  
171 permit review and approval, construction inspections and public information;

172            2. ~~((m))~~ Managing and coordinating the development and implementation of the  
173 County's comprehensive plan in accordance with state Growth Management Act  
174 requirements. (( coordinating county and regional land use planning with public and  
175 private agencies, developing proposed policies to address regional land use planning and  
176 developing and overseeing the countywide program for implementation of the county's  
177 Comprehensive Plan including coordinating the implementation of plans that are  
178 developed by departments.));

179            ~~((B. The building services division shall be responsible for ensuring consistent~~  
180 ~~and efficient administration of environmental, building and land use codes and~~

181 ~~regulations for commercial and residential projects by means of permit review and~~  
182 ~~approval, construction inspections and public information. The manager of the building~~  
183 ~~services division shall be the county building official. The duties of the division shall~~  
184 ~~include the following:~~

- 185 ~~1. Permit center and public information;~~
- 186 ~~2. Building plan and application review, including building, mechanical, barrier-~~  
187 ~~free, energy, security and other uniform code reviews;~~
- 188 ~~3. Site review, including engineering and critical areas review of permit~~  
189 ~~applications;~~
- 190 ~~4. Inspections, including new construction inspections for compliance with site~~  
191 ~~and building code requirements.~~

192 ~~C.)~~ 3. Administering the state Environmental Policy Act and acting as lead  
193 agency, including making the threshold determinations, determining the amount of  
194 environmental impact and reasonable mitigation measures and coordinating with other  
195 departments and divisions in the preparation of county environmental documents or in  
196 response to environmental documents from other agencies;

197 ~~4. ((The land use services division shall be responsible for the e))~~Effective  
198 processing and timely review of land development proposals, including zoning variance  
199 and reclassification, master drainage plans, variances from the surface water design  
200 manual and the King County road standards, critical area, subdivision, right-of-way use,  
201 urban planned development, clearing and grading, shoreline, special use and conditional  
202 use applications;~~((. The duties of the division shall include the following:~~

- 203 ~~1. Permit center and public information;~~
-

204           2. ~~Plan review, including the review of applications for compliance with~~  
205 ~~shorelines, critical areas, subdivision and other zoning regulations, road standards and~~  
206 ~~variances from the surface water design manual, as well as community plans and utility~~  
207 ~~comprehensive plans;~~

208           3. ~~Engineering review and inspection, including the review of clearing~~  
209 ~~and grading applications and review of engineering plans for compliance with adopted~~  
210 ~~road and drainage standards and specifications;~~

211           4. ~~Development inspection, including inspection of construction activity to~~  
212 ~~ensure compliance with approved plans and codes;~~

213           5. ~~Develop and assist in implementing local and subarea specific plans for urban~~  
214 ~~and rural areas, consistent with the Comprehensive Plan;~~

215           6. ~~Develop proposed policies to address long-range comprehensive land use~~  
216 ~~planning and analyze and provide proposed updates to the Comprehensive Plan on an~~  
217 ~~annual basis;~~

218           7. ~~Develop proposed county plans, programs and policies and implement~~  
219 ~~regulations on environmental issues, including critical areas and mineral resources, and~~  
220 ~~serve as the contact for cities and agencies, providing appropriate research in support of~~  
221 ~~county initiatives on these issues;~~

222           8. ~~Administer the state Environmental Policy Act and act as lead agency,~~  
223 ~~including making the threshold determinations, determining the amount of environmental~~  
224 ~~impact and reasonable mitigation measures and coordinating with other departments and~~  
225 ~~divisions in the preparation of county environmental documents or in response to~~  
226 ~~environmental documents from other agencies;~~

227 ~~9. Monitor the cumulative effects of the county's Comprehensive Plan and other~~  
228 ~~plans, policies and laws intended to protect natural and community resources while~~  
229 ~~permitting development and growth, and providing periodic status reports to the~~  
230 ~~executive and council;~~

231 5. Pursuing and resolving code violations, including preparing for  
232 administrative or legal actions, evaluating the department's success in obtaining  
233 compliance with King County rules and regulations and designing measures to improve  
234 compliance;

235 6. Regulating the operation, maintenance and conduct of county-licensed  
236 businesses, except taxicab and for-hire drivers and vehicles; and

237 ~~((10. Pursue and resolve code violations, including preparing for administrative~~  
238 ~~or legal actions, evaluating the department's success in obtaining compliance with King~~  
239 ~~County rules and regulations and designing measures to improve compliance.~~

240 ~~D. The fire marshal division shall be responsible for programs designed to~~  
241 ~~reduce the potential risk of fires and for investigating the causes of fires. The manager of~~  
242 ~~the fire marshal division shall be the county fire marshal. The duties of the division shall~~  
243 ~~include the following:~~

244 ~~1.)~~ 7. ((Development and implementation of)) Developing and implementing  
245 an inspection program to identify fire hazards and require conformance with K.C.C. Title  
246 17((;

247 ~~2. Review of)), reviewing building plans and applications for compliance with~~  
248 ~~K.C.C. Title 17((;)) and~~

249           ~~((3.-I))~~ conducting inspections, including inspections of new construction, for  
250 compliance with K.C.C. Title 17.

251           ~~((E. The administrative services division shall provide support services  
252 throughout the department, including personnel and payroll support, budget support,  
253 financial services, information services, facilities management and support, and records  
254 management and program analysis services.))~~

255           B.1. The director of the department shall be the:

256                 a. county planning director;

257                 b. zoning adjuster;

258                 c. responsible official for purposes of administering the state Environmental

259 Policy Act;

260                 d. county building official; and

261                 e. county fire marshal.

262           2. The director may delegate the functions in subsection B.1. of this section to  
263 qualified subordinates.

264           SECTION 2. Ordinance 13263, Section 42, as amended, and K.C.C. 2.16.097 are  
265 each hereby amended to read as follows:

266           A. Receivable civil fines, civil penalties and abatement costs assessed pursuant to  
267 Title 23 may be written off by the director of the department of ~~((development and  
268 environmental services))~~ permitting and environmental review, with the concurrence of  
269 the county administrative officer, under the following circumstances:

270                 1. when the costs of the effort to collect the civil fine or penalty exceeds the  
271 recoupable fines and penalties, or



272           2. when the civil fine, penalty or abatement cost is determined to be  
273 uncollectable in the foreseeable future.

274           B. The director shall document the circumstances under which a decision was  
275 made to write off a civil fine, penalty or abatement cost.

276           SECTION 3. Ordinance 13410, Section 6, and K.C.C. 2.34.035 are each hereby  
277 amended to read as follows:

278           The chair of the board of appeals and equalization shall annually, and before May  
279 1st of each year, request the following:

280           A. A report in writing from the department of (~~development and environmental~~  
281 ~~services~~) permitting and environmental review, and any other department responsible for  
282 identifying physical and environmental constraints placed on real property that might  
283 affect true and fair market value, on the transmittal of that information to the office of the  
284 King County assessor, consistent with the provisions of K.C.C. chapter 4.62.

285           B. A report in writing from the office of the King County assessor attesting to the  
286 receipt of that information from any and all departments responsible for identifying  
287 physical and environmental constraints on real property that may affect true and fair  
288 market value, consistent with the provisions of K.C.C. chapter 4.62.

289           SECTION 4. Ordinance 12075, Section 11, as amended, and K.C.C. 2.40.030 are  
290 each hereby amended to read as follows:

291           A. The commission shall consist of fifteen members; the members shall serve  
292 terms of three years as specified in K.C.C. chapter 2.28.

293           B. The fifteen voting members of the commission shall serve without  
294 compensation and represent the diversity of the agricultural economy, various

295 agricultural operations, and the regions of the county. Membership should be  
296 representative of producers of agricultural commodities and persons with demonstrated  
297 knowledge, experience and interest in agricultural real estate, food and feed processing,  
298 wholesale and retail marketing, produce buying, direct marketing, supply, and finance.  
299 However, at least eight of the voting commission members shall be producers as defined  
300 in K.C.C. 2.40 020.

301 C. The directors of the departments of natural resources and parks, (~~development~~  
302 ~~and environmental services~~) permitting and environmental review, community and  
303 human services, public health, and executive services, and the King County conservation  
304 district may serve as additional members in an ex officio capacity.

305 SECTION 5. Ordinance 12901, Section 3, as amended, and K.C.C. 2.41.030 are  
306 each hereby amended to read as follows:

307 A. The commission shall consist of thirteen voting members; the members shall  
308 serve terms of three years as specified in K.C.C. chapter 2.28.

309 B. The voting members of the commission shall serve without compensation.  
310 The members shall represent the diversity of rural forestry interests and the different  
311 geographic regions of rural King County.

312 C. Commission membership shall include an equitable representation of the  
313 following interests:

314 1. At least five members representing private rural forest landowners, with at  
315 least one from each of the following ownership categories:

316 a. forest landowners with greater than five hundred acres of rural forest land in  
317 King County;

318           b. forest landowners with forty to five hundred acres of rural forest land in  
319 King County, and for whom income from forestry is an important component of total  
320 income;

321           c. residential forest landowners with greater than twenty acres of rural forest  
322 land enrolled in the Forest Land Designation (chapter 84.33 RCW) program; and

323           d. residential forest landowners with less than twenty acres of rural forest land;

324           2. Advocates of nontimber values of forest land, such as environmental  
325 protection, recreation and open space;

326           3. The Washington Department of Natural Resources;

327           4. Affected Indian tribes;

328           5. Consumers or users of local forest products, such as mills, lumber  
329 suppliers, craftsmen, florist suppliers or users of other alternative forest products;

330           6. Academic or professional foresters, or forestry associations; and

331           7. Rural cities.

332           D. The directors of the departments of natural resources and parks,  
333 ~~((development and environmental services))~~ permitting and environmental review,  
334 executive services, the office of budget, a representative of the King County council  
335 natural resources, parks and open space committee, or its successor, a representative of  
336 the Mount Baker-Snoqualmie National Forest, a representative of the Washington State  
337 University Extension and the director of the King Conservation District may serve as  
338 nonvoting ex officio members of the commission.

339           E. All appointees should have a working knowledge of King County forestry, a  
340 strong commitment to promote forestry in the rural area, the ability to work with differing

341 viewpoints to find solutions to complex problems and a willingness to commit the time  
342 necessary to attend commission meetings and activities.

343 SECTION 6. Ordinance 14033, Section 4, as amended, and K.C.C. 2.100.030 are  
344 each hereby amended to read as follows:

345 A. A person may request a code interpretation by submitting a request in  
346 accordance with this chapter. The director may also issue a code interpretation on the  
347 director's own initiative.

348 B. A request for a code interpretation must be submitted in writing to the director  
349 of the department with primary responsibility administering or implementing the  
350 development regulation that is the subject of the request. If the person is uncertain as to  
351 the appropriate department to which the code interpretation request should be submitted,  
352 the person shall submit the request to the director of the department of ~~((development and  
353 environmental services))~~ permitting and environmental review, who shall make the  
354 determination and forward the request to the appropriate department, and notify the  
355 person as to which department is responsible for responding to the request.

356 C. A code interpretation request must:

357 1. Be in writing and shall be clearly labeled "Request for Code Interpretation."  
358 Failure to satisfy this requirement relieves the director of any obligation to acknowledge  
359 or otherwise process the request;

360 2. Identify the person seeking the code interpretation and provide an address to  
361 which correspondence regarding the requested code interpretation should be mailed;

362 3. Identify the specific section or sections of King County's development  
363 regulations for which an interpretation is requested;

364 4. Identify the parcel or site, if the code interpretation request involves a  
365 particular parcel of property or site;

366 5. Identify the code enforcement action, if the code interpretation request  
367 involves a code enforcement case;

368 6. Be accompanied by the fee required under K.C.C. 2.100.070; and

369 7. Be limited to a single subject, which may require interpretation of one or  
370 more code sections.

371 D.1. Within fifteen business days after receiving a code interpretation request, the  
372 director shall acknowledge receipt of the request. The director shall mail the  
373 acknowledgment to the person submitting the request at the address provided in the  
374 request. The acknowledgment shall include the following information, as applicable:

375 a. If the director determines that the code interpretation request does not  
376 contain the information required under this section, the director shall identify in the  
377 acknowledgment the deficiencies in the code interpretation request. In such a situation,  
378 the director is under no obligation to process the code interpretation request until a code  
379 interpretation request complying with this chapter is submitted;

380 b. If the director determines that the code interpretation request is ambiguous  
381 or unclear, the director may request that the person making the request to clarify the  
382 request. The director is under no obligation to process the code interpretation request  
383 until an adequately clarified code interpretation request is submitted;

384 c. If the director determines that the code interpretation request presents  
385 substantially the same issue as is pending before an adjudicatory body, such as the King  
386 County hearing examiner, the King County council when acting as a quasi-judicial body,

387 any other quasi-judicial agency or any local, state or federal court, the director shall so  
388 state in the acknowledgment. The director is then under no obligation to further process  
389 the code interpretation request; and

390 d. If a code interpretation is requested regarding an issue that the director has  
391 previously addressed through a code interpretation, the director is not obligated to issue  
392 another code interpretation and shall so state in the acknowledgment required by this  
393 section and shall identify the previous code interpretation.

394 2. If the director determines that the code interpretation request relates to a  
395 particular parcel of property, the director shall cause notice of the code interpretation  
396 request to be given to the taxpayer of record for the subject parcel.

397 3. If the code interpretation request relates to a specific development project  
398 pending before the county, the director shall cause notice of the code interpretation  
399 request to be given to all parties of record for that project, including the applicant.

400 4. The notice required under this section must include a copy of the code  
401 interpretation request and a copy of the director's acknowledgment. Notice required  
402 under this section may be by United States mail or other appropriate method of delivery.

403 SECTION 7. Ordinance 14033, Section 5, as amended, and K.C.C. 2.100.040 are  
404 each hereby amended to read as follows:

405 A. A person may submit written analysis and supporting documentation to assist  
406 the director in analyzing a code interpretation request.

407 B. The director may conduct research or investigation as the director deems  
408 necessary to resolve the issue presented in the code interpretation request and may refer  
409 the request to department staff and other county staff for review and analysis.

410 C. A code interpretation must be in writing, clearly labeled “Code  
411 Interpretation,” and describe the basis for the interpretation.

412 D. The director shall issue a code interpretation within sixty days after receiving  
413 the code interpretation request, unless the director determines that based on the unusual  
414 nature of the issue additional time is necessary to respond to the request. If the code  
415 interpretation request relates to a specific development proposal that is pending before the  
416 department of ~~((development and environmental services))~~ permitting and environmental  
417 review or relates to a code enforcement action that is subject to appeal under K.C.C.  
418 chapter 23.36, the code interpretation shall become final when the department of  
419 development and environmental service issues its final decision on the underlying  
420 development proposal for a type 1 or 2 decision, the department makes its  
421 recommendation on a type 3 or 4 decision or, based on the code interpretation, the  
422 department issues a notice and order, citation or stop work order under K.C.C. Title 23.  
423 If the director determines that a code interpretation request does not to relate to a specific  
424 development proposal that is currently pending before the county or to a code  
425 enforcement action, the code interpretation is final when issued by the director.

426 E. The director shall maintain a list of indexed code interpretations for public  
427 inspection and post the index and code interpretations on a King County web site and  
428 transmit a copy of each code interpretation to the clerk of the King County council.

429 F. The director shall mail copies of the code interpretation to the following:

430 1. The person who requested the code interpretation;

431           2. If the director determines that the code interpretation relates to a specific  
432 development proposal that is pending before the county, the applicant and all other  
433 parties of record for that proposal;

434           3. If the director determines the code interpretation relates to a specific parcel of  
435 property, the taxpayer of record for that parcel; and

436           4. Any person who has submitted written comments regarding the director's  
437 review of the code interpretation request.

438           G. When it is final, a code interpretation remains in effect until it is rescinded in  
439 writing by the director or it is modified or reversed on appeal by the hearing examiner,  
440 the King County council or an adjudicatory body.

441           H. A code interpretation issued by the director governs all staff review and  
442 decisions unless withdrawn or modified by the director or modified or reversed on appeal  
443 by the King County hearing examiner, King County council, or an adjudicatory body.

444           SECTION 8. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are  
445 each hereby amended to read as follows:

446           A. First tier funds and fund managers are as follows:

<b>Fund No.</b>	<b>Fund Title</b>	<b>Fund Manager</b>
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community and Human Services
109	Recorder's O & M	Dept. of Executive Services



111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community and Human Services
113-5	Mental Illness and Drug Dependency	Dept. of Community and Human Services
114-1	Veterans' Services Levy	Dept. of Community and Human Services
114-2	Health and Human Services Levy	Dept. of Community and Human Services
115	Road Improvement Guaranty	Dept. of Transportation
117	Arts and Cultural Development	Dept. of Executive Services
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
124	Citizen Councilor Revolving	Auditor
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	<del>((Development and Environmental Services))</del> <u>Permitting and Environmental Review</u>	Dept. of <del>((Development and Environmental Services))</del> <u>Permitting and Environmental Review</u>
137	Clark Contract Administration	Office of Performance, Strategy and Budget
138	Parks Trust and Contribution	Dept. of Natural Resources and Parks
139	Risk Abatement	Office of Performance, Strategy and

		Budget
145	Parks and Recreation	Dept. of Natural Resources and Parks
156-1	KC Flood Control Operating Contract	Dept. of Natural Resources and Parks
164	Two-Tenths Sales Tax Revenue	Dept. of Transportation
	Receiving	
165	Public Transit Self Insurance	Dept. of Transportation
180-1	Public Health Healthcare Coalition	Dept. of Public Health
215	Grants tier 1 fund	Dept. of Executive Services
216	Cultural Resource Mitigation Fund	Office of Performance, Strategy and Budget
315	Conservation Futures	Dept. of Natural Resources and Parks
316	Parks, Rec. and Open Space	Dept. of Natural Resources and Parks
320	Public Art Fund	Dept. of Executive Services
322	Housing Opportunity Acquisition	Dept. of Community and Human Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
331	Long-Term Leases	Dept. of Executive Services
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Park Lands Acquisition 1993	Dept. of Natural Resources and Parks
340-3	Urban Reforestation and Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Dept. of Executive Services

342	Major Maintenance Reserve	Dept. of Executive Services
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Natural Resources and Parks
350	Open Space Acquisition	Dept. of Natural Resources and Parks
357-1	KC Flood Control Capital Contract	Dept. of Natural Resources and Parks
358	Parks Capital Fund	Dept. of Natural Resources and Parks
364-3	Transit Cross-Border Lease Financing Fund	Dept. of Executive Services
368	Real Estate Excise Tax Capital Summary Fund	Dept. of Performance Strategy and Budget
369	Transfer of Development Credits Program (TDC) Fund	Dept. of Natural Resources Parks
377-1	KCIT Capital Fund	Dept. of Information Technology
378	KCIT Enterprise Services Capital Improvement Fund	Dept. of Information Technology
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac. Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
390	Solid Waste Construction	Dept. of Natural Resources and Parks

391	Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Capital Improvement	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
453-1	Institutional Network Operating Fund	Dept. of Information Technology
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety and Workers' Compensation	Dept. of Executive Services
544	Wastewater Equipment Rental and Revolving Fund	Dept. of Transportation
546	Department of Executive Service Equipment Replacement	Dept. of Information Technology
547	KCIT Strategy and Performance Operating Fund	Dept. of [Information Technology]*
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
603	Cultural Resources Endowment	Dept. of Executive Services

622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Office of Performance, Strategy and Budget
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services
694	Employee Charitable Campaign Contributions	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation
840	Limited GO Bond Redemption	Dept. of Executive Services
843	DMS Limited GO Bonds	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services
890	ULID Assessment - 1981	Dept. of Transportation
1010	Climate Exchange Fund	Office of Performance, Strategy and Budget
1411	Rainy Day Reserve	Office of Performance, Strategy and Budget
1421	Children and Families Services	Dept. of Community and Human Services
1432	Animal Bequest Fund	Dept. of Executive Services
1471	Historical Preservation and Historical	Dept. of Executive Services

Programs Fund

1590	Marine Division Operating Fund	Dept. of Transportation
3590	Marine Division Capital Fund	Dept. of Transportation
5490	Business Resource Center Fund	Dept. of Executive Services

447 B. The following shall also be first tier funds:

448 1. All funds now or hereafter established by ordinance for capital construction  
449 through specific road improvement districts, utility local improvement districts or local  
450 improvement districts. The director of the department of transportation shall be the fund  
451 manager for transportation-related funds. The director of the department of natural  
452 resources and parks shall be the fund manager for utility-related funds.

453 2. All county funds that receive original proceeds of borrowings made under  
454 Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the  
455 extent of the amounts then outstanding for the borrowings for that fund. For purposes of  
456 this subsection, the director of the county department or office primarily responsible for  
457 expenditures from that fund shall be the fund manager.

458 3. Any other fund as the council may hereinafter prescribe by ordinance to be  
459 invested for its own benefit. County funds shall be treated as provided in K.C.C.  
460 4.10.110 unless a designation is made by the council.

461 SECTION 9. Ordinance 9568, Sections 1 and 2, as amended, and K.C.C.  
462 4.08.235 are each hereby amended to read as follows:

463 There is hereby established a housing opportunity acquisition fund, a capital  
464 improvement fund, designated as fund no. 322. This fund shall be a first tier fund as

465 described in K.C.C. 4.10.010. The (~~planning and community development~~) community  
466 services division manager shall be the fund manager.

467 The purpose of the fund is to acquire, renovate and/or construct housing for low-  
468 income families, seniors at risk of displacement and homelessness, homeless individuals  
469 and persons with special housing needs by securing a property interest in each project.  
470 Real estate excise tax will be used to support the fund.

471 SECTION 10. Ordinance 1888 Art. I, Section 2, as amended, and K.C.C.  
472 6.01.010 are each hereby amended to read as follows:

473 For the purpose of all business license ordinances the words and phrases used  
474 herein, unless the context otherwise indicates, shall have the following meanings:

475 A. "Certificate" means any certificate or renewal of certificate issued pursuant to  
476 any business license ordinance;

477 B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of  
478 the records and licensing services division, department of executive services, or his or her  
479 duly authorized representative. For all other business licenses, "director" means the  
480 director of the department of (~~development and environmental services~~) permitting and  
481 environmental review, or his or her duly authorized representative;

482 C. "License" means any license or renewal of license issued pursuant to any  
483 business license ordinance;

484 D. "Licensee" means any person to whom a license or renewal of license has  
485 been issued pursuant to any business license ordinance;

486 E. "Permit" means any permit or renewal of permit issued pursuant to any  
487 business license ordinance;

488 F. "Person" means any individual, partnership, firm, joint stock company,  
489 corporation, association, trust, estate or other legal entity;

490 G. "Registrant" means any person to whom a registration or renewal of  
491 registration has been issued pursuant to any business license ordinance;

492 H. "Registration" means any registration or renewal of registration issued  
493 pursuant to any business license ordinance.

494 SECTION 11. Ordinance 9915, Section 11, as amended, and K.C.C. 6.08.021 are  
495 each hereby amended to read as follows:

496 The director shall ~~((refer an application for a license required in K.C.C. 6.08.020~~  
497 ~~to the department of development and environmental services for a report on compliance~~  
498 ~~with)) determine whether an application under K.C.C. 6.08.020 complies with all~~  
499 ~~applicable fire, building and zoning codes of King County. ((The director of the~~  
500 ~~department of development and environmental services or the director's designee shall~~  
501 ~~respond to the director within twenty days.))~~

502 SECTION 12. Ordinance 1492, Section 23, as amended, and K.C.C. 6.24.180 are  
503 each hereby amended to read as follows:

504 A. Every advertisement by a licensee advertising or soliciting business shall  
505 contain the company name and address as they appear in the records of the department of  
506 ~~((development and environmental services)) permitting and environmental review.~~

507 B. Licensees, in their promotional literature and oral sales presentations to  
508 members of the public, shall not claim any relationship or affiliation with any official or  
509 semiofficial law enforcement organization. Such literature or sales presentation shall be



510 accompanied by an accurate and clear description of the services which the licensee does  
511 in fact offer or provide.

512 C. Solicitors performing oral sales presentations to members of the public shall  
513 not carry visible weapons.

514 SECTION 13. Ordinance 8659, Section 2, as amended, and K.C.C. 6.72.020 are  
515 each hereby amended to read as follows: —

516 A. (~~"Director"~~ means the director of the department of development and  
517 environmental services or his or her duly authorized representative.

518 ~~B.))~~ "Minor" means any individual who is less than 18 years old.

519 ~~((C.))~~ B. "Retailer" means any person, firm, association, company, partnership or  
520 corporation who operates a store, stand, booth, concession or other place at which sales  
521 are made to purchasers for consumption or use.

522 ~~((D.))~~ C. "Sales conducted in person" means payment for the purchase of the  
523 tobacco item is received directly and in person from the purchaser by the seller or his  
524 employee. Tobacco vending machines which are located in plain view of the seller or his  
525 employee and controlled by an electronic device activated by the seller or his or her  
526 employee, upon the buyer's presentation of acceptable identification as required in K.C.C.  
527 6.72.040, shall be deemed "sales conducted in person."

528 ~~((E.))~~ D. "Tobacco vending machine" means and includes any machine or device  
529 designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products  
530 upon the insertion of coins, trade checks or slugs.

531 SECTION 14. Ordinance 1603, Section 1, as amended, and K.C.C. 6.76.010 are  
532 each hereby amended to read as follows:

533           The following words and terms, unless a different meaning clearly appears from  
534 the context, shall mean as follows:

535           A. "Charitable" means and includes the words patriotic, philanthropic, social  
536 service, welfare, benevolent, educational, civic or fraternal, either actual or purported;  
537 provided, such term shall not include "religious" and "religion," which terms shall be  
538 given their commonly accepted definitions;

539           B. "Contributions" means and includes alms, food, clothing, money, credit,  
540 subscription, property, financial assistance or other thing of value and including any  
541 donations under the guise of a loan of money or property;

542           C. "Direct gift" means and includes an outright contribution of food, clothing,  
543 money, credit, property, financial assistance or other thing of value to be used for a  
544 charitable or religious purpose and for which the donor receives no consideration or thing  
545 of value in return;

546           D. (~~"Director" means the director of the department of development and~~  
547 ~~environmental services, or his or her duly authorized representative;~~

548           E.) "Person" means any individual, firm, partnership, corporation, company,  
549 association or joint stock association, church, religious sect, religious denomination,  
550 society, organization or league, and includes any trustee, receiver, assignee, agent or  
551 other similar representative thereof;

552           (~~F.~~) E. "Promoter" means any person who promotes, manages, supervises,  
553 organizes or attempts to promote, manage, supervise or organize a campaign of  
554 solicitation, but shall not include either a bona fide full-time salaried officer or employee  
555 of a charitable organization whose salary or other compensation is not computed on funds

556 raised or to be raised, or a temporary employee who is employed to contact volunteer  
557 workers by telephone but who may not himself solicit contributors directly;

558        ~~((G.))~~ F. "Sale and benefit affair" means and includes, but is not limited to,  
559 athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment,  
560 exhibition, exposition, party, performance, picnic, sale, social gathering, theater or  
561 variety show, which the public is requested to patronize or attend or to which the public  
562 is requested to make a contribution for any charitable or religious purpose connected  
563 therewith;

564        ~~((H.))~~ G. "Solicit" and "solicitation" mean the request within the county directly  
565 or indirectly of money, credit, property, financial assistance or other thing of value on the  
566 plea or representation that such money, credit, property, financial assistance or other  
567 thing of value will be used for a charitable or religious purpose, and include:

- 568           1. Any oral or written request,
- 569           2. The distribution, circulation, mailing, posting or publishing of any handbill,  
570 written advertisement of publication,
- 571           3. The making of any announcement to the press, by radio or television, by  
572 telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar,  
573 benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition,  
574 party, performance, picnic, sale, social gathering, theater or variety show, which the  
575 public is requested to patronize or to which the public is requested to make a contribution  
576 for any charitable or religious purpose connected therewith,
- 577           4. The sale of, offer or attempt to sell any advertisement, advertising space,  
578 book, card, chance, coupon, device, magazine, membership, subscription, ticket,

579 admission, article or other thing in connection with which any appeal is made for any  
580 charitable or religious purpose, or where the name of any charitable or religious  
581 organization, association or person is used or referred to in any such appeal or where in  
582 connection with any such sale, any statement is made that the whole or any part of the  
583 proceeds from any such sale will go or be donated to any charitable or religious purpose.

584 A "solicitation" shall be deemed completed when made, whether or not the person  
585 making the same received any contribution or makes any sale referred to in this section.

586 SECTION 15. Ordinance 11177, Section 5, as amended, and K.C.C. 6.84.030 are  
587 each hereby amended to read as follows:

588 The operators of all existing shooting sports facilities shall apply for an operating  
589 license no later than April 9, 1994. The operator of each new shooting sports facility  
590 shall apply for an operating license at the time of application for building permits or land  
591 use permits necessary for the new facility. The application shall be made on a form  
592 prescribed by the manager of the records and licensing services division. The records  
593 and licensing services division is authorized to issue such a license after a determination  
594 that the application is accurate and complete, and includes a notarized certification by the  
595 shooting sports facility operator that the facility meets commonly accepted shooting  
596 facility safety and design practices and will be operated in a manner which protects the  
597 safety of the general public. The records and licensing services division shall base its  
598 licensing determination on the review and concurrence of the King County departments  
599 of public safety and ~~((development and environmental services))~~ permitting and  
600 environmental review or their designees. This section shall not relieve the applicant of  
601 any obligation to obtain any other required land use or building permits or approvals,

602 except shooting sports facilities in operation before January 9, 1994, shall not be required  
603 to seek new land use or building permits solely for issuance of a license.

604 SECTION 16. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are  
605 each hereby amended to read as follows:

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

608 A. "Adjustment" means a department-approved variation in the application of the  
609 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular  
610 project in accordance with K.C.C. 9.04.050C. "Adjustment" replaces "variance," which  
611 was used in prior editions of the Surface Water Design Manual.

612 B. "Applicant" means a property owner or a public agency or public or private  
613 utility that owns a right-of-way or other easement or has been adjudicated the right to  
614 such an easement under RCW 8.12.090, or any person or entity designated or named in  
615 writing by the property or easement owner to be the applicant, in an application for a  
616 development proposal, permit or approval.

617 C. "Basin" means a geographic area that contains and drains to a stream or river  
618 named and noted on common maps, such as the Cedar river, Sammamish river, Green  
619 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains  
620 to a nonflowing water body named and noted on common maps, such as Lake  
621 Washington or Puget Sound.

622 D. "Basin plan" means a plan and all implementing regulations and procedures  
623 including, but not limited to, capital projects, public education activities and land use

624 management adopted by ordinance for managing surface and storm water within the  
625 basin.

626 E. "Closed depression" means an area greater than five thousand square feet at  
627 overflow elevation that is low-lying and that has no or such a limited surface water outlet  
628 that the area acts as a stormwater retention facility.

629 F. "Construct or modify" means to install a new drainage pipe or ditch or make  
630 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,  
631 that either serves to concentrate previously unconcentrated surface and storm water  
632 runoff or serves to increase, decrease or redirect the conveyance of surface and storm  
633 water runoff. "Construct or modify" does not include installation or maintenance of a  
634 driveway culvert installed as part of a single-family residential building permit.

635 G. "Conveyance system" means the drainage facilities and features, both natural  
636 and constructed, that collect, contain and provide for the flow of surface and storm water  
637 from the highest points on the land down to a receiving water. The natural elements of  
638 the conveyance system include swales and small drainage courses, streams, rivers, lakes  
639 and wetlands. The constructed elements of the conveyance system include gutters,  
640 ditches, pipes, channels and most flow control and water quality treatment facilities.

641 H. "Department" means the department of natural resources and parks or its  
642 successor.

643 I. "Development" means any activity that requires a permit or approval,  
644 including, but not limited to, a building permit, grading permit, shoreline substantial  
645 development permit, conditional use permit, special use permit, zoning variance or  
646 reclassification, subdivision, short subdivision, urban planned development, binding site

647 plan, site development permit or right-of-way use permit. "Development" does not  
648 include a Class I, II, III or IV-S forest practice conducted in accordance with chapter  
649 76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined  
650 in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title  
651 222 WAC and a county-approved forest management plan.

652 J. "Director" means the director of the department of natural resources and parks,  
653 or any duly authorized representative of the director.

654 K. "Drainage" means the collection, conveyance, containment or discharge, or  
655 any combination thereof, of surface and storm water runoff.

656 L. "Drainage facility" means a constructed or engineered feature that collects,  
657 conveys, stores or treats surface and storm water runoff. "Drainage facility" includes, but  
658 is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake,  
659 wetland, closed depression, flow control or water quality treatment facility, erosion and  
660 sediment control facility and other structure and appurtenance that provides for drainage.

661 M. "Drainage review" means an evaluation by King County staff of a proposed  
662 project's compliance with the drainage requirements in the Surface Water Design Manual.  
663 The types of drainage review include: Small project drainage review, targeted drainage  
664 review, full drainage review and large project drainage review.

665 N. "Erosion and sediment control" means any temporary or permanent measures  
666 taken to reduce erosion, control siltation and sedimentation and ensure that sediment-  
667 laden water does not leave the site or enter into wetlands or aquatic areas.

668 O. "Financial guarantee" means a form of financial security posted to do one or  
669 more of the following: ensure timely and proper completion of improvements; ensure

670 compliance with the King County Code; or provide secured warranty of materials,  
671 workmanship of improvements and design. “Financial guarantees” include assignments  
672 of funds, cash deposit, surety bonds or other forms of financial security acceptable to the  
673 director of the department of ~~((development and environmental services))~~ permitting and  
674 environmental review. “Performance guarantee,” “maintenance guarantee” and “defect  
675 guarantee” are considered sub categories of financial guarantee.

676 P. “Flood hazard reduction plan” means a plan and all implementing programs,  
677 regulations and procedures including, but not limited to, capital projects, public education  
678 activities and enforcement programs for reduction of flood hazards and prepared in  
679 accordance with RCW 86.12.200.

680 Q “Flow control best management practice” means a method or design for  
681 dispersing, infiltrating or otherwise reducing or preventing development-related increases  
682 in surface and storm water runoff at, or near, the sources of those increases. “Flow  
683 control best management practice” includes the methods and designs specified in the  
684 Surface Water Design Manual.

685 R. “Flow control facility” means a drainage facility designed to mitigate the  
686 impacts of increased surface and storm water runoff generated by site development in  
687 accordance with the drainage requirements in this chapter. A “flow control facility” is  
688 designed either to hold water for a considerable length of time and then release it by  
689 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short  
690 period of time and then release it to the conveyance system.



691 S. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for  
692 any proposed project, unless the project is subject to small project drainage review,  
693 targeted drainage review or large project drainage review, that:

694 1. Would result in two thousand square feet or more of new impervious surface;

695 2. Would result in thirty-five thousand square feet or more of new pervious  
696 surface: or

697 3. Is a redevelopment project on one or more parcels where the total of new and  
698 replaced impervious surface is five thousand square feet or more and when the valuation  
699 of proposed improvements exceeds fifty percent of the assessed value of the existing site  
700 improvements, including interior improvements and excluding required mitigation and  
701 frontage improvements.

702 T. "High-use site" means a commercial, industrial or road intersection site that  
703 generates a higher than average number of vehicle turnovers or has other characteristics  
704 that generate the potential for chronic oil accumulation. "High use site" includes:

705 1. A commercial or industrial site subject to:

706 a. an expected daily traffic count greater than one hundred vehicles per one  
707 thousand square feet of gross building area;

708 b. petroleum storage or transfer in excess of one thousand gallons per year, not  
709 including routine fuel oil storage or transfer; or

710 c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles  
711 each weighing over ten tons; or

712           2. A road intersection with average daily traffic counts of twenty-five thousand  
713 vehicles or more on the main roadway and fifteen thousand or more vehicles on any  
714 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

715           U. "Hydraulically connected" means connected through surface flow or water  
716 features such as wetlands or lakes.

717           V. "Impervious surface" means a hard surface area that either prevents or retards  
718 the entry of water into the soil mantle as under natural conditions before development or  
719 that causes water to run off the surface in greater quantities or at an increased rate of flow  
720 from the flow present under natural conditions prior to development. Common  
721 impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways,  
722 parking lots, storage areas, areas that are paved, graveled or made of packed or oiled  
723 earthen materials or other surfaces that similarly impede the natural infiltration of surface  
724 and storm water. An open uncovered flow control or water quality treatment facility is  
725 not an "impervious surface".

726           W. "Improvement" means a permanent, human-made, physical change to land or  
727 real property including, but not limited to, buildings, streets, driveways, sidewalks,  
728 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and  
729 landscaping.

730           X. "Land disturbing activity" means an activity that results in a change in the  
731 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.  
732 "Land disturbing activity" includes, but is not limited to, demolition, construction,  
733 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does

734 not include tilling conducted as part of agricultural practices, landscape maintenance or  
735 gardening.

736 Y. "Lake management plan" means a plan describing the lake management  
737 recommendations and requirements adopted by public rule for managing water quality  
738 within individual lake basins.

739 Z. "Large project drainage review" means the evaluation required by K.C.C.  
740 9.04.030 for any proposed project that:

741 1. Has an urban plan development land use designation in the King County  
742 Comprehensive Plan land use map;

743 2. Would, at full buildout of the project site, result in fifty acres or more of  
744 new impervious surface within a drainage subbasin or a number of subbasins  
745 hydraulically connected across subbasin boundaries; or

746 3. Has a project site of fifty acres or more within a critical aquifer recharge area,  
747 as defined in K.C.C. Title 21A.

748 AA. "Licensed civil engineer" means a person registered with the State of  
749 Washington as a professional engineer in civil engineering.

750 BB. "Maintenance" means those usual activities taken to prevent a decline,  
751 lapse or cessation in the use of currently serviceable structures, facilities, equipment or  
752 systems, if there is no expansion of the structure, facilities, equipment or system and  
753 there are no significant hydrologic impacts. "Maintenance" includes the repair or  
754 replacement of nonfunctional facilities or the replacement of existing structures with  
755 different types of structures, if the repair or replacement is required by one or more

756 environmental permits or to meet current engineering standards and the functioning  
757 characteristics of the original facility or structure are not changed.

758 CC. "Master drainage plan" means a comprehensive drainage control plan  
759 intended to prevent significant adverse impacts to the natural and constructed drainage  
760 system, both on- and off-site.

761 DD. "Native vegetated surface" means a surface in which the soil conditions,  
762 ground cover and species of vegetation are like those of the original native condition for  
763 the site, as more specifically set forth in the Surface Water Design Manual.

764 EE. "Natural discharge location" means the location where runoff leaves the  
765 project site under existing site conditions as defined in the Surface Water Design Manual.

766 FF. "New impervious surface" means the creation of a hard or compacted surface  
767 such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such  
768 as the paving of existing dirt or gravel.

769 GG. "New pervious surface" means the conversion of a native vegetated surface  
770 or other native surface to a nonnative pervious surface, including, but not limited to,  
771 pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of  
772 existing nonnative pervious surface that results in increased surface and storm water  
773 runoff as defined in the Surface Water Design Manual.

774 HH. "Pollution-generating impervious surface" means an impervious surface  
775 considered to be a significant source of pollutants in surface and storm water runoff.  
776 "Pollution-generating impervious surface includes those surfaces subject to vehicular use  
777 or storage of erodible or leachable materials, wastes or chemicals and that receive direct  
778 rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if

779 runoff from uphill could regularly run through it or if rainfall could regularly blow in and  
780 wet the pavement surface. Metal roofs are also considered pollution-generating  
781 impervious surface unless they are treated to prevent leaching.

782 II. "Pollution-generating pervious surface" means a nonimpervious surface  
783 considered to be a significant source of pollutants in surface and storm water runoff.  
784 "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides  
785 and fertilizers, to the use or storage of erodible or leachable materials, wastes or  
786 chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is  
787 not limited to, the lawn and landscaped areas of a residential or commercial site, golf  
788 course, park sports field and county-standard grassed modular grid pavement.

789 JJ. "Project" means any proposed action to alter or develop a site that may also  
790 require drainage review.

791 KK. "Project site" means the portion of a site and any offsite areas subject to  
792 proposed project activities, alterations and improvements including those required by this  
793 chapter.

794 LL. "Redevelopment project" means a project that proposes to add, replace or  
795 modify impervious surface for purposes other than a residential subdivision or  
796 maintenance on a site that:

- 797 1. Is already substantially developed in a manner that is consistent with its  
798 current zoning or with a legal nonconforming use; or  
799 2. Has an existing impervious surface coverage of thirty-five percent or more.

800 MM. "Replaced impervious surface" means an existing impervious surface  
801 proposed to be removed and reestablished as impervious surface, excluding impervious

802 surface removed for the sole purpose of installing utilities or performing maintenance.

803 For purposes of this definition, "removed" includes the removal of buildings down to

804 bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic

805 concrete pavement.

806 NN. "Runoff" means that portion of water originating from rainfall and other

807 precipitation that flows over the surface or just below the surface from where it fell and is

808 found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and

809 shallow groundwater as well as on ground surfaces. For the purpose of this definition,

810 groundwater means all waters that exist beneath the land surface or beneath the bed of

811 any stream, lake or reservoir, or other body surface water, whatever may be the

812 geological formation or structure in which such water stands or flows, percolates or

813 otherwise moves.

814 OO. "Salmon conservation plan" means a plan and all implementing regulations

815 and procedures including, but not limited to, land use management adopted by ordinance,

816 capital projects, public education activities and enforcement programs for conservation

817 and recovery of salmon within a water resource inventory area designated by the state

818 under WAC 173-500-040.

819 PP. "Shared facility" means a drainage facility designed to meet one or more of

820 the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a

821 basin. Shared facilities usually include shared financial commitments for those drainage

822 facilities.

823 QQ. "Site" means a single parcel, or two or more contiguous parcels that are

824 under common ownership or documented legal control, used as a single parcel for a

825 proposed project for purposes of applying for authority from King County to carry out a  
826 proposed project. For projects located primarily within dedicated rights-of-way, "site"  
827 includes the entire width of right-of-way subject to improvements proposed by the  
828 project.

829 RR. "Small project drainage review" means the drainage review for a proposed  
830 single-family residential project or agricultural project that:

831 i. Would result in:

832 a. ten thousand square feet or less of total impervious surface added on or after  
833 January 8, 2001; or

834 b. four percent or less of total impervious surface on a site as specified in the  
835 Surface Water Design Manual; and

836 2. Meets the small project drainage requirements specified in the Surface Water  
837 Design Manual, including flow control best management practices, erosion and sediment  
838 control measures and drainage plan submittal requirement; and

839 3. Limits new pervious surface as specified in the Surface Water Design  
840 Manual.

841 SS. "Stormwater compliance plan" means a plan or study and all regulations and  
842 procedures that have been adopted by the county to implement the plan or study,  
843 including, but not limited to, capital projects, public education activities and enforcement  
844 programs for managing stormwater quantity and quality discharged from the county's  
845 municipal separate storm sewer system in compliance with the National Pollutant  
846 Discharge Elimination System permit program under the Clean Water Act.

847 TT. "Subbasin" means a geographic area that:

- 848           1. Drains to a stream or water body named and noted on common maps; and  
849           2. Is contained within the basin of the stream or water body.

850           UU. "Surface and storm water" means water originating from rainfall and other  
851 precipitation that is found on ground surfaces and in drainage facilities, rivers, streams,  
852 springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

853           VV. "Surface Water Design Manual" means the manual, and supporting  
854 documentation referenced or incorporated in the manual, describing surface and storm  
855 water design and analysis requirements, procedures and guidance that has been formally  
856 adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design  
857 Manual is available from the department of ~~((development and environmental services))~~  
858 permitting and environmental review or the department of natural resources and parks,  
859 water and land resources division or their successor agencies.

860           WW. "Targeted drainage review" means an abbreviated evaluation required by  
861 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large  
862 project drainage review. Targeted drainage review may be required for some projects in  
863 small project drainage review.

864           XX. "Water quality treatment facility" means a drainage facility designed to  
865 reduce pollutants once they are already contained in surface and storm water runoff. A  
866 water quality treatment facility is the structural component of best management practices.  
867 When used singly or in combination, a water quality treatment facility reduces the  
868 potential for contamination of both surface and ground waters.

869           SECTION 17. Ordinance 9163, Section 3, as amended, and K.C.C. 9.04.030 are  
870 each hereby amended to read as follows:



871 A. Drainage review is required when any proposed project is subject to a King  
872 County development permit or approval and:

873 1. Would result in two thousand square feet or more of new impervious surface,  
874 replaced impervious surface or new plus replaced impervious surface;

875 2. Would involve seven thousand square feet or more of land disturbing activity;

876 3. Would construct or modify a drainage pipe or ditch that is twelve inches or  
877 more in size or depth or receives surface and storm water runoff from a drainage pipe or  
878 ditch that is twelve inches or more in size or depth;

879 4. Contains or is adjacent to a flood hazard area as defined in K.C.C. chapter  
880 21A.24;

881 5. Is located within a critical drainage area;

882 6. Is a redevelopment project proposing one hundred thousand dollars or more  
883 of improvements to an existing high-use site; or

884 7. Is a redevelopment project on a site in which the total of new plus replaced  
885 impervious surface is five thousand square feet or more and whose valuation of proposed  
886 improvements, including interior improvements and excluding required mitigation and  
887 frontage improvements, exceeds fifty percent of the assessed value of the existing site  
888 improvements.

889 B. The drainage review for any proposed project shall be scaled to the scope of  
890 the project's size, type of development and potential for impacts to the regional surface  
891 water system to facilitate preparation and review of project applications. If drainage  
892 review for a proposed project is required under subsection A. of this section, the  
893 department of (~~development and environmental services~~) permitting and environmental

894 review shall determine which of the following drainage reviews apply as specified in the  
895 Surface Water Design Manual:

- 896 1. Small project drainage review;
- 897 2. Targeted drainage review;
- 898 3. Full drainage review; or
- 899 4. Large project drainage review.

900 SECTION 18. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are  
901 each hereby amended to read as follows:

902 A. A proposed project required to have drainage review by K.C.C. 9.04.030 must  
903 meet each of the following core requirements which are described in detail in the Surface  
904 Water Design Manual. Projects subject only to small project drainage review that meet  
905 the small project drainage requirements specified in the Surface Water Design Manual,  
906 including flow control best management practices, erosion and sediment control  
907 measures and drainage plan submittal requirements are deemed to comply with the  
908 following core requirements:

- 909 1. Core requirement 1: Discharge at the natural location. All surface and storm  
910 water runoff from a project shall be discharged at the natural location so as not to be  
911 diverted onto, or away from, downstream properties. The manner in which runoff is  
912 discharged from the project site shall not create a significant adverse impact to downhill  
913 properties or drainage systems as specified in the discharge requirements of the Surface  
914 Water Design Manual;

- 915 2. Core requirement 2: Offsite analysis. The initial application submittal for  
916 proposed projects shall include an offsite analysis report that assesses potential offsite

917 drainage and water quality impacts associated with development of the proposed site and  
918 proposes appropriate mitigations to those impacts. This initial submittal shall include, at  
919 minimum, a Level One downstream analysis as described in the Surface Water Design  
920 Manual. If impacts are identified, the proposed projects shall meet any applicable  
921 problem-specific requirements as specified in the Surface Water Design Manual;

922           3. Core Requirement 3: Flow control. Proposed projects that would result in  
923 two thousand square feet or more of new impervious surface or thirty-five thousand  
924 square feet or more of new pervious surface, or that are redevelopment projects that  
925 would result in a total of five thousand square feet or more of new and replaced  
926 impervious surface, shall provide flow control facilities or flow control BMPs, or both, to  
927 control surface and storm water runoff generated by new impervious surface, new  
928 pervious surface, replaced impervious surface and any existing impervious surface added  
929 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow  
930 control facilities shall meet the area-specific flow control facility requirements and the  
931 flow control facility implementation requirements applicable to the project site as  
932 specified in the Surface Water Design Manual. Flow control BMPs shall also be applied  
933 as specified in the Surface Water Design Manual. Projects subject to area-specific flow  
934 control facility requirements shall meet one of the flow control facility performance  
935 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water  
936 Design Manual:

937           a. Level One shall match the predeveloped site's peak discharge rates for the  
938 two-year and ten-year return periods;

939           b. Level Two shall meet Level One criteria and also match the predeveloped  
940 site's discharge durations for the predeveloped peak discharge rates between the fifty  
941 percent of the two-year peak flow through the fifty-year peak flow; or

942           c. Level Three shall meet Level Two criteria and also match the predeveloped  
943 site's peak discharge rate for the one hundred-year return period;

944           4. Core requirement 4: Conveyance system. All engineered conveyance system  
945 elements for proposed projects shall be analyzed, designed and constructed to provide the  
946 minimum level of protection against overtopping, flooding, erosion and structural failure  
947 as specified by the conveyance requirements for new and existing systems and  
948 conveyance implementation requirements described in the Surface Water Design Manual;

949           5. Core requirement 5: Erosion and sediment control. All proposed projects  
950 that will clear, grade or otherwise disturb the site shall provide erosion and sediment  
951 control that prevents, to the maximum extent practicable, the transport of sediment from  
952 the site to drainage facilities, water resources and adjacent properties. Erosion and  
953 sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified  
954 by the temporary erosion and sediment control measures and performance criteria and  
955 implementation requirements in the King County Surface Water Design Manual;

956           6. Core requirement 6: Maintenance and operation. Maintenance of all  
957 drainage facilities in compliance with King County maintenance standards is the  
958 responsibility of the applicant or property owner as described in the Surface Water  
959 Design Manual, except those facilities for which King County assumes maintenance and  
960 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design  
961 Manual;

962           7. Core requirement 7: Financial guarantees and liability. All drainage  
963 facilities constructed or modified for projects, except downspout infiltration and  
964 dispersion systems for single family residential lots, must comply with the liability  
965 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title  
966 27A;

967           8. Core requirement 8: Water quality. Proposed projects that would result in  
968 five thousand square feet or more of new pollution generating impervious surface or  
969 thirty-five thousand square feet or more of new pollution-generating pervious surface, or  
970 that are redevelopment projects that would result in a total of five thousand square feet or  
971 more of new and replaced pollution-generating impervious surface, shall provide water  
972 quality treatment facilities to treat polluted surface and storm water runoff generated by  
973 new or replaced pollution-generating impervious surface, new pollution-generating  
974 pervious surface and any existing pollution-generating impervious surface added on or  
975 after January 8, 2001, as specified in the Surface Water Design Manual. However,  
976 pervious surfaces are specifically excluded if there is a good faith agreement with the  
977 King Conservation District to implement a farm management plan for agricultural uses,  
978 and pervious areas for other uses are specifically excluded if King County department of  
979 ~~((development and environmental services))~~ permitting and environmental review  
980 approves a landscape management plan that controls pesticides and fertilizers leaving the  
981 site. Water quality treatment facilities shall meet the area-specific water quality  
982 treatment requirements and the water quality implementation requirements applicable to  
983 the project site as specified in the Surface Water Design Manual. The facilities specified  
984 by these requirements are designed to reduce pollutant loads according to the applicable

985 annual average performance goals listed in a. through d. of this subsection A.8. for  
986 ninety-five percent of the annual average runoff volume:

987 a. for basic water quality: remove eighty percent of the total suspended solids;

988 b. for enhanced basic water quality: remove fifty percent of the total zinc;

989 c. for sensitive lake protection: remove fifty percent of the total phosphorus;

990 and

991 d. for sphagnum bog protection: remove fifty percent of the total phosphorus  
992 and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of  
993 less than 6.5 and an alkalinity of less than ten milligrams per liter.

994 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall  
995 meet any of the following special requirements which apply to the site and which are  
996 described in detail in the Surface Water Design Manual. The department of  
997 ~~((development and environmental services))~~ permitting and environmental review shall  
998 verify if a proposed project is subject to and must meet any of the following special  
999 requirements.

1000 1. Special Requirement 1: Other adopted area-specific requirements. If a  
1001 proposed project is in a designated critical drainage area, or is in an area included in an  
1002 adopted master drainage plan, basin plan, salmon conservation plan, stormwater  
1003 compliance plan, flood hazard reduction plan, lake management plan or shared facility  
1004 plan, then the proposed project shall meet the applicable drainage requirements of the  
1005 critical drainage area, master drainage plan, basin plan, salmon conservation plan,  
1006 stormwater compliance plan, flood hazard reduction plan, lake management plan or  
1007 shared facility plan;

1008           2. Special Requirement 2: Floodplain/floodway delineation. If a proposed  
1009 project contains or is adjacent to a stream, lake, wetland or closed depression, or if other  
1010 King County regulations require study of flood hazards relating to the proposed project,  
1011 the one hundred year floodplain boundaries and floodway shall be determined and  
1012 delineated on the site improvement plans and profiles and any final maps prepared for the  
1013 proposed project. The flood hazard study shall be prepared for as specified in the Surface  
1014 Water Design Manual;

1015           3. Special Requirement 3: Flood protection facilities. If a proposed project  
1016 contains or is adjacent to a stream that has an existing flood protection facility, such as a  
1017 levee, revetment or berm, or proposes to either construct a new or modify an existing  
1018 flood protection facility, then the flood protection facilities shall be analyzed and  
1019 designed as specified in the Surface Water Design Manual to conform with the Federal  
1020 Emergency Management Agency regulations as found in 44 C.F.R;

1021           4. Special Requirement 4: Source Control. If a proposed project requires a  
1022 commercial building or commercial site development permit, then water quality source  
1023 controls shall be applied to prevent rainfall and runoff from coming into contact with  
1024 pollutants to the maximum extent practicable. Water quality source controls shall be  
1025 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution  
1026 prevention manual and the Surface Water Design Manual. All structural source controls  
1027 shall be identified on the site improvement plans and profiles or final maps prepared for  
1028 the proposed project; and

1029           5. Special Requirement 5: Oil control. If a proposed project is a high-use site or  
1030 is a redevelopment project proposing one hundred thousand dollars or more of

1031 improvements to an existing high-use site, then oil control shall be applied to all runoff  
1032 from the high-use portion of the site as specified in the Surface Water Design Manual.

1033 C.1. An adjustment to the requirements contained in this section or other  
1034 requirements in the Surface Water Design Manual may be proposed. The resulting  
1035 development shall be subject to all of the remaining terms and conditions of this chapter  
1036 and the adjustment shall:

1037 a. produce a compensating or comparable result in the public interest; and  
1038 b. meet this chapter's objectives of safety, function, appearance, environmental  
1039 protection and maintainability based upon sound engineering judgment.

1040 2. If complying with subsection C.1.a. of this section will deny all reasonable  
1041 use of a property, the best practicable alternative shall be obtained as determined by the  
1042 director of the department of ~~((development and environmental services))~~ permitting and  
1043 environmental review according to the adjustment process defined in the Surface Water  
1044 Design Manual.

1045 3. Requests for adjustments that may conflict with the requirements of any other  
1046 King County division shall require review and concurrence with that division.

1047 4. A request for an adjustment is a Type 1 land use decision as provided for in  
1048 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in  
1049 the Surface Water Design Manual.

1050 5. The county may require monitoring of experimental designs and technology  
1051 or untested applications proposed by the applicant in order to determine compliance with  
1052 subsection C.1. of this section and the approved plans and conditions.



1053           6. The applicant may appeal an adjustment decision by following the appeal  
1054 procedures as specified in the Surface Water Design Manual.

1055           D. The drainage review requirements in this section and in the Surface Water  
1056 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

1057           SECTION 19. Ordinance 2812, Section 4, as amended, and K.C.C. 9.04.060 are  
1058 each hereby amended to read as follows:

1059           Development in areas where the department has determined that the existing  
1060 flooding, drainage and/or erosion conditions present an imminent likelihood of harm to  
1061 the welfare and safety of the surrounding community shall meet special drainage  
1062 requirements set by the director until such time as the community hazard is alleviated.  
1063 Such conditions may include the limitation of the volume of discharge from the subject  
1064 property to predevelopment levels, preservation of wetlands or other natural drainage  
1065 features or other controls necessary to protect against community hazard. Where  
1066 alternate facility designs or methods will produce a compensating or comparable result in  
1067 the public interest and which will meet this section's objectives of safety, function,  
1068 appearance, environmental protection and maintainability, based upon sound engineering  
1069 judgment, an adjustment to the special drainage requirements promulgated under this  
1070 section may be proposed, provided that the resulting development shall be subject to all  
1071 of the remaining terms and conditions of this chapter. Where application of this section  
1072 will deny all reasonable use of a property and a facility or design that produces a  
1073 compensating or comparable result cannot be obtained, then a best practicable alternative  
1074 may be obtained, to be determined by the director of the department of ((development

1075 ~~and environmental services))~~ permitting and environmental review according to the  
1076 adjustment process defined in the Surface Water Design Manual.

1077 SECTION 20. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are  
1078 each hereby amended to read as follows:

1079 A.1. All engineering plans shall be submitted to the department of ~~((development~~  
1080 ~~and environmental services))~~ permitting and environmental review for review in  
1081 accordance with the Surface Water Design Manual except those drainage plans  
1082 developed by, or under the review of, the department of natural resources and parks for  
1083 either surface and storm water capital improvement, repair, maintenance or restoration  
1084 projects or other linear government agency projects, such as roadways, railways,  
1085 pipelines, utility lines and trails.

1086 2. If engineering plans are returned for any reason, they shall be returned to the  
1087 applicant.

1088 3. All master drainage plans, if required, shall be submitted to the department of  
1089 ~~((development and environmental services))~~ permitting and environmental review for  
1090 review in accordance with the specifications in the Surface Water Design Manual. The  
1091 master drainage plan process should commence at the same time as the state  
1092 Environmental Policy Act (SEPA) process.

1093 4. Drainage plans not subject to review by the department of ~~((development and~~  
1094 ~~environmental services))~~ permitting and environmental review under subsection A.1. of  
1095 this section shall be reviewed by the department of natural resources and parks in  
1096 accordance with K.C.C. 9.04.050. Project applicability and compliance with K.C.C.  
1097 9.04.050 shall be documented in writing and available for review.

1098 B. The expiration time frames as specified in the Surface Water Design Manual  
1099 shall apply to all permit and approval applications.

1100 C. All plans shall be processed in accordance with the review procedures  
1101 specified in the Surface Water Design Manual.

1102 D. All submittal procedures, definitions and specifications for the required  
1103 contents of engineering plans are presented in the Surface Water Design Manual.

1104 SECTION 21. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are  
1105 each hereby amended to read as follows:

1106 A. No work related to permanent or temporary storm drainage control for a  
1107 permitted development may proceed without the approval of the director of the  
1108 department of ~~((development and environmental services))~~ permitting and environmental  
1109 review.

1110 B. Erosion and sediment control measures associated with both the interim and  
1111 permanent drainage systems shall be:

1112 1. Constructed in accordance with the approved plan prior to any grading or  
1113 land clearing other than that associated with an approved erosion and sediment control  
1114 plan; and

1115 2. Satisfactorily sequenced and maintained until all improvements, restoration,  
1116 and landscaping associated with the permit and approvals for the project are completed  
1117 and the potential for onsite erosion has passed.

1118 C. The applicant shall have constructed and have in operation those portions of  
1119 the drainage facilities necessary to accommodate the control of surface and storm water  
1120 runoff discharging from the site before the construction of any other improvements or

1121 buildings on the site, or to final recording of a plat or short plat, unless upon written  
1122 request of the applicant, the development engineer authorizes recording before  
1123 construction of facilities in order to minimize impacts that may result from construction  
1124 of facilities during inappropriate times of the year.

1125 SECTION 22. Ordinance 2281, Section 7, as amended, and K.C.C. 9.04.100 are  
1126 each hereby amended to read as follows:

1127 The applicant required to construct the drainage facility pursuant to K.C.C.  
1128 chapter 9.04 shall maintain a combined single limit per occurrence liability policy in the  
1129 amount established annually by the King County risk management program, which shall  
1130 name King County as an additional insured and protect King County from liability  
1131 relating to the construction or maintenance of the facility until construction approval or  
1132 acceptance for maintenance, whichever is last. Proof of this required liability policy shall  
1133 be provided to the director of ~~((development and environmental services))~~ permitting and  
1134 environmental review prior to commencing construction of any drainage facility. If this  
1135 liability insurance is not kept in effect as required, King County may initiate enforcement  
1136 action pursuant to K.C.C. Title 23.

1137 SECTION 23. Ordinance 12020, Section 33, and K.C.C. 9.04.105 are each  
1138 hereby amended to read as follows:

1139 The department of ~~((development and environmental services))~~ permitting and  
1140 environmental review (or its successor organization) is authorized to require all  
1141 applicants issued permits or approvals under the provisions of the title to post financial  
1142 guarantees consistent with the provisions of Title 27A.

1143            SECTION 24. Ordinance 4938, Section 10, as amended, and K.C.C. 9.04.120 are  
1144 each hereby amended to read as follows:

1145            A. The person or persons holding title to the property and the applicant required  
1146 to construct a drainage facility shall remain responsible for the facility's continual  
1147 performance, operation and maintenance in accordance with the standards and  
1148 requirements of the department and remain responsible for any liability as a result of  
1149 these duties. This responsibility includes maintenance of a drainage facility which is:

- 1150            1. Under a maintenance guarantee or defect guarantee;
- 1151            2. A private road conveyance system;
- 1152            3. Released from all required financial guarantees prior to July 7, 1980;
- 1153            4. Located within and serving only one single family residential lot;
- 1154            5. Located within and serving a multifamily or commercial site unless the  
1155 facility is part of an approved shared facility plan;
- 1156            6. Located within or associated with an administrative or formal subdivision  
1157 which handles runoff from an area of which less than two-thirds is designated for  
1158 detached or townhouse dwelling units located on individual lots unless the facility is part  
1159 of an approved shared facility plan;
- 1160            7. Previously terminated for assumption of maintenance responsibilities by the  
1161 department in accordance with K.C.C. 9.04.110; or
- 1162            8. Not otherwise accepted by the county for maintenance.

1163            B. Prior to the issuance of any of the permits for any multifamily or commercial  
1164 project required to have a flow control or water quality treatment facility, the applicant  
1165 shall record a declaration of covenant as specified in the Surface Water Design Manual.

1166 The restrictions set forth in such covenant shall include, but not be limited to, provisions  
1167 for notice to the persons holding title to the property of a King County determination that  
1168 maintenance and/or repairs are necessary to the facility and a reasonable time limit in  
1169 which such work is to be completed.

1170 1. In the event that the titleholders do not effect such maintenance and/or  
1171 repairs, King County may perform such work upon due notice. The titleholders are  
1172 required to reimburse King County for any such work. The restrictions set forth in such  
1173 covenant shall be included in any instrument of conveyance of the subject property and  
1174 shall be recorded with the records and licensing services division.

1175 2. The county may enforce the restrictions set forth in the declaration of  
1176 covenant provided in the Surface Water Design Manual.

1177 C. Prior to the issuance of any of the permits and/or approvals for the project or  
1178 the release of financial guarantees posted to guarantee satisfactory completion, the person  
1179 or persons holding title to the subject property for which a drainage facility was required  
1180 shall pay a fee established by the director of department of ~~((development and  
1181 environmental services))~~ permitting and environmental review to reasonably compensate  
1182 the county for costs relating to inspection of the facility to ensure that it has been  
1183 constructed according to plan and applicable specifications and standards.

1184 D. The duties specified in this section with regard to payment of inspection fees  
1185 and reimbursement of maintenance costs shall be enforced against the person or persons  
1186 holding title to the property for which the drainage facility was required.

1187 E. Where not specifically defined in this section, the responsibility for  
1188 performance, operation and maintenance of drainage facilities and conveyance systems,  
1189 both natural and constructed, shall be determined on a case-by-case basis.

1190 SECTION 25. Ordinance 4938, Section 12, as amended, and K.C.C. 9.04.140 are  
1191 each hereby amended to read as follows:

1192 A. Administration.

1193 1. The director is authorized to promulgate and adopt administrative rules under  
1194 the procedures specified in K.C.C. chapter 2.98, for the purpose of implementing and  
1195 enforcing the provisions of this chapter. Adopted administrative rules are available to the  
1196 public from the department of ~~((development and environmental services))~~ permitting  
1197 and environmental review or the department of natural resources and parks, water and  
1198 land resources division. This includes, but is not limited to, the Surface Water Design  
1199 Manual.

1200 2. The director of department of ~~((development and environmental services))~~  
1201 permitting and environmental review is authorized to develop procedures for applying  
1202 adopted rules and regulations during the review of permit applications for the  
1203 development of land. These procedures may also be contained in the Surface Water  
1204 Design Manual.

1205 B. Inspections. The director is authorized to make such inspections and take such  
1206 actions as may be required to enforce the provisions of this chapter.

1207 C. Right of entry. Whenever necessary to make an inspection to enforce any of  
1208 the provisions of this chapter, monitor for proper function of drainage facilities or  
1209 whenever the director has reasonable cause to believe that violations of this chapter are

1210 present or operating on a subject property or portion thereof, the director may enter such  
1211 premises at all reasonable times to inspect the same or perform any duty imposed upon  
1212 the director by this chapter; provided that, if such premises or portion thereof is occupied,  
1213 the director shall first make a reasonable effort to locate the owner or other person having  
1214 charge or control of the premises or portion thereof and demand entry.

1215 D. Access. Proper ingress and egress shall be provided to the director to inspect,  
1216 monitor or perform any duty imposed upon the director by this chapter. The director  
1217 shall notify the responsible party in writing of failure to comply with this access  
1218 requirement. Failing to obtain a response within seven days from the receipt of  
1219 notification the director may order the work required completed or otherwise address the  
1220 cause of improper access. The obligation for the payment of all costs that may be  
1221 incurred or expended by the county in causing such work to be done shall thereby be  
1222 imposed on the person holding title to the subject property.

1223 SECTION 26. Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010 are  
1224 each hereby amended to read as follows:

1225 The following definitions shall apply in the interpretation and enforcement of this  
1226 chapter:

1227 A. "Basin plan" means a plan and all implementing regulations and procedures  
1228 including but not limited to capital projects, public education activities, land use  
1229 management regulations adopted by ordinance for managing surface and storm water  
1230 management facilities and features within individual subbasins.

1231 B. "County" means King County.



- 1232           C. "Department" means the department of natural resources and parks or its  
1233 successor agency.
- 1234           D. "Developed parcel" means any parcel altered from the natural state by the  
1235 construction, creation or addition of impervious surfaces.
- 1236           E. "Director" means the director of the department of natural resources and parks  
1237 or its successor agency or the director's designee.
- 1238           F. "Division" means the department of natural resources and parks, water and  
1239 land resources division or its successor agency.
- 1240           G. "Effective impervious area" means the portion of actual impervious area that  
1241 is connected, or has the effect of being connected as defined in the King County Surface  
1242 Water Design Manual, directly to the storm water drainage system via surface flow or  
1243 discrete conveyances such as pipes, gutters or ditches.
- 1244           H. "Flow control facility" means a drainage facility designed to mitigate the  
1245 impacts of increased surface and storm water runoff generated by site development in  
1246 accordance with the drainage requirements in this chapter. A flow control facility is  
1247 designed either to hold water for a considerable length of time and then release it by any  
1248 combination of evaporation, plant transpiration or infiltration into the ground or to hold  
1249 runoff for a short period of time and then release it to the conveyance system.
- 1250           I. "Lake management plan" means the plan, and supporting documents as  
1251 appropriate, describing the lake management recommendations and requirements which  
1252 has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.  
1253 Adopted lake management plans are available from the division and the department of  
1254 ~~((development and environmental services))~~ permitting and environmental review. A
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1255 synopsis of adopted lake management plans will be distributed to all Surface Water  
1256 Design Manual subscribers as part of the manual's routine update process.

1257 J. "Drainage facility" means the system of collecting, conveying, and storing  
1258 surface and storm water runoff. Drainage facilities shall include but not be limited to all  
1259 surface and storm water conveyance and containment facilities including streams,  
1260 pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration  
1261 facilities, flow control facilities, erosion/sedimentation control facilities and other  
1262 drainage structures and appurtenances, both natural and constructed.

1263 K. "Impervious surface" means a hard surface area which either prevents or  
1264 retards the entry of water into the soil mantle as it entered under natural conditions prior  
1265 to development, and/or a hard surface area which causes water to run off the surface in  
1266 greater quantities or at an increased rate of flow from the flow present under natural  
1267 conditions prior to development. Common impervious surfaces include, but are not  
1268 limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which  
1269 are paved, graveled or made of packed or oiled earthen materials or other surfaces which  
1270 similarly impede the natural infiltration of surface and storm water. Open, uncovered  
1271 flow control facilities shall not be considered as impervious surfaces for the purpose of  
1272 this chapter.

1273 L. "Land use code" means restrictions on the type of development for a specific  
1274 parcel of land as identified by records maintained by the King County department of  
1275 assessments as modified or supplemented by information resulting from investigation by  
1276 the division. Land use codes are preliminary indicators of the extent of impervious

1277 surface and are used in the initial analysis to assign an appropriate rate category for a  
1278 specific parcel.

1279 M. "Maintenance" means the act or process of cleaning, repairing or preserving a  
1280 system, unit, facility, structure or piece of equipment.

1281 N. "Natural surface water drainage system" means such landscape features as  
1282 rivers, streams, lakes and wetlands. This system circulates water in a complex  
1283 hydrological cycle.

1284 O. "Open space" means any parcel, property or portion thereof classified for  
1285 current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the  
1286 development rights have been sold to King County under K.C.C. chapter 26.04. This  
1287 definition includes lands which have been classified as open space, agricultural or timber  
1288 lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

1289 P. "Parcel" means the smallest separately segregated unit or plot of land having  
1290 an identified owner, boundaries and surface area which is documented for property tax  
1291 purposes and given a tax lot number by the King County assessor.

1292 Q. "Person" means any individual, firm, company, association, corporation or  
1293 governmental agency.

1294 R. "Program" means the surface water management program as set forth in this  
1295 chapter.

1296 S. "Rate category" means the classification in this chapter given to a parcel in the  
1297 service area based upon the type of land use on the parcel and the percentage of  
1298 impervious surface area contained on the parcel.

1299 T. "Residence" means a building or structure or portion thereof, designed for and  
1300 used to provide a place of abode for human beings. The term residence includes the term  
1301 "residential" or "residential unit" as referring to the type of or intended use of a building  
1302 or structure.

1303 U. "Residential parcel" means any parcel which contains no more than three  
1304 residences or three residential units which are within a single structure and is used  
1305 primarily for residential purposes.

1306 V. "Service area" means unincorporated King County.

1307 W. "Storm water plan" means a King County ordinance specifying the storm  
1308 water control facilities that will be funded by a bond issue.

1309 X. "Subbasin" means a drainage area that drains to a water course or water body  
1310 named and noted on common maps and that is contained within a basin as defined in  
1311 K.C.C. 9.04.020.

1312 Y. "Surface and storm water management services" means the services provided  
1313 by the surface water management program, including but not limited to basin planning,  
1314 facilities maintenance, regulation, financial administration, public involvement, drainage  
1315 investigation and enforcement, aquatic resource restoration, surface and storm water  
1316 quality and environmental monitoring, natural surface water drainage system planning,  
1317 intergovernmental relations and facility design and construction.

1318 Z. "Surface water management fee protocols" or "SWM fee protocols" means the  
1319 surface water management fee standards and procedures that have been formally adopted  
1320 by rule under the procedures specified in K.C.C. chapter 2.98. The SWM fee protocols

1321 are available from the department of natural resources and parks, water and land  
1322 resources division or their successor agencies.

1323 AA. "Surface and storm water" means water originating from rainfall and other  
1324 precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds,  
1325 lakes and wetlands as well as shallow ground water.

1326 BB. "Surface and storm water management system" means constructed drainage  
1327 facilities and any natural surface water drainage features that do any combination of  
1328 collection, storing, controlling, treating or conveying surface and storm water.

1329 CC. "Undeveloped parcel" means any parcel which has not been altered from its  
1330 natural state by the construction, creation or addition of impervious surface.

1331 DD. "Water quality treatment facility" means a drainage facility designed to  
1332 reduce pollutants once they are already contained in surface and storm water runoff.  
1333 Water quality treatment facilities are the structural component of best management  
1334 practices. When used singly or in combination, water quality treatment facilities reduce  
1335 the potential for contamination of either surface or ground waters, or both.

1336 SECTION 27. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are  
1337 each hereby amended to read as follows:

1338 A. It is the finding of the county that the majority of the basins in the service area  
1339 are shared with incorporated cities and towns. In order to achieve a comprehensive  
1340 approach to surface and storm water management the county and incorporated  
1341 jurisdictions within a specific basin should coordinate surface and storm water,  
1342 management services. In addition, the program may contract for services with interested

1343 municipalities or special districts including but not limited to sewer and water districts,  
1344 school districts, port districts or other governmental agencies.

1345           B. It is the finding of the county that many of the difficulties found in the  
1346 management of surface and storm water problems are contributed to by the general lack  
1347 of public knowledge about the relationship between human actions and surface and storm  
1348 water management. In order to achieve a comprehensive approach to surface and storm  
1349 water management the county should provide general information to the public about  
1350 land use and human activities which impact surface and storm water management.

1351 Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can  
1352 provide significant benefits to the county regarding surface and storm water management  
1353 through educational programs and community activities related to protection and  
1354 enhancement of the surface and storm water management system. These programs and  
1355 activities can provide students with an understanding of human activities and land use  
1356 practices that create surface and storm water problems and involve students by learning  
1357 from first hand exposure, the difficulties of resolving surface and storm water  
1358 management problems after they occur.

1359           C. It is the finding of the county that technical assistance and community  
1360 education have been shown to be a cost-effective means of improving the management of  
1361 the impacts of surface and storm water runoff. Technical assistance and community  
1362 education regarding stewardship enables King County, its residents and businesses to  
1363 comply with federal, state and local mandates and enables the county to protect its quality  
1364 of life and its natural resources. The promotion of stewardship is an integral part of a  
1365 comprehensive surface and storm water management program.

1366 D. It is the finding of the county that developed parcels contribute to an increase  
1367 in surface and storm water runoff to the surface and storm water management system.  
1368 This increase in surface and storm water runoff results in the need to establish rates and  
1369 charges to finance the county's activities in surface and storm water management.  
1370 Developed parcels shall be subject to the rates and charges of the surface water  
1371 management program based on their contribution to increased runoff. The factors to be  
1372 used to determine the degree of increased surface and storm water runoff to the surface  
1373 and storm water management system from a particular parcel shall be the percentage of  
1374 impervious surface coverage on the parcel, the total acreage of the parcel and any  
1375 mitigating factors as determined by King County.

1376 E. It is the finding of the county that undeveloped parcels do not contribute as  
1377 much as developed parcels to an increase in surface and storm water runoff into the  
1378 surface and storm water management system. Undeveloped properties shall be exempt  
1379 from the rates and charges of the surface water management program.

1380 F. It is the finding of the county that maintained drainage facilities mitigate the  
1381 increased runoff contribution of developed parcels by providing on-site drainage control.  
1382 Parcels served by flow control facilities which were required for development of the  
1383 parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be  
1384 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow  
1385 control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a  
1386 discount as provided in the rates and charges of the surface water management program,  
1387 if the facility is maintained at the parcel owner's expense to the standard established by  
1388 the department.

1389           G. It is the finding of the county that improvements to the quality of storm water  
1390 runoff can decrease the impact of that runoff on the environment. Parcels served by  
1391 water quality treatment facilities that were required for development of the parcel  
1392 pursuant to K.C.C. chapter 9.04 and approved by King County or that can be  
1393 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment  
1394 of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a  
1395 discount as provided in the rates and charges of the surface water management program,  
1396 if the facility is maintained at the parcel owner's expense to the standard established by  
1397 the department.

1398           H. It is the finding of the county that parcels with at least sixty-five percent of  
1399 their land in forest, no more than twenty percent in impervious surface, and dispersed  
1400 runoff from the impervious surface through the forested land resulting in an effective  
1401 impervious area of ten percent or less for the entire parcel, do not contribute as much to  
1402 an increase in surface and storm water runoff as properties with less forest that do not  
1403 disperse. These properties shall be eligible to receive a discount as provided in the rates  
1404 and charges of the surface water management program if the runoff from the impervious  
1405 surface is dispersed in accordance with the standards established by the department.

1406           I. It is the finding of the county that parcels which make use of their pervious  
1407 surface area to absorb storm water runoff from the impervious surfaces do not contribute  
1408 as much to an increase in surface and storm water runoff as properties that do not use  
1409 their pervious area to absorb runoff. These properties shall be eligible to receive a  
1410 discount as provided in the rates and charges of the surface water management program if



1411 the runoff from the impervious surface is dispersed in accordance with the standards  
1412 established by the department.

1413 J. It is a finding of the county that open space properties provide a benefit to the  
1414 surface and storm water management system by the retention of property in an  
1415 undeveloped state. Open space properties shall receive a discount from the rates and  
1416 charges to encourage the retention of property as open space.

1417 K. It is a finding of the county that current scientific studies demonstrate that  
1418 conservation and maintenance of forestland and open space contribute to the proper  
1419 management of surface water quality and quantity. The scientific analysis performed in  
1420 connection with the Cedar river, Issaquah creek and Bear creek basin plans have  
1421 demonstrated that forests intercept and evaporate more rainfall, provide more soil  
1422 storage, retain and trap more sediments and purify contaminated water better than any  
1423 other land use. Conservation and maintenance of public forests, the provision of  
1424 technical assistance and encouragement to private landowners to retain forests are  
1425 effective ways to prevent disruption of natural hydrology. Open Space lands, to the  
1426 extent that they retain their natural condition and do not contain impervious surface, also  
1427 perform an important surface water function by not detracting from the functioning of  
1428 natural hydrology systems. Conservation and maintenance of publicly owned open space  
1429 and forestland is often more cost-effective than building and maintain artificial or  
1430 engineered surface and storm water management facilities. Additional financial  
1431 resources are required to conserve and maintain those natural resource lands that serve  
1432 important surface and storm water management functions.

1433 L. It is a finding of the county that the majority of the parcels in the service area  
1434 are residential. The variance between residential parcels in impervious surface coverage  
1435 is found to be minor and to reflect only minor differences in increased runoff  
1436 contributions. The administrative cost of calculating the service charge individually for  
1437 each residential parcel and maintaining accurate information would be very high. A flat  
1438 charge for residential parcels is less costly to administer than calculating a separate  
1439 charge for each parcel and is equitable because of the similarities in impervious surface  
1440 coverage between residential parcels. Therefore, residential parcels shall be charged a  
1441 flat charge based upon an average amount of impervious surface.

1442 M. It is a finding of the county that very lightly developed nonresidential parcels  
1443 which have an impervious surface coverage of ten percent or less of the total parcel  
1444 acreage are characterized by a very low intensity of development and generally a large  
1445 number of acres. A greater number of acres of undeveloped land associated with an  
1446 impervious surface results in significantly less impact to the surface and storm water  
1447 management system. Many of the very lightly developed properties are recreational,  
1448 agricultural and timber lands identified in the King County comprehensive plan and  
1449 should be encouraged to retain their low intensity of development. These parcels shall be  
1450 charged a flat rate which will encourage the retention of large areas of very lightly  
1451 developed land.

1452 N. It is the finding of the county that lightly to very heavily developed  
1453 nonresidential parcels which have an impervious surface coverage of more than ten  
1454 percent have a substantial impact on the surface and storm water management system.  
1455 The impact of these parcels on the surface and storm water management system increases

1456 with the size of the parcels. Therefore, lightly to very heavily developed properties shall  
1457 be charged a rate determined by the percent of impervious surface coverage multiplied by  
1458 the parcel acreage.

1459 O. It is a finding of the county that county and state roads contribute a significant  
1460 amount of increased runoff to the surface and storm water management system, which  
1461 contributes to the need for basin planning, drainage facilities and other related services.  
1462 However, both the county roads and state highway programs provide substantial annual  
1463 programs for the construction and maintenance of drainage facilities, and the roads  
1464 systems and their associated drainage facilities serve as an integral part of the surface and  
1465 storm water management system. The rate charged county roads and state highways shall  
1466 reflect the benefit which county roads and state highway facilities provide to the surface  
1467 and storm water management system. County and state road drainage systems unlike the  
1468 drainage systems on other properties are continually being upgraded to increase both  
1469 conveyance capacity and control. It is envisioned that the roads program will work  
1470 cooperatively with the surface water management program to improve regional surface  
1471 and storm water management services as new information is available from basin plans  
1472 and other sources. The percentage of impervious surface coverage for county roads and  
1473 state highways shall be calculated by dividing average width of roadway and shoulder by  
1474 the average width of the right of way. The service charge shall be calculated in  
1475 accordance with RCW 90.03.525.

1476 P. It is the finding of the county that comprehensive management of surface and  
1477 storm water runoff must include anticipation of future growth and development in the  
1478 design and improvement of the surface and storm water management system. Service

1479 charge revenue needs shall be based upon the present and future requirements of the  
1480 surface and storm water management system, and these needs shall be considered when  
1481 determining the rates and charges of the program.

1482 Q. It is the finding of the county that basin plans are essential to establishing a  
1483 comprehensive approach to a capital improvement program, maintenance of facilities and  
1484 regulation of new developments. A plan should analyze the measures needed to control  
1485 surface and storm water runoff which results from existing and anticipated development  
1486 within the basin. The measures investigated to control runoff should include land use  
1487 regulation such as setback requirements or community plan revisions which revise land  
1488 use densities as well as the use of drainage facilities. A plan also should recommend the  
1489 quantity and water quality runoff control measures required to further the purposes set  
1490 forth in K.C.C. 9.08.040, and community goals. The institutional requirements and  
1491 regulations, including but not limited to land use management, funding needs, and  
1492 incentives for preserving the natural surface water drainage system should be identified in  
1493 the plan. The proposed ordinances and regulations necessary to implement the plan shall  
1494 be transmitted to the council simultaneously with the plan.

1495 R. It is a finding of the county that the federal government has increased  
1496 requirements concerning surface water quantity and control. The federal Clean Water  
1497 Act, implemented through municipal storm water NPDES permits, mandates a wide  
1498 variety of local programs to manage surface water and improve water quality.  
1499 Compliance will increasingly be measured by the effectiveness of King County's surface  
1500 water and water quality programs. The NPDES permit impacts operations in the roads,  
1501 solid waste, transit and parks divisions, the airport and the department of ((development

1502 ~~and environmental services))~~ permitting and environmental review, and most activities in  
1503 the water and land resources division.

1504 S. It is a finding of the county that Chinook salmon were listed as a threatened  
1505 species in March 1999, and bull trout were listed as a threatened species in November  
1506 1999, under the federal Endangered Species Act. These listings focus the need for higher  
1507 standards in managing surface water including new, expanded and more intensive  
1508 programs to control the quantity of runoff as well as its quality. Programs responding to  
1509 these imperatives have included the design, permitting and construction of facilities,  
1510 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,  
1511 regulation development and coordination with other agencies on transboundary issues.

1512 T. It is the finding of the county that areas with development related surface and  
1513 storm water problems require comprehensive management of surface and storm water.

1514 U. It is the finding of the county that additional surface and storm water runoff  
1515 problems may be caused by new land use development if not properly mitigated both  
1516 through protection of natural systems and through constructed improvements. The  
1517 Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by  
1518 King County to mitigate the impact of land use development. Further mitigation of these  
1519 impacts is based on expertise which continues to evolve as new information on our  
1520 natural systems is obtained and new techniques are discovered. The surface water  
1521 management program, through reconnaissance studies, basin plans, and other special  
1522 studies, will continuously provide valuable information on the existing problems and  
1523 areas of the natural drainage system that need special protection. The county is  
1524 researching and developing methods to protect the natural drainage system through

1525 zoning, buffering and setbacks to alleviate existing problems. Setback and buffering  
1526 measures allow natural preservation of wetlands and stream corridors to occur, alleviate  
1527 erosion and water pollution and provide a safe environment for the small mammals and  
1528 fish which inhabit sensitive areas. Based upon the findings in this subsection, and as  
1529 information and methods become available, the executive, as appropriate shall draft and  
1530 submit to the council, regulations and development standards to allow protection of the  
1531 surface and storm water management system including natural drainage systems.

1532 V. It is the finding of the county that the unique stormwater needs of the  
1533 unincorporated rural area of the county require that the county's surface water  
1534 management program established under chapter 36.89 RCW develop a rural drainage  
1535 program. The intent of this rural drainage program is to provide a means through which  
1536 existing and emerging surface water problems in the rural areas can be addressed in a  
1537 manner that preserves both rural resources and rural activities including agriculture and  
1538 forestry. Rural drainage services provided by the division shall support a rural level of  
1539 development and not facilitate urbanization. This rural drainage program shall result in a  
1540 program consistent with Countywide Planning Policies and King County Comprehensive  
1541 Plan policies.

1542 W. The program will maintain long term fiscal viability and fund solvency for all  
1543 of its related funds. All required capital and operating expenditures will be covered by  
1544 service charges and other revenues generated or garnered by the program. The program  
1545 will pay all current operating expenses from current revenues and will maintain an  
1546 operating reserve to minimize service impacts due to revenue or expenditure variances  
1547 from plan during a fiscal year. This reserve will be calculated based on the historic

1548 variability of revenue and expenditures. The program will adopt a strategic financial  
1549 planning approach which recognizes the dynamic nature of the program's fiscal operating  
1550 environment. Long term projections will be updated in the program's adopted strategic  
1551 plan. One-time revenues will be dedicated to one-time-only expenditures and will not be  
1552 used to support ongoing requirements. The program's approach to financial reporting and  
1553 disclosure will be comprehensive, open and accessible.

1554 X. The program shall prepare an annual, multiyear capital improvement program  
1555 which encompasses all of the program's activities related to the acquisition, construction,  
1556 replacement, or renovation of capital facilities or equipment. All proposed new facilities  
1557 will be subject to a consistent and rigorous needs analysis. The program's capital  
1558 facilities will be planned and financed to ensure that the benefits of the facilities and the  
1559 costs for them are balanced over time.

1560 Y. The program will manage its debt to ensure continued high credit quality,  
1561 access to credit markets, and financial flexibility. All of the program's debt management  
1562 activities will be conducted to maintain at least the current credit ratings assigned to the  
1563 county's debt by the major credit rating agencies and to maintain an adequate debt service  
1564 coverage ratio. Long term debt will not be used to support operating expenses. The  
1565 program will develop and maintain a central system for all debt-related records which  
1566 will include all official statements, bid documents, ordinances indentures, leases, etc., for  
1567 all of the program's debt and will accurately account for all interested earnings in debt-  
1568 related funds. These records will be designed to ensure that the program is in compliance  
1569 with all debt covenants and with state and federal laws.

1570            SECTION 28. Ordinance 14214, Section 6, as amended, and K.C.C. 9.14.050 are  
1571 each hereby amended to read as follows:

1572            A. The department of natural resources((\*)) and parks shall be the lead agency  
1573 for King County's groundwater protection program and shall be responsible for the  
1574 following activities:

1575            1. Oversee implementation of King County's groundwater protection program;

1576            2. Provide staff support to any groundwater protection committee appointed by  
1577 King County and respond to the committees in a timely manner regarding the adoption of  
1578 committee recommendations;

1579            3. Identify sources and methods of funding regional groundwater protection  
1580 services and seek funding for these services;

1581            4. Develop any combination of interlocal agreements, memorandums of  
1582 understanding and operating agreements with cities, special purpose districts, sewer and  
1583 water utilities and associations, and water purveyors for implementation of groundwater  
1584 management plans and regional groundwater protection services in King County. These  
1585 agreements shall include provisions addressing the scope, governance, structure, funding  
1586 and transition to implementation of certified groundwater management plans and regional  
1587 groundwater protection services in King County;

1588            5. Consult with the Washington state Department of Ecology about the  
1589 feasibility of integrating the goals and implementation of certified groundwater  
1590 management plans, where possible, with adopted watershed plans to avoid creating  
1591 redundant work programs;



1592           6. Coordinate with the department of (~~development and environmental~~  
1593 ~~services~~)) permitting and environmental review for any review required pursuant to  
1594 K.C.C. Title 21A regarding land use, water use, environmentally sensitive areas and  
1595 special district overlays, or the exercise of other authorities, that relate to groundwater  
1596 protection;

1597           7. Coordinate with the Seattle-King County department of public health for  
1598 work performed pursuant to the King County Board of Health Code Title 10, Solid Waste  
1599 Handling, Title 11, Hazardous Chemicals, Title 12, Water, Title R12, Water and Title 13,  
1600 On-site Sewage, or the exercise of other authorities, that relate to groundwater protection;

1601           8. Coordinate with the office of regional policy and planning for work  
1602 performed pursuant to K.C.C. Title 20, Planning, or the exercise of other authorities, that  
1603 relate to groundwater protection;

1604           9. Coordinate internally within the department of natural resources for work  
1605 performed under K.C.C. Title 9, Surface Water Management, K.C.C. chapter 20.70,  
1606 Critical Aquifer Recharge Areas and K.C.C. Title 28, Water Pollution Abatement and  
1607 Wastewater Treatment, or the exercise of other authorities, that relate to groundwater  
1608 protection;

1609           10. In consultation with the department of (~~development and environmental~~  
1610 ~~services~~)) pernitting and environmental review, the Seattle-King County department of  
1611 public health, and divisions within the department of natural resources, develop an  
1612 integrated annual work plan that incorporates each of these agencies work programs  
1613 relative to groundwater protection and that delineates the groundwater protection services  
1614 provided by King County. A draft annual work plan shall be submitted to any

1615 groundwater protection committee appointed by King County for their review and  
1616 recommendations. The department of natural resources shall distribute the final annual  
1617 work plan to the King County council, any groundwater protection committee appointed  
1618 by King County, cities, special purpose districts, sewer and water utilities and  
1619 associations, water purveyors and other entities that are implementing activities  
1620 recommended in certified groundwater management plans;

1621           11. Develop a three-year work plan that identifies long-term needs for  
1622 groundwater protection, in consultation with any groundwater protection committee  
1623 appointed by King County, cities, special purpose districts, sewer and water utilities and  
1624 associations, and water purveyors. The work plan should include an examination by the  
1625 Seattle-King County department of public health of the effectiveness of the current  
1626 compliance methodology for violations of regulations governing operation, maintenance  
1627 and repair of groundwater facilities by public water systems or individuals, and an  
1628 examination of alternative compliance methodologies that provide for a hierarchy of  
1629 responses to such violations (e.g. education, site visit, notification, fines, civil penalty,  
1630 operating restrictions). The work plan shall include an examination of existing county  
1631 fees or charges for groundwater testing that could reduce any current testing disincentives  
1632 caused by unaffordability of those fees or charges. The department of natural resources  
1633 shall distribute the three-year work plan to the King County council, any groundwater  
1634 protection committee appointed by King County, cities, special purpose districts, sewer  
1635 and water utilities and associations, water purveyors and other entities that have a role in  
1636 the three-year work plan;

1637           12. Provide an annual written report on the groundwater protection program.  
1638 This report shall include, but not be limited to, information from the prior calendar year  
1639 on groundwater protection services provided by King County, expenditures for the  
1640 groundwater protection program and recommendations from any groundwater protection  
1641 committee appointed by King County. By March 31 of each year this report shall be  
1642 submitted to the King County council and any groundwater protection committee  
1643 appointed by King County.

1644           B. The King County auditor shall review whether or not groundwater protection  
1645 services are being provided by King County and provide to the King County council by  
1646 July 2003 an inventory of groundwater protection services that are provided and are not  
1647 provided by King County.

1648           C. The regional water quality committee is requested to make recommendations  
1649 to the King County council between April and September 2003 on the efficacy of the  
1650 groundwater protection program in King County, including but not limited to the  
1651 following areas: public outreach, education and stewardship; data management;  
1652 coordination of groundwater protection activities with all interested entities, users and  
1653 individuals; regional involvement in the groundwater protection program; development  
1654 of agreements and funding for regional groundwater protection services, and the role of  
1655 the department of natural resources in providing groundwater protection services.

1656           SECTION 29. Ordinance 4257, Section 8, and K.C.C. 12.46.080 are each hereby  
1657 amended to read as follows:

1658           A. Any person may apply for an anchoring and mooring permit by submitting to  
1659 the director a written application stating the owner's and master's name, address and

1660 telephone number; the type, description and size of the vessel, watercraft or obstruction;  
1661 the reason for the application; the area of proposed anchorage or moorage, readily  
1662 identifiable on a current chart or map; a description of the means by which the vessel,  
1663 watercraft or obstruction will be anchored or moored; and the length of time, including  
1664 inclusive dates, for which the permit is desired.

1665           B. The director may process the application in conjunction with review of an  
1666 application for a United States Army Corps of Engineers permit, if such a permit is  
1667 required.

1668           C. The application shall be referred to the (~~Department of Planning and~~  
1669 ~~Community Development~~) department of permitting and environmental review for  
1670 comment and recommendation thereon.

1671           D. In the event that the director determines that granting the permit might deprive  
1672 or materially interfere with reasonable water access of privately or publicly owned  
1673 properties, the director shall notify such property owners and/or public agencies in  
1674 writing and give them a reasonable time to comment on the application.

1675           E. The director is authorized to impose on the applicant reasonable fees designed  
1676 to reimburse the county for processing of the application and administration of the permit  
1677 system, including any notice or publication required under this chapter. Fees shall be set  
1678 by a schedule promulgated by the director through appropriate rules and regulations.

1679 Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime  
1680 Schooling Vessels, or scientific research, such fees may be reduced or waived for a  
1681 period of time not to exceed six months.

1682            SECTION 30. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are  
1683 each hereby amended to read as follows:

1684            A utilities technical review committee is created consisting of the following  
1685 representatives:

1686            A. Two representatives from the department of natural resources and parks, one  
1687 to be appointed by the department's director and one to be the director;

1688            B. The director of the department of transportation or the director's designee;

1689            C. The director of the department of ~~((development and environmental services))~~  
1690 permitting and environmental review or the director's designee;

1691            D. The director of the Seattle-King County department of public health or the  
1692 director's designee;

1693            E. The director of the facilities management division of the department of  
1694 executive services or the director's designee;

1695            F. One representative from the King County council staff; and

1696            G. The county demographer.

1697            SECTION 31. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136  
1698 are each hereby amended to read as follows:

1699            All new development within the Urban Growth Area shall be served by an  
1700 adequate public or private sewage disposal system, including both collection and  
1701 treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and  
1702 disposal systems shall be permitted in the Urban Growth Area only for single-family  
1703 residences or for short subdivisions only on an interim basis and only as follows:

1704           A. For existing individual lots, the director of the department of ((development  
1705 ~~and environmental services~~) permitting and environmental review may authorize  
1706 individual on-site sewage treatment and disposal systems given the following findings:

1707           1. Application of the requirement of K.C.C. 13.24.035 that all development in  
1708 the urban growth area be served by public sewers, would deny all reasonable use of an  
1709 individual lot;

1710           2. The applicant has submitted a certificate of sewer availability from the most  
1711 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the  
1712 director that the requirement to receive public sewer service from the utility is  
1713 unreasonable or infeasible at the time of construction;

1714           3. The applicant has provided a certificate of future connection from the  
1715 appropriate utility that certifies that an irrevocable agreement has been entered into with  
1716 the utility providing that the property shall be connected to public sewers upon  
1717 availability of such sewers and that the property owner shall pay all costs of connection  
1718 to the sewer and connection of the roof drainage either to the abandoned on-site sewage  
1719 drainfield or to septic tank only if completely cleaned out prior to connection. This  
1720 certificate shall stipulate that the applicant and the applicant's successor's and interest  
1721 agree to participate in and not protest the formation of a utility local improvement district  
1722 or local improvement district or utility project that is designed to provide public sewer  
1723 services to the property. This certificate shall be recorded in the real property records of  
1724 King County and shall be a permanent condition on the property running with the land  
1725 until such time as the costs for connection are fully paid to the utility;

- 1726           4. The abandoned on-site sewage system shall be connected to receive all  
1727 rooftop runoff once the property is connected to the public sewer;
- 1728           B. For short subdivisions, if:
- 1729           1. The utilities and technical review committee determines that sewer service is  
1730 not available in a timely and reasonable manner for property located within the urban  
1731 growth area;
- 1732           2. These on-site systems shall be managed by one of the following entities, in  
1733 order of preference:
- 1734           a. The sewer utility whose service area encompasses the proposed short  
1735 subdivision; or
- 1736           b. The provider most likely to serve the area; or
- 1737           c. an Onsite Sewage System Maintainer certified by the Seattle-King County  
1738 department of health;
- 1739           3. The approved short subdivision indicates how additional lots to satisfy the  
1740 minimum density requirements of K.C.C. Title 21A will be located on the subject  
1741 property if sewers become available in the future;
- 1742           4. There is no further subdivision or short subdivision of lots created under this  
1743 section unless the additional lots are served by public sewers; and
- 1744           5. The applicant has provided a certificate of future connection as required by  
1745 subsection A.3. of this section.

1746 C. The applicant has received approval for an on-site sewage treatment and  
1747 disposal system design from the department of public health-Seattle and King County in  
1748 accordance with the rules and regulations of the King County board of health, K.C.C.  
1749 Title 13.

1750 SECTION 32. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140  
1751 are each hereby amended to read as follows:

1752 A. All new development in the Urban Growth Area shall be served by:

1753 1. An adequate public or private water supply system, as required by K.C.C.  
1754 21A.28.040; and

1755 2. The appropriate existing Group A water purveyor, unless service cannot be  
1756 provided in a timely and reasonable manner as provided in RCW 43.20.260 and  
1757 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

1758 B. Alternative water service shall be permitted on an interim basis, only as  
1759 follows:

1760 1. For individual lots, the director of the department of ~~((development and  
1761 environmental services))~~ permitting and environmental review may authorize interim  
1762 water service from an existing Group B public water purveyor or the development of an  
1763 individual well after making the following findings;

1764 a. The applicant has submitted a certificate of water availability from the  
1765 appropriate Group A or Group B water purveyor accompanied by a letter from the same  
1766 purveyor that demonstrates to the satisfaction of the director that the requirement to  
1767 receive water service from the purveyor is unreasonable or infeasible at the time of  
1768 construction, which means service cannot be provided in a timely and reasonable manner



1769 in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy  
1770 and efficiency as provided in RCW 19.27.097;

1771           b. For connections to a Group B water purveyor, the applicant has received a  
1772 water availability certificate from an existing Group B public water purveyor or has  
1773 received pre-application approval for connection to a private well from the Seattle-King  
1774 County department of public health in accordance with the rules and regulations of Title  
1775 12 of the Seattle-King County board of health;

1776           c. For development of a new individual well, the applicant is unable to receive  
1777 water service in a timely and reasonable manner or with reasonable economy and  
1778 efficiency from any public water system;

1779           d. The applicant has provided a certificate of future connection from the  
1780 appropriate Group A water purveyor that certifies that an irrevocable agreement has been  
1781 entered into with the purveyor providing that the property shall be connected to the  
1782 purveyor's water system upon availability of such water service and that the property  
1783 owner shall pay all costs of connection. This certificate shall stipulate that the applicant  
1784 and his grantees agree to participate in and not protest the formation of a utility local  
1785 improvement district (ULID) or local improvement district (LID) or utility purveyor  
1786 project that is designed to provide public water services to the property and agree to  
1787 decommission any well that is abandoned in the process of connection to a Group A  
1788 water system in conformance with applicable state law. This certificate shall be recorded  
1789 in the real property records of King County and shall be a permanent condition on the  
1790 property running with the land until such time as the costs for connection are fully paid to  
1791 the purveyor; and

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1792 e. Application of the standards of this title would otherwise preclude  
1793 reasonable use of the property.

1794 2. For subdivisions and short subdivisions, interim water service from a new or  
1795 existing public water system may be approved as follows:

1796 a. The applicant has received approval for the creation of a new public system  
1797 in accordance with the applicable coordinated water system plan or individual water  
1798 system plan reviewed by the county and approved by the state, if any, or the applicant has  
1799 received a water availability certificate from an existing public water system; and

1800 b. The director of the department of ~~((development and environmental~~  
1801 ~~services))~~ permitting and environmental review makes the following findings:

1802 (1) The applicant has provided a certificate of future connection from the  
1803 appropriate Group A water purveyor that certifies that an irrevocable agreement has been  
1804 entered into with the purveyor providing that the property shall be connected to the  
1805 purveyor's water system upon availability of such water service and that the property  
1806 owner shall pay all costs of connection. This certificate shall stipulate that the applicant  
1807 and his grantees agree to participate in and not protest the formation of a utility local  
1808 improvement district (ULID) or local improvement district (LID) or utility purveyor  
1809 project that is designed to provide public water services to the property and agree to  
1810 decommission any well that is abandoned in the process of connection to a Group A  
1811 water system in conformance with applicable state law. This certificate shall be recorded  
1812 in the real property records of King County and shall be a permanent condition on the

1813 property running with the land until such time as the costs for connection are fully paid to  
1814 the purveyor;

1815 (2) The applicant provides a statement from the Group A public water system  
1816 designated to assume the new public water system, or within whose service area the new  
1817 system is proposed to be constructed, that it will provide satellite management of the  
1818 system or that it has entered into an agreement or contract with a satellite management  
1819 agency certified by the state Department of Health to provide water service until it can  
1820 provide direct service, as required by RCW 70.119A.060; and

1821 (3) Any new public water system will be built to the design standards of the  
1822 appropriate Group A water purveyor to which it will be eventually connected.

1823 C. Either existing wells or Group B water systems, or both, may serve the lots  
1824 that the systems are ultimately designed to serve and shall be managed in compliance  
1825 with applicable health regulations.

1826 SECTION 33. Ordinance 9839, Sections 1 through 4, as amended, and K.C.C.  
1827 13.28.035 are each hereby amended to read as follows:

1828 A. The Vashon Coordinated Water System Plan is ratified in accordance with the  
1829 regulations of the Washington State Department of Health found in WAC 248-56. The  
1830 King County council finds the Vashon Coordinated Water System Plan is consistent with  
1831 the county's adopted land use plans and policies, as set forth in chapter 70.116 RCW and  
1832 K.C.C. chapter 13.24 and recommends its approval by the Washington state Department  
1833 of Health with the following conditions:

1834           1. A principal requirement and objective of the Vashon Coordinated Water  
1835 System Plan is the establishment of service areas to assist the water utilities in providing  
1836 an effective process for the planning and development of a water system. The Vashon  
1837 Coordinated Water System Plan defines a service area as a geographical area assigned to  
1838 a water purveyor for the purpose of providing both current and future public water  
1839 service consistent with local land use plans. The geographic boundaries are defined by  
1840 agreements among adjacent utilities and are recorded on a set of maps on file with the  
1841 department of ~~((development and environmental services))~~ permitting and environmental  
1842 review, the Seattle/King County department of public health, and the department of  
1843 executive services. Water service provided within a designated service area is to be  
1844 consistent with county land use plans and policies and existing county review procedures  
1845 regarding water utility comprehensive plans, a water utility's service area and a planning  
1846 area. An existing service area is a geographic area within which service to customers is  
1847 available as specifically defined on a map in a utility's comprehensive plan which is  
1848 approved by King County as consistent with its land use policies.

1849           A planning area is the remaining geographic area identified on the service area  
1850 maps contained in the Vashon Coordinated Water System Plan which is a logical area for  
1851 expansion of the system. Extension of service into the planning area requires King  
1852 County approval as part of the utility's comprehensive plan to make certain that the  
1853 proposed utility service is consistent with land use plans and policies.

1854           2. Vashon Island purveyors recognize the county's land use policies and will not  
1855 use water service as a vehicle to supersede the land use policies and zoning on Vashon  
1856 Island. The purveyors may perform satellite management of all class 2, 3 and 4 water

1857 systems within their service areas as provided for by the Vashon Coordinated Water  
1858 System Plan.

1859           3. An application has been submitted to the United States Environmental  
1860 Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer.  
1861 For this reason, a water conservation program is an integral element of the Vashon  
1862 Coordinated Water System Plan. All purveyors shall develop a conservation element as  
1863 part of their individual water comprehensive plans. The conservation programs to reduce  
1864 water consumption as outlined in the Vashon Coordinated Water System Plan shall be in  
1865 place and operating by 1996 and will be reviewed by the Washington state Department of  
1866 Health with assistance from the Water Utility Coordinating Committee. King County  
1867 will monitor and review the effectiveness of purveyor conservation plans in conjunction  
1868 with the approval of their water comprehensive plans. 1991 will be the base year used to  
1869 establish the average annual per capita water consumption figure for measurement  
1870 purposes, adjusted for any weather abnormalities or previous reduction as a result of an  
1871 existing conservation program. All water utilities shall achieve a four percent minimum  
1872 total reduction in water use from the 1991 average annual per capita consumption figure  
1873 by 1996.

1874           A minimum total reduction in average per capita water consumption of six  
1875 percent from the 1991 base figure is the stated goal for the entire Vashon/Maury Island  
1876 Critical Water Supply Service Area by the year 2000.

1877           B. The Vashon Coordinated Water System Plan identified an unresolved service  
1878 area dispute between Westside Water Association and Island Spring Water Company.  
1879 King County recommends to the Washington state Department of Health that the area in

1880 question be assigned as part of the designated water service area of Westside Water  
1881 Association.

1882 C. King County approvals of water service areas through water comprehensive  
1883 plans or developer extensions will be based upon consistency with V-59 and V-60 of the  
1884 Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County  
1885 Comprehensive Plan, in effect on March 14, 1991.

1886 D. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow  
1887 requirements as long as the main will serve exempt uses only shall be utilized in sizing  
1888 water mains. Consistent with K.C.C. 17.08.030 A.4 and A.5, if fire protection measures  
1889 are warranted for buildings over two thousand five hundred square feet, sprinkler  
1890 systems, on-site water storage facilities or other measures shall be proven infeasible  
1891 before requiring fire flow to the site.

1892 SECTION 34. Ordinance 9462, Sections 1 through 3, as amended, and K.C.C.  
1893 13.28.055 are each hereby amended to read as follows:

1894 A. The East King County Coordinated Water System Plan is ratified in  
1895 accordance with the regulations of the Washington state Department of Health found in  
1896 chapter 248-56 WAC. The King County council finds the East King County Coordinated  
1897 Water System Plan is consistent with the county's adopted land use plans and policies, as  
1898 called for in chapter 70.116 RCW and K.C.C. chapter 13.24 and recommends its approval  
1899 by the Washington state Department of Health with the following conditions:

1900 1. A principle requirement and objective of the East King County Coordinated  
1901 Water System Plan is the establishment of service areas to assist the water utilities in  
1902 providing an effective process for the planning and development of a water system. The

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1903 East King County Coordinated Water System Plan defines a service area as a  
1904 geographical area assigned to a water purveyor for the purpose of providing both current  
1905 and future public water service consistent with local land use plans. The geographic  
1906 boundaries are defined by agreements among adjacent utilities and are recorded on a set  
1907 of maps on file with the department of ~~((development and environmental services))~~  
1908 permitting and environmental review, the Seattle-King County health department and the  
1909 department of executive services. Water service provided within a designated service  
1910 area is to be consistent with local land use plans. In order to be consistent with county  
1911 land use plans and policies and existing county review procedures regarding water utility  
1912 comprehensive plans, a water utility's service area boundary in the context of the East  
1913 King County Coordinated Water System Plan is understood to consist of an existing  
1914 service area and a planning area. An existing service area is a geographic area within  
1915 which service to customers is available as specifically defined on a map in a utility's  
1916 comprehensive plan which is approved by King County as consistent with its land use  
1917 policies.

1918 A planning area is the remaining geographic area identified on the service area  
1919 maps contained in the East King County Coordinated Water System Plan which is a  
1920 logical area for expansion of the system. Extension of service into the planning area  
1921 requires King County approval as part of the utility's comprehensive plan to make certain  
1922 that the proposed utility service is consistent with land use plans and policies.

1923 2. East King County purveyors recognize the county's land use policies and will  
1924 not use water service as a vehicle to supersede the land use policies and zoning within  
1925 unincorporated King County.

1926           The purveyors may perform satellite management of all class 2, 3 and 4 water  
1927 systems within their service areas as provided for by the East King County Coordinated  
1928 Water System Plan.

1929           3. A water conservation program is an integral element of the East King County  
1930 Coordinated Water System Plan. All purveyors shall develop a conservation element as  
1931 part of their individual water comprehensive plans. The conservation program to reduce  
1932 water consumption as outlined in the East King County Coordinated Water System Plan  
1933 shall be in place and operating by 1995 and will be reviewed at that time for its  
1934 effectiveness by the Washington state Department of Health with assistance from the  
1935 Water Utility Coordinating Committee. King County will monitor and review the  
1936 effectiveness of purveyor conservation plans in conjunction with the approval of their  
1937 water comprehensive plans.

1938           1990 will be the base year used to establish the average annual per capita water  
1939 consumption figure for measurement purposes, adjusted for any weather abnormalities or  
1940 previous reduction as a result of an existing conservation program.

1941           All utilities of five hundred or fewer customers shall achieve a four percent  
1942 minimum total reduction in water use from the 1990 average annual per capita  
1943 consumption figure by 1995.

1944           Utilities with five hundred to ten thousand customers and those utilities with  
1945 greater than ten thousand customers shall achieve a six and five-tenths percent reduction  
1946 per capita consumption figure by 1995.



1947           A minimum total reduction in average per capita water consumption of eight  
1948 percent from the 1990 base figure is the stated goal for the entire East King County  
1949 Critical Water Supply Service Area by the year 2000.

1950           B. With respect to the unresolved service area between the city of Redmond and  
1951 Union Hill Water Association, King County recommends to the Washington state  
1952 Department of Health that the area in question be assigned as a part of the city of  
1953 Redmond's designated water service area with the following provisions:

1954           1. The city of Redmond shall establish an implementation schedule to finalize  
1955 water service arrangements to this area in a timely and reasonable manner and the area  
1956 shall be addressed in its Comprehensive Water Plan updated by the end of 1990. If this is  
1957 not accomplished, reconsideration will be given to another service provider for the area.

1958           2. The city of Redmond shall endorse land use and zoning as provided in the  
1959 Bear Creek Community Plan and Area Zoning and shall not use water service to  
1960 supersede King County land use authority. Failure to comply will cause King County to  
1961 withdraw its approval of this portion of the coordinated water system plan and to  
1962 decertify that particular service area for consistency with county land use plans and  
1963 policies. Washington state Department of Health will be notified of this action and the  
1964 consequences.

1965           3. King County supports the city of Redmond and the Woodinville Sewer and  
1966 Water District in the effort to reexamine the existing interlocal agreement between them  
1967 regarding provision of water service in this area and to consider changes based on  
1968 property ownership lines.

1969 C. The Seattle-King County department of public health requests that the  
1970 following changes to the plan be forwarded to the Washington state Department of  
1971 Health for consideration during the final Washington state Department of Health  
1972 approval process:

1973 SECTION XI, Part 4 of the East King County Coordinated Water System Plan  
1974 follows:

1975 a. 4A, first paragraph, insert before the last sentence:

1976 "SKCHD maintains a database for data related to ground water systems."

1977 Replace the last sentence with: "However, there is currently no unified program for  
1978 developing a common utility planning database for storage and use of all utility planning  
1979 information."

1980 b. Change the first sentence of the third paragraph to read: "A database will  
1981 also be maintained by the SKCHD for groundwater systems and related regulatory  
1982 information using information provided by USGSS, EPA, Ecology, and utilities."

1983 SECTION 35. Ordinance 12020, Section 34, as amended, and K.C.C. 14.02.020  
1984 are each hereby amended to read as follows:

1985 The department of ~~((development and environmental services))~~ permitting and  
1986 environmental review (or its successor organization) is authorized to require all  
1987 applicants issued permits or approvals under the provisions of the title to post financial  
1988 guarantees consistent with the provisions of Title 27A.

1989 SECTION 36. Ordinance 4895, Section 1, as amended, and K.C.C. 14.28.010 are  
1990 each hereby amended to read as follows:

1991           A. APPLICANT. "Applicant" means a property owner or a public agency or  
1992 public or private utility which owns a right-of-way or other easement or has been  
1993 adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or  
1994 entity designated or named in writing by the property or easement owner to be the  
1995 applicant, in an application for a development proposal, permit or approval.

1996           B. DEPARTMENT. "Department" means the department of ~~((development and~~  
1997 ~~environmental services))~~ permitting and environmental review.

1998           C. DEVELOPMENT APPROVAL. "Development approval" means the granting  
1999 of a building permit, mobile home on-site permit, short subdivision or other county land  
2000 use approval or approvals.

2001           D. DEVELOPMENT ENGINEER. "Development engineer" means the  
2002 ~~((building and land development division))~~ department employee authorized to oversee  
2003 the review, conditioning, inspection and acceptance of right-of-way use permits, road and  
2004 drainage projects constructed pursuant to permits administered by the division. The  
2005 development engineer or designee shall be a professional civil engineer registered and  
2006 licensed under the laws of the State of Washington.

2007           E. RIGHT-OF-WAY USE PERMIT.

2008           1. "Right-of-way use permit: limited" means a permit authorizing the use of the  
2009 county right-of-way for a designated purpose and for a period of time limited to one year  
2010 or less.

2011           2. "Right-of-way use permit: extended" means a permit authorizing the use of  
2012 the county right-of-way for a designated purpose and for a period of time exceeding one  
2013 year in duration.

2014            SECTION 37. Ordinance 4895, Section 11, as amended, and K.C.C. 14.28.090

2015 are each hereby amended to read as follows:

2016            The director of the department of transportation and the director of the department  
2017 of ~~((development and environmental services))~~ permitting and environmental review are  
2018 authorized to enforce the provisions of this chapter, and any rules and regulations  
2019 promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C.  
2020 Title 23.

2021            SECTION 38. Ordinance 6254, Section 2, as amended, and K.C.C. 14.30.020 are  
2022 each hereby amended to read as follows:

2023            A. Special use permits shall be required for any use of county property except  
2024 uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C.  
2025 chapter 14.28 relating to county road system rights-of-way use permits.

2026            B. Upon receipt of an application for a "Special Use" permit upon county  
2027 property, the property services division shall determine whether the proposed use is upon  
2028 county owned property.

2029            C. The property services division shall forward the application to all county  
2030 custodial departments for review.

2031            D. The custodial departments shall review the application and forward its  
2032 recommendation whether the permit shall be issued by the property services division. If  
2033 a custodial department recommends denial, the property services division shall deny the  
2034 permit.

2035 E. If there is no custodial department with jurisdiction over the county property,  
2036 the property services division shall evaluate the feasibility of the proposed use, its impact  
2037 on other uses of the county property and its impact on public health and safety. Based on  
2038 this evaluation, the property services division shall determine whether the permit should  
2039 be issued.

2040 F. In all cases, the property services division shall forward the application to the  
2041 department of ~~((development and environmental services))~~ permitting and environmental  
2042 review for recommendations on critical area issues and the property services division  
2043 shall be responsible for assuring that any application meets the requirements of K.C.C.  
2044 chapter 21A.24 and the administrative rules promulgated thereunder before the permit is  
2045 issued.

2046 SECTION 39. Ordinance 8041, Section 3, as amended, and K.C.C. 14.42.020 are  
2047 each hereby amended to read as follows:

2048 A. "~~((County road))~~ County road engineer" means the King County road  
2049 engineer, having authorities specified in RCW 36.75.050 and chapter 36.80 RCW, or his  
2050 or her authorized representatives.

2051 B. "Development review engineer" means the department of ~~((development and~~  
2052 ~~environmental services))~~ permitting and environmental review employee responsible for  
2053 the conditioning, review, inspection and approval of right-of-way use permits, and road  
2054 and drainage improvements constructed as part of development permits administered by  
2055 the department of ~~((development and environmental services))~~ permitting and  
2056 environmental review. The development review engineer or his or her designee shall be

2057 a professional civil engineer registered and licensed under the laws of the state of  
2058 Washington.

2059 C. "Reviewing agency" means the King County department of (~~development and~~  
2060 ~~environmental services~~) permitting and environmental review or its successor agency  
2061 responsible for reviewing subdivisions and other developments within its jurisdiction.

2062 D. "Standards" means King County Road Design and Construction Standards.

2063 SECTION 40. Ordinance 13734, Section 9, and K.C.C. 14.45.070 are each  
2064 hereby amended to read as follows:

2065 The property services division, roads services division of the department of  
2066 transportation and the department of (~~development and environmental services~~)  
2067 permitting and environmental review shall coordinate review and inspection of the  
2068 application for a right-of-way use agreement and, to the extent required, any zoning  
2069 approvals, building permits and environmental review under the state Environmental  
2070 Policy Act, as follows:

2071 A. The property services division shall coordinate the review by all departments  
2072 of right-of-way use agreement applications.

2073 B. The roads services division shall review and evaluate applications with respect  
2074 to the hazard and risk of the proposed construction and location of the proposed  
2075 construction in relation to other utilities in the right-of-way.

2076 C. The department of (~~development and environmental services~~) permitting and  
2077 environmental review shall review and evaluate all applications to determine consistency  
2078 with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance

2079 13734. The department shall also be the lead agency for purposes of any environmental  
2080 review required under K.C.C. 20.44.

2081 SECTION 41. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080  
2082 are each hereby amended to read as follows:

2083 A. The following fees shall be required for the administrative costs and expenses  
2084 of processing and inspecting a right-of-way use agreement application.

<b>Review Agency</b>	<b>Fee</b>
Real estate services section of the facilities management division (application processing and coordinating)	\$500
Department of <del>((development and environmental services))</del> <u>permitting and environmental review</u> (zoning review)	as provided in K.C.C. 27.10.120
Road services division (inspection)	\$125 per hour

2085 The application processing and coordination fee to recover the cost of processing  
2086 the application by the real estate services section shall be paid thereto upon filing of the  
2087 application, and is nonrefundable.

2088 B. In addition, the real estate services section shall have the authority to require  
2089 applicants to reimburse the real estate services section for actual costs incurred by the real  
2090 estate services section as a result of issuance, renewing or amending a wireless right-of-  
2091 way use agreement under this chapter, to the extent the costs exceed the costs of  
2092 processing the application recovered by the application processing and coordination fee.  
2093 The payment of actual cost balances shall be made at the time the wireless right-of-way  
2094 use agreement is executed.

2095            SECTION 42. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090

2096 are each hereby amended to read as follows:

2097            A. The property services division shall coordinate the review by all departments  
2098 of permit applications.

2099            B. The department responsible for the management of the property to be affected  
2100 shall review and evaluate applications with respect to the hazard and risk of the proposed  
2101 construction or use; location of the proposed construction or use in relation to other  
2102 facilities using the property; the adequacy of the engineering and design of the proposed  
2103 construction or use; and applicable federal, state, county and local laws and regulations.

2104            C. The Seattle-King County department of public health shall review and  
2105 evaluate applications for the construction of waterworks, except for domestic service  
2106 connections, to determine consistency with state and local health and sanitation  
2107 regulations.

2108            D. The King County fire marshal shall review and evaluate applications for the  
2109 construction of waterworks to determine consistency with county standards for water  
2110 mains and fire hydrants.

2111            E. All applications for the construction of sewer or water facilities must be  
2112 certified by the department of ~~((development and environmental services))~~ permitting and  
2113 environmental review as consistent with a sewer or water comprehensive plan approved  
2114 by the county council pursuant to K.C.C. chapter 13.24.

2115            F. In any case, the property services division shall forward the application to the  
2116 department for recommendations on critical area issues and the property services division  
2117 shall be responsible for assuring that any application meets the requirements of K.C.C.



2118 chapter 21A.24 and the administrative rules promulgated thereunder before the permit is  
2119 issued.

2120 SECTION 43. Ordinance 11617, Section 4, as amended, and K.C.C. 14.65.020  
2121 are each hereby amended to read as follows:

2122 A. Following the submission of a development application, the department of  
2123 transportation shall determine the transportation impact fee to be paid under K.C.C.  
2124 chapter 14.75 and shall determine the traffic impacts of the proposed development on  
2125 roadway intersections that will be adversely impacted and which must be mitigated using  
2126 K.C.C. chapter 14.80.

2127 B.1. The vehicular trips expected to be generated by a proposed development  
2128 shall be calculated as of the time of application, using standard generation rates published  
2129 by the Institute of Transportation Engineers, other standard references or from other  
2130 documented information and surveys approved by the department of transportation.

2131 2. The department of transportation may approve a reduction in generated  
2132 vehicle trips calculated under subsection B.1. of this section based on the types of land  
2133 uses that are to be developed, on the expected amount of travel internal to the  
2134 development, on the expected pass-by trips from existing traffic or on the expected  
2135 reduction of vehicle traffic volumes. Such a reduction shall be used when calculating  
2136 mitigation payment system and intersection standards, including any impact and  
2137 mitigation fees and costs for which the development shall be liable.

2138 3. The calculation of vehicular trip reductions as described in this section shall  
2139 be based in all cases upon sound and recognized technical information and analytical  
2140 process that represent current engineering practice. In all cases, the department of

2141 transportation shall have final approval of all such data, information and technical  
2142 procedures used to calculate trip reductions.

2143 C. Intersection level of service shall be calculated according to the most recent  
2144 Highway Capacity Manual or an alternative method approved by the department of  
2145 transportation.

2146 D. The intersection standard for all intersections shall be "E" as required by the  
2147 K.C.C. chapter 14.80 and calculated according to the most recent Highway Capacity  
2148 Manual or approved alternative method.

2149 E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and  
2150 road design, the standards in subsection D of this section shall be used in the integrated  
2151 transportation program for the determination of traffic impacts for the state  
2152 Environmental Policy Act evaluation of a proposed development.

2153 F. Fees for the mitigation payment system and intersection standards shall be as  
2154 follows:

2155 1. All developments subject to the mitigation payment system fees shall pay an  
2156 administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the time of  
2157 application for a mitigation payment system determination. Payment for impact  
2158 mitigation fees under mitigation payment system shall be paid at the time a development  
2159 permit is issued, but residential developments may defer payment until building permits  
2160 are issued, except as otherwise provided in K.C.C. 14.75.075; and

2161 2. Administrative fees shall not be charged for intersection standards review, but  
2162 the owner of a proposed development is responsible for the costs of any traffic study

2163 needed to determine traffic impacts and mitigation measures at intersections, as  
2164 determined by the director.

2165 G. The need for the environmental assessment of a proposed development must  
2166 be determined by the department of (~~development and environmental services~~)  
2167 permitting and environmental review, following the filing of a completed permit  
2168 application. Impacts on the road system will be mitigated through mitigation payment  
2169 system fees. Impacts on intersections will be mitigated through K.C.C. chapter 14.80.

2170 H. Nothing in this chapter shall cause a developer to pay mitigation and impact  
2171 fees more than once for the same impact. Improvements and mitigation measures shall  
2172 be coordinated by the director with other such improvements and measures attributable to  
2173 other proposed developments, and with the county road improvement program so that the  
2174 county road system is improved efficiently and effectively, with minimum costs to be  
2175 incurred by public and private entities. This title does not supersede or replace the county  
2176 state Environmental Policy Act authority as enacted in K.C.C. chapter 20.44.

2177 SECTION 44. Ordinance 14050, Section 8, as amended, and K.C.C. 14.70.210  
2178 are each hereby amended to read as follows:

2179 The definitions in this section apply throughout this chapter unless the context  
2180 clearly requires otherwise.

2181 A. "Average travel speed" means the average speed in miles per hour of a vehicle  
2182 over a certain length of road.

2183 B. "Capital improvement program" or "CIP" means the expenditures and  
2184 revenues programmed by King County for capital purposes for road improvements over  
2185 the next six-year period in the adopted CIP currently in effect.

2186 C. "Comprehensive Plan: means the adopted King County Comprehensive Plan.

2187 D. "Concurrency" means transportation facilities are in place at the time of  
2188 development or that a financial commitment is in place to complete within six years the  
2189 improvements needed to maintain the county level of service standards, according to  
2190 RCW 36.70A.070(6).

2191 E. "Concurrency map" means the map displaying the concurrency status of all  
2192 areas of unincorporated King County for residential and commercial land uses based  
2193 upon the concurrency test. The map (~~(shall)~~) shall signify concurrency service status as  
2194 designated in K.C.C. 14.45.060.

2195 F. "Concurrency status" means whether or not an area passes the concurrency  
2196 test.

2197 G. "Concurrency test" means determining whether or not an area meets level of  
2198 service standards as described in K.C.C. 14.70.220..

2199 H. "Department" means the King County department of transportation or its  
2200 successor agency.

2201 I. "Development" means specified changes in use designed or intended to permit  
2202 a use of land that will contain more dwelling units or buildings than the existing use of  
2203 the land, or to otherwise change the use of the land or buildings or improvements on the  
2204 land in a manner that increases the amount of vehicle traffic generated by the existing use  
2205 of the land, and that requires a development permit from King County. This definition  
2206 does not pertain to the rezoning of land or a grading permit.

2207 J. "Development application" means the request made to the department of  
2208 ~~((development and environmental services))~~ permitting and environmental review, or its  
2209 successor agency, for approval of a development.

2210 K. "Development approval" means an order, permit or other official action of the  
2211 department of ~~((development and environmental services))~~ permitting and environmental  
2212 review or its successor agency granting, or granting with conditions, an application for  
2213 development.

2214 L. "Development units" means the number of dwelling units for residential  
2215 development.

2216 M. "Director" means the director of the department.

2217 N. "Financial commitment" consists of:

2218 1. Revenue designated in the adopted CIP. The adopted CIP identifies all  
2219 applicable and available revenue sources and forecasts these revenues through the six-  
2220 year period with reasonable assurance that the funds will be timely put to those ends.  
2221 Projects to be used in the concurrency analysis are fully funded for construction in the six  
2222 years of the CIP. This funding commitment is reviewed through the annual budget  
2223 process; or

2224 2. Revenue that is assured by an applicant in a form approved by the county in a  
2225 voluntary agreement.

2226 O. "Highways of statewide significance that are not limited access and that  
2227 function similar to county arterials" means segments of highways of statewide  
2228 significance that:

2229 1. Allow driveways and side streets to connect directly to the highway;

2230 2. Provide primary connections between major centers of activity; and

2231 3. Function as high traffic corridors for intraarea travel between business  
2232 districts and communities or rural towns.

2233 P. "Level of service standard" means the travel time standards that are adopted in  
2234 the Comprehensive Plan and in this chapter.

2235 Q. "Peak period" means the one-hour weekday afternoon period during which the  
2236 greatest volume of traffic uses the road system. For concurrency purposes, this period  
2237 shall be in the afternoon of a typical weekday.

2238 R. "Road classification" means the classification of roadways as determined by  
2239 the county council by ordinance based on the function and design of a specific road.

2240 S. "Rural Area" means a Rural Area as defined in the Comprehensive Plan.

2241 T. "Rural Mobility Area" means one of the rural towns as defined by the  
2242 Comprehensive plan.

2243 U. "Rural Neighborhood Commercial Center" means the large rural  
2244 neighborhood commercial centers of Cottage Lake, Maple Valley, Preston and  
2245 Cumberland.

2246 V. "Rural Town" means a Rural Town as defined in the Comprehensive Plan.

2247 W. "Segment" means a portion of an arterial used in level of service standard  
2248 calculation and defined consistent with methodology described in Federal Highway  
2249 Administration Report FHWA-PL-98-035, March 1993, or as updated and used to  
2250 calculate level of service.

2251 X. "Transportation facilities" means principal, minor and collector arterial roads,  
2252 state highways and high occupancy vehicle facilities as well as associated sidewalks, bike

2253 lanes and other facilities supporting nonmotorized travel. Transportation facilities  
2254 include any such a facility owned, operated or administered by the state of Washington  
2255 and its political subdivisions, including the county and cities.

2256 Y. "Travel shed" means a geographic area within which all development would  
2257 be likely to use or be affected by traffic on arterials within the travel shed.

2258 Z. "Travel time" means the time it takes a vehicle to travel from one specified  
2259 point to another.

2260 AA. "Travel time standard" means the level of service standard used to judge the  
2261 performance of arterial road segments. The level of service standard is identified by  
2262 ranges of average travel speed by road classification.

2263 BB. "Urban Growth Area" means an Urban Growth Area as defined in the King  
2264 County Comprehensive Plan.

2265 SECTION 45. Ordinance 14050, Section 11, as amended, and K.C.C. 14.70.240  
2266 are each hereby amended to read as follows:

2267 A. The department of ~~((development and environmental services))~~ permitting and  
2268 environmental review shall accept applications for a development approval only for  
2269 development in areas that pass the concurrency test as shown on the concurrency map in  
2270 effect at the time of application.

2271 B. Concurrency is valid for the development permit application period and  
2272 subsequently for the same time as the development approval.

2273 SECTION 46. Ordinance 14050, Section 13, as amended, and K.C.C. 14.70.260  
2274 are each hereby amended to read as follows:

2275           A. Any issues relating to the adequacy of the concurrency analysis and test or to  
2276 the accuracy of the concurrency map shall be raised to the county council during the  
2277 annual council consideration of the concurrency map as provided in K.C.C. 14.70.270.

2278           B. There is no administrative appeal of the department of ~~((development and  
2279 environmental services'))~~ permitting and environmental review's final decision of  
2280 concurrency denial or approval based on the concurrency map.

2281           SECTION 47. Ordinance 14050, Section 14, as amended, and K.C.C. 14.70.270  
2282 are each hereby amended to read as follows:

2283           A. The concurrency map shall be updated annually as part of the budget process  
2284 or when authorized by the county council by ordinance. The update process shall include  
2285 the most recently adopted roads CIP, updated traffic volumes and updated travel time  
2286 surveys and standards and methodologies as described in K.C.C. 14.70.220 and  
2287 14.70.230. The concurrency map shall be submitted to council for its approval by  
2288 ordinance. The updates shall be deemed adequate for the purposes of concurrency  
2289 analysis and the concurrency map shall be used to determine the concurrency of proposed  
2290 development projects.

2291           B. An annual report shall be prepared by the road services division on the  
2292 concurrency program update. The annual report shall explain the technical assumptions,  
2293 land use changes, network changes and other parameters used to update the concurrency  
2294 map and/or travel shed boundary map. The annual report shall be submitted to the  
2295 council along with the annual update required by subsection A. of this section. Eleven  
2296 copies of the report shall be filed with the clerk of the council, who shall retain the



2297 original and shall forward copies to each councilmember and to the lead staff of the  
2298 council's transportation, economy and environment committee, or its successor.

2299 C.1. An independent expert review panel on concurrency shall be established to:

2300 a. review the annual report on the concurrency update; and

2301 b. evaluate proposed changes to the transportation concurrency process,  
2302 analysis and test developed by the road services division.

2303 2. The panel shall be comprised of four to six persons and include  
2304 representation from the development community, the environmental community,  
2305 transportation planning professionals, the unincorporated area, the public at large and  
2306 multimodal transportation interest groups. Each representative shall be appointed by the  
2307 executive and confirmed by the council.

2308 3. A summary of the panel's review of the annual report on the concurrency  
2309 update and its evaluation of proposed changes to the transportation concurrency process,  
2310 analysis and test shall be included with the submittal of the annual report to the council.

2311 D. The concurrency map is a result of the concurrency analysis and test, as  
2312 described in subsection A. of this section. The concurrency map indicates if an area does  
2313 or does not comply with adopted level of service standards. Any changes to the  
2314 concurrency status of an area or areas on the concurrency map other than those resulting  
2315 from the update process may only be accomplished by the council, through an ordinance,  
2316 by changing any combination of the adopted level of service standards, or the list of  
2317 funded projects in the most recently adopted CIP.

2318 SECTION 48. Ordinance 17190, Section 5, and K.C.C. 14.75.075 are each  
2319 hereby amended to read as follows:

2320           A.1. An applicant for a residential subdivision, short subdivision, urban planned  
2321 development or planned unit development may defer payment of the mitigation payment  
2322 system fee required by K.C.C. 14.75.070 if the applicant:

2323           a. records the subdivision or short subdivision;

2324           b. submits to the department of ~~((development and environmental services))~~  
2325 permitting and environmental review a signed and notarized deferred mitigation payment  
2326 system fee application and acknowledgement form, for either one or more single detached  
2327 dwelling units in the same development or all of the dwelling units in a multifamily  
2328 residential building for which the property owner wishes to defer payment of the  
2329 mitigation payment system fees; and

2330           c. pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2331           2. Unless the mitigation payment system fee is subsequently deferred under  
2332 subsection B. of this section, the fee deferred under this subsection shall be paid at the  
2333 time the building permit is issued.

2334           B. A building permit applicant may defer payment of the mitigation payment  
2335 system fee required by K.C.C. 14.75.070 for a single detached dwelling unit,  
2336 condominium unit, or all of the dwelling units in a multifamily residential building until  
2337 the earlier of the seven days after the date of the sale of a single detached dwelling unit, a  
2338 condominium unit or a multifamily residential building or eighteen months after issuance  
2339 of the original building permit, but only if before issuance of the building permit, the  
2340 applicant:

2341           1. Submits to the department of ~~((development and environmental services))~~  
2342 permitting and environmental review a signed and notarized deferred mitigation payment

2343 system fee application and acknowledgement form for each single detached dwelling  
2344 unit, condominium unit or all of the dwelling units in a multifamily residential building  
2345 for which the applicant wishes to defer payment of the mitigation payment system fees;

2346 2. Records at the applicant's expense a covenant and lien that:

2347 a. requires payment of the mitigation payment system fee to the department of  
2348 ~~((development and environmental services))~~ permitting and environmental review at the  
2349 earlier of seven days after the date of sale or eighteen months after issuance of the  
2350 original building permit;

2351 b. provides that if the mitigation payment system fee is paid through escrow at  
2352 closing of sale, in the absence of an agreement between the buyer and the seller to the  
2353 contrary, the mitigation payment system fee shall be paid from the seller's proceeds;

2354 c. provides that the seller bears strict liability for the payment of the mitigation  
2355 payment system fee;

2356 d. requires the seller or seller's agent of property subject to the covenant and  
2357 lien to provide written disclosure of the covenant and lien to a purchaser or prospective  
2358 purchaser. Disclosure of the covenant must include the amount of mitigation payment  
2359 system fee payable and that the fee is to be paid to the department of ~~((development and  
2360 environmental services))~~ permitting and environmental review on the date of sale; and

2361 e. makes the applicant legally liable for payment of the mitigation payment  
2362 system fee if the fee is not paid by the earlier of seven days after the date of sale or  
2363 eighteen months after the building permit has been issued; and

2364 3. Pays the nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2365 C. The administrative deferral fee paid under K.C.C. 14.75.080 shall not be  
2366 credited against the mitigation payment system fee required by K.C.C. 14.75.070.

2367 D. Payment of mitigation payment system fees deferred under subsection A. or  
2368 B. of this section shall be made by cash, escrow company check, cashier's check or  
2369 certified check.

2370 E. Upon receipt of payment of mitigation payment system fees deferred under  
2371 subsection A. or B. of this section, the department of ~~((development and environmental  
2372 services))~~ permitting and environmental review shall execute a lien release for each  
2373 single detached dwelling unit, condominium unit, or multifamily residential building for  
2374 which the mitigation payment system fees have been received. Unless an agreement to  
2375 the contrary is reached between buyer and seller, the seller, at the seller's expense, shall  
2376 be responsible for recording the lien release.

2377 F. Compliance with the requirements for deferring mitigation payment system  
2378 fees under subsection A. or B. of this section constitutes compliance with subdivision or  
2379 short subdivision conditions relating to the timing of the mitigation payment system  
2380 impact fees under this chapter.

2381 SECTION 49. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290  
2382 are each hereby amended to read as follows:

2383 Section 105.5 of the International Building Code is not adopted and the following  
2384 is substituted:

2385 **Expiration (IBC 105.5).** Every permit issued by the building official under the  
2386 provisions of the Code shall expire by limitation and become null and void one year from

2387 date of issue. Issued permits may be extended for one year periods subject to the  
2388 following conditions:

2389 1. An application for a permit extension together with the applicable fee is  
2390 submitted to the department (~~(of development and environmental services)~~) at least seven  
2391 (7), but no more than sixty (60), calendar days prior to the date the original permit  
2392 becomes null and void. Once the permit extension application is submitted, work may  
2393 continue past the expiration date of the original permit, provided that the extension  
2394 application is not denied. If the extension application is denied, all work must stop until a  
2395 valid permit is obtained.

2396 2. If construction of a building or structure has not substantially commenced, as  
2397 determined by the building official, within two years from the date of the first issued  
2398 permit and the building and the structure is no longer authorized by the zoning code or  
2399 other applicable law, then the permit shall not be extended.

2400 3. An applicant may request a total of two permit extensions provided there are  
2401 no substantial changes in the approved plans and specifications.

2402 4. The building official may extend a building permit beyond the second  
2403 extension only to allow completion of a building, structure or mechanical system  
2404 authorized by the original permit and substantially constructed. If substantial work, as  
2405 determined by the building official, has not commenced on a building and/or structure  
2406 authorized in the original permit, then a new permit will be required for construction to  
2407 proceed.

2408 **Exception:** Until December 31, 2012, the building official may grant a third or  
2409 fourth extension for building permits where substantial work has not commenced, if:

- 2410           1. The applicant makes a written request to the building official for an  
2411 extension of the building permit;
- 2412           2. The applicant pays applicable permit extension fees; and
- 2413           3. There are no substantial changes in the approved plans or specifications.
- 2414           5. The staff of the department (~~(of development and environmental services)~~)  
2415 may revise a permit at the permittee's request but such a revision does not constitute a  
2416 renewal or otherwise extend the life of the permit.

2417           SECTION 50. Ordinance 3647, Section 3, as amended, and K.C.C. 16.03.040 are  
2418 each hereby amended to read as follows:

2419           Whenever the following words appear in the code, they are to be changed as  
2420 follows:

2421           A. Building official or code official to director, department of (~~(development and~~  
2422 ~~environmental services)~~) permitting and environmental review;

2423           B. Name of jurisdiction to unincorporated King County;

2424           C. The department of building and safety to King County department of  
2425 (~~(development and environmental services)~~) permitting and environmental review;

2426           D. Design flood elevation to base flood elevation;

2427           E. Mobile home to manufactured home.

2428           SECTION 51. Ordinance 14914, Section 104, and K.C.C. 16.03.120 are each  
2429 hereby amended to read as follows:

2430           Department: the King County department of (~~(development and environmental~~  
2431 ~~services)~~) permitting and environmental review or successor agency.

2432            SECTION 52. Ordinance 14914, Section 105, and K.C.C. 16.03.130 are each  
2433 hereby amended to read as follows:

2434            Director: the director of the department of (~~development and environmental~~  
2435 ~~services~~) permitting and environmental review, or successor agency, or the person  
2436 designated by the director to act. "Director" includes "building official" and "code  
2437 official."

2438            SECTION 53. Ordinance 12560, Section 69, as amended, and K.C.C. 16.04.570  
2439 are each hereby amended to read as follows:

2440            The International Building Code is supplemented by the following appendix:

2441            **Application to existing buildings (IBC AZ 103).** Additions may be made to  
2442 existing buildings or structures without making the entire building structure comply with  
2443 all the requirements of this chapter for new construction. Additions shall be made to  
2444 comply in the areas being added to the extent that it is deemed practical and effective by  
2445 the director (~~of the department of development and environmental services~~) in meeting  
2446 the intent of this chapter.

2447            Any change of use in the occupancy or use of a building previously unapproved  
2448 for human occupancy to human occupancy use or one previously unused for sleeping  
2449 purposes to sleeping use shall not be permitted unless the building, structure or portion of  
2450 the building complies with this chapter.

2451            SECTION 54. Ordinance 12560, Section 71, as amended, and K.C.C. 16.04.590  
2452 are each hereby amended to read as follows:

2453            The International Building Code is supplemented by the following appendix:

2454           **Fees (IBC AZ 105).** The director(~~(, department of development and~~  
2455 ~~environmental services,))~~ is authorized to collect fees for administration, plan checking  
2456 and inspection. This fee shall be known as the Sea-Tac Noise Fee. The fee shall be  
2457 calculated as the sum of the fees for special plan review and supplemental inspection.

2458           SECTION 55. Ordinance 11622, Section 2, 1994, and K.C.C. 16.04.880 are each  
2459 hereby amended to read as follows:

2460           The department (~~(of development and environmental services (hereafter referred~~  
2461 ~~to as department))~~) shall not commence review of any application authorized by this title  
2462 until the property owner has submitted the materials and fees specified for complete  
2463 applications.

2464           SECTION 56. Ordinance 12380, Section 3, as amended, and K.C.C. 16.04.950  
2465 are each hereby amended to read as follows:

2466           All mobile homes shall comply with the following requirements:

2467           A. "Insignia" Mobile Homes. Mobile homes approved by DLI or HUD shall  
2468 have the appropriate insignia indicating such approval affixed to the unit, in accordance  
2469 with chapter 43.22 RCW.

2470           B. "Noninsignia" Mobile Homes. Mobile homes without an insignia of approval  
2471 in accordance with subsection A of this section are subject to the following provisions:

2472           1. Mobile homes currently located within King County may remain in their  
2473 current location. However, prior to the relocation of such mobile home to another portion  
2474 of King County, the owner shall provide evidence that the mobile home was located  
2475 within King County before January 21, 1980. A "noninsignia" mobile home currently



2476 located outside of King County may be relocated to King County only when subject to  
2477 forced relocation in accordance with RCW 59.21.105.

2478           2. Prior to installing a noninsignia mobile home, the mobile home shall be  
2479 inspected and approved by the department (~~of development and environmental~~  
2480 ~~services~~). The inspection shall review consistency with the following livability  
2481 standards, but shall not be considered a warranty that the mobile home is safe or livable:

2482           a. the unit must have safe, operable heating facilities.

2483           b. the unit must be equipped with a water closet, lavatory, bathtub or shower,  
2484 and kitchen sink; be provided with hot and cold running water; and all facilities shall be  
2485 installed and maintained in a safe and sanitary condition.

2486           c. the structure must be weather-protected so as to provide shelter for the  
2487 occupants against the elements and to exclude dampness.

2488           d. all operable windows and doors must be in operable condition to provide  
2489 for adequate natural ventilation and emergency exit.

2490           e. at least one operable smoke detector shall be installed within the unit.

2491           f. the unit shall be structurally sound with no apparent unsafe condition in  
2492 floors, walls, ceilings and roofs.

2493           g. the unit must be well maintained, free of debris and infestation of insects,  
2494 vermin or rodents.

2495           C. All mobile homes are subject to the following installation requirements:

2496           1. Support systems and stabilizing devices shall be designed and installed in  
2497 accordance with the provisions of WAC 296-150B-200.

2498           2. Electrical connections shall be inspected and approved by the Washington  
2499 State Department of Labor and Industries.

2500           3. Mobile homes supported on piers shall be fully skirted.

2501           4. Mobile homes located outside of a mobile home park shall be subject to the  
2502 setback and lot coverage provisions of the zone in which located.

2503           D. Accessory Structures.

2504           1. Accessory structures shall be subject to the provisions of the International  
2505 Building Code or the International Residential Code, as applicable, as adopted in King  
2506 County and a building permit shall be required before construction or installation.

2507           2. Separation between accessory structures and other structures shall be as set  
2508 forth in K.C.C. 21A.14.170 or 21A.14.180. However, if the accessory structure is a  
2509 carport constructed of combustible materials, the carport roof area shall not extend over  
2510 or otherwise cover any bedroom windows and no other accessory structures other than  
2511 decks, porches, stairs or ramps shall be permitted under the carport roof area.

2512           SECTION 57. Ordinance 12380, Section 4, as amended, and K.C.C. 16.04.960  
2513 are each hereby amended to read as follows:

2514           A. Installation of a mobile home shall require the approval of a mobile home  
2515 permit by the department (~~of development and environmental services~~) pursuant to the  
2516 permit process and procedures for type 1 permits outlined in K.C.C. 20.20. The permit  
2517 shall expire one year after date of issuance. A permit may be renewed for a maximum of  
2518 one year upon request of the applicant, provided such requests are made within fifteen  
2519 days of the date of expiration of the original permit. Mobile homes shall not be

2520 permanently occupied for more than forty-five days prior to issuance of a certificate of  
2521 occupancy by the department (~~(of development and environmental services)~~).

2522 B. The following must be submitted with an application for a mobile home  
2523 permit, except that when the mobile home is to be located in an approved mobile home  
2524 park, subsection B.1.d., 1.e., 1.h., 1.i. and 3 shall not apply:

2525 i. Two copies of a site plan drawn to scale, showing:

2526 a. north arrow and scale,

2527 b. location and dimensions of all property lines or leased areas, and easements,

2528 c. proposed location of mobile home and/or accessory structure(s) on the site

2529 or space,

2530 d. distances from the mobile home and accessory structure(s) to property lines,

2531 e. approximate surface elevation at each corner of the site,

2532 f. location of parking spaces,

2533 g. name or number of street on which site or space is located,

2534 h. location of septic tank and drainfield, if sewers are not available,

2535 i. location of well or other water source, if public water supply is not available;

2536 2. A description of the mobile home, including:

2537 a. model number,

2538 b. Washington State and/or H.U.D. ID number,

2539 c. name of manufacturer and year of manufacture;

2540 3. Two copies of plans showing proposed foundation system, if more than one-fourth of  
2541 the floor area of the mobile home, as measured from the bottom of the main frame

2542 members, will be more than three feet above the existing ground level, or when any  
2543 supporting piers exceed sixty inches in height;

2544 4. A State Contractors or Mobile Home Dealers Registration Card, or photocopy  
2545 of same and Certified Manufactured Home Installers number.

2546 C. An accessory structure in excess of 200 square feet of floor area including roof  
2547 overhang shall require the approval of a building permit by the department ((of  
2548 ~~development and environmental services~~)) pursuant to the permit process and procedures  
2549 for type 1 permits outlined in K.C.C. chapter 20.20. An application for a building permit  
2550 for an accessory structure shall include site plans drawn consistent with the provisions of  
2551 subsection B.1. If an application for a building permit for an accessory structure is  
2552 submitted together with an application for a mobile home permit and if the accessory  
2553 structure is less than 600 square feet in area, the fee for the accessory structure shall be  
2554 waived.

2555 SECTION 58. Ordinance 12380, Section 5, as amended, and K.C.C. 16.04.970  
2556 are each hereby amended to read as follows:

2557 A. Factory-built commercial structures and coaches shall be located, installed and  
2558 used in the same manner as conventional commercial structures, except to the extent that  
2559 construction standards are regulated by the Washington State Department of Labor and  
2560 Industries or the U.S. Department of Housing and Urban Development.

2561 B. Factory-built commercial structures and commercial coaches shall be installed  
2562 subject to the following:

2563           1. A building permit must be obtained for any factory-built commercial  
2564 structure or commercial coach pursuant to the permit process and procedures for type 1  
2565 permits outlined in K.C.C. chapter 20.20.

2566           2. The following criteria must be satisfied for the permanent installation of a  
2567 factory-built commercial structure or commercial coach before a building permit can be  
2568 issued:

2569           a. The appropriate insignia of the Washington State Department of Labor and  
2570 Industries of the U.S. Department of Housing and Urban Development must be affixed to  
2571 the unit. If the unit is lacking the appropriate insignia it must satisfy the structural,  
2572 mechanical, electrical and plumbing requirements of the International Building,  
2573 Mechanical and other applicable codes as adopted in King County for conventional  
2574 commercial structures.

2575           b. The foundation, entry/exit stairs or ramps, and all accessory structures shall  
2576 be designed and installed in accordance with the provisions of the International Building  
2577 Code as adopted in King County.

2578           c. Occupancy of the structure shall not be permitted before inspection and  
2579 approval.

2580           3. The temporary installation of factory-built commercial structures and  
2581 commercial coaches may be permitted for a period not to exceed one year. The support  
2582 system recommended by the manufacturer, or designed by a professional structural  
2583 engineer registered by the state, may be substituted for a foundation designed in  
2584 accordance with the provisions of the International Building Code as adopted in King

2585 County, subject to the approval of the department (~~(of development and environmental~~  
2586 ~~services))~~).

2587 4. Factory-built construction office trailers may be placed without an additional  
2588 permit as long as the site is covered by a valid building permit.

2589 SECTION 59. Resolution 21284, Section 3, as amended, and K.C.C. 16.05.106  
2590 are each hereby amended to read as follows:

2591 **Appendix G - Swimming pools, spas and hot tubs - General.** Appendix AG  
2592 101 of the International Residential Code is supplemented with the following:

2593 **Submission of plans prior to construction - Inspection and approval of pool -**  
2594 **Use before approval constitutes violation (IRC AG 101.4).** Plans for swimming pools  
2595 to be constructed shall be submitted to the department (~~(of development and~~  
2596 ~~environmental services,))~~ and shall show on their face the form of proposed compliance  
2597 with the requirements of this chapter and the final inspection and approval of all pools  
2598 hereafter constructed shall be withheld until all requirements of this chapter have been  
2599 complied with. Use of the swimming pool before final inspection and approval  
2600 constitutes a violation of this chapter.

2601 SECTION 60. Resolution 21284 (part), as amended, and K.C.C. 16.05.108 are  
2602 each hereby amended to read as follows:

2603 Appendix AG 101 of the International Residential Code is supplemented with the  
2604 following:

2605 **Enforcement (IRC AG 101.5).** The director (~~(of the department of development~~  
2606 ~~and environmental services))~~ is authorized to enforce the provisions of this chapter, the

2607 ordinances and resolutions codified in it, and any rules and regulations promulgated  
2608 thereunder pursuant to the enforcement and penalty provisions of Title 23.

2609 SECTION 61. Ordinance 8766, Section 1, as amended, and K.C.C. 16.08.010 are  
2610 each hereby amended to read as follows:

2611 The purpose of this chapter is to grant the department (~~(of development and~~  
2612 ~~environmental services, hereafter called the department,))~~ the authority to assign road  
2613 names and numbers, and address the principal entrances of all buildings or other uses in  
2614 conformance with the grid system adopted by King County Resolution 16622.

2615 SECTION 62. Ordinance 12560, Section 119, as amended, and K.C.C. 16.14.180  
2616 are each hereby amended to read as follows:

2617 Section 108.1.3 of the International Property Maintenance Code is supplemented  
2618 with the following:

2619 **Placarding (IPMC 108.1.3.1).** In addition to being served as provided in K.C.C.  
2620 Title 23, a notice to vacate or abate as nuisance may be posted at or upon each exit of the  
2621 building or upon the premises where the exits exist in substantially the following form:

2622 KING COUNTY DEPARTMENT OF (~~DEVELOPMENT AND~~  
2623 ~~ENVIRONMENTAL SERVICES~~)) PERMITTING AND ENVIRONMENTAL  
2624 REVIEW

2625 (~~900 OAKESDALE AVENUE SOUTHWEST~~  
2626 ~~RENTON, WASHINGTON 98055-1219~~))

2627 [DEPARTMENT ADDRESS]

2628 **NOTICE IS HEREBY GIVEN THAT THIS BUILDING**  
2629 **MUST NOT BE OCCUPIED**

2630 **UNTIL INSPECTION AND APPROVAL**

2631

2632 For Further Information: By: \_\_\_\_\_

2633 Inspector/Officer

2634 Telephone: \_\_\_\_\_ Date: \_\_\_\_\_

2635 **WARNING!** The removal, mutilation, destruction or concealment of this notice is  
2636 a misdemeanor.

2637 SECTION 63. Ordinance 2560, Section 136, as amended, and K.C.C. 16.14.230

2638 are each hereby amended to read as follows:

2639 Section 108.4.1 of the International Property Maintenance Code is not adopted

2640 and the following substituted:

2641 **Placarding of unsafe structures, premises and equipment (IPMC 108.4.1).** In  
2642 addition to being served as provided in K.C.C. Title 23, a notice to vacate or abate as  
2643 nuisance may be posted at or upon each exit of the building or upon the premises where  
2644 the exits exist in substantially the following form:

2645 KING COUNTY DEPARTMENT OF (~~DEVELOPMENT AND ENVIRONMENTAL~~  
2646 SERVICES)) PERMITTING AND ENVIRONMENTAL REVIEW

2647 (~~(900 OAKESDALE AVENUE SOUTHWEST~~

2648 ~~RENTON, WASHINGTON 98055-1219)~~)

2649 [DEPARTMENT ADDRESS]

2650 **NOTICE**

2651 **DO NOT ENTER**

2652 These premises have been found to be unsafe.



2653 This notice is to remain on the premises until  
2654 the violations have been corrected.

2655

2656 For further information: By: \_\_\_\_\_

2657 Inspector/Officer

2658 Telephone: 296-\_\_\_\_\_ Date: \_\_\_\_\_

2659 **WARNING!** The removal, mutilation, destruction or concealment of this notice  
2660 is a misdemeanor.

2661 SECTION 64. Ordinance 14238, Section 13, as amended, and K.C.C. 16.14.380  
2662 are each hereby amended to read as follows:

2663 Section 109 of the International Property Maintenance Code is supplemented with  
2664 the following:

2665 **Rapid abatement plan - time frame for completion of abatement (IPMC**  
2666 **109.16).** Approval by the code official of the rapid abatement plan or the application for  
2667 emergency demolition in lieu of a rapid abatement plan constitutes authority to proceed  
2668 with abatement. If the code official approves the rapid abatement plan or the application  
2669 for an emergency demolition permit in lieu of preparing a rapid abatement plan, the  
2670 owner, or owner's agent, shall complete abatement in accordance with the plan within  
2671 forty-eight hours of obtaining approval of the plan. Within twenty-four hours of  
2672 completion of the abatement work, the owner, or owner's agent, shall provide the code  
2673 official with a written signed verification that the abatement has been completed in  
2674 conformance with the approved rapid abatement plan. When the abatement includes  
2675 structural repairs, the verification shall include a written, signed and stamped report from

2676 the owner's architect or structural or civil engineer attesting that the engineer has visited  
2677 the site and that repairs have been completed in general conformance with the approved  
2678 rapid abatement plan or an application for emergency demolition permit in lieu of  
2679 preparing a rapid abatement plan. This written signed and stamped report from the  
2680 owner's architect or structural or civil engineer and the written and signed verification by  
2681 the owner or owner's agent may be made by completing and signing and standard form  
2682 provided by the department (~~of development and environmental services~~).

2683         SECTION 65. Ordinance 1283 (part), as amended, and K.C.C. 16.78.060 are  
2684 each hereby amended to read as follows:

2685         The director (~~of the department of development and environmental services~~) is  
2686 authorized to enforce the provisions of this chapter, the ordinances and resolutions  
2687 codified in it, and any rules and regulations promulgated thereunder pursuant to the  
2688 enforcement and penalty provisions of K.C.C. Title 23.

2689         SECTION 66. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are  
2690 each hereby amended to read as follows:

2691         Certain words and phrases used in this chapter, unless otherwise clearly indicated  
2692 by their context, mean as follows:

2693         A. "Applicant" means a property owner or a public agency or public or private  
2694 utility that owns a right-of-way or other easement or has been adjudicated the right to  
2695 such an easement in accordance with RCW 8.12.090, or any person or entity designated  
2696 or named in writing by the property or easement owner to be the applicant, in an  
2697 application for a development proposal, permit or approval.

2698 B. "Bench" means a relatively level step excavated or constructed on the face of a  
2699 graded slope surface for drainage and maintenance purposes.

2700 C. "Civil engineer" means an engineer who is licensed as a professional engineer  
2701 in the branch of civil engineering by the state of Washington.

2702 D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or  
2703 other organic material by physical, mechanical, chemical or any other similar means.

2704 E. "Compaction" means the densification of a fill by mechanical means.

2705 F. "Cutting" means the severing of the main trunk or stem of woody vegetation at  
2706 any point.

2707 G. "Department" means the department of (~~development and environmental~~  
2708 ~~services~~) permitting and environmental review.

2709 H. "Director" means the director of the department of (~~development and~~  
2710 ~~environmental services~~) permitting and environmental review or the director's designee.

2711 I. "Earth material" means any rock, natural soil or any combination thereof.

2712 J. "Erosion" means the wearing away of the ground surface as the result of the  
2713 movement of wind, water or ice.

2714 K. "Excavation" means the removal of earth material.

2715 L. "Fill" means a deposit of earth material or recycled or reprocessed waste  
2716 material consisting primarily of organic or earthen materials, or any combination thereof,  
2717 placed by mechanical means.

2718 M. "Geotechnical engineer" means an engineer who is licensed as a professional  
2719 engineer by the state of Washington and who has at least four years of relevant  
2720 professional employment.

2721 N. "Grade" means the elevation of the ground surface.

2722 1. "Existing grade" means the grade before grading.

2723 2. "Finish grade" means the final grade of the site that conforms to the approved  
2724 plan as required in K.C.C. 16.82.060.

2725 3. "Rough grade" means the stage at which the grade approximately conforms to  
2726 the approved plan as required in K.C.C. 16.82.060.

2727 O. "Grading" means any excavating, filling, or removing of the duff layer, or  
2728 combination thereof.

2729 P. "Grading and clearing permit" means the permit required by this chapter for  
2730 grading and clearing activities, including temporary permits.

2731 Q. "Reclamation" means the final grading and restoration of a site to establish the  
2732 vegetative cover, soil surface water and groundwater conditions appropriate to  
2733 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

2734 R. "Shorelines" means those lands defined as shorelines in the state Shorelines  
2735 Management Act of 1971.

2736 S. "Site" means a single lot or parcel of land two or more contiguous lots that are  
2737 under common ownership or documented legal control, used as a single parcel for a  
2738 development proposal in order to calculate compliance with the standards and regulations  
2739 of this chapter. For purposes of this definition:

2740 1. "Documented legal control" includes fee simple or leasehold rights, or an  
2741 easement, or any combination thereof, which allows uses associated with the overall  
2742 development proposal; and

2743           2. Lots that are separated only by a public road right-of-way shall be considered  
2744 to be contiguous.

2745           T. "Slope" means inclined ground surface, the inclination of which is expressed  
2746 as a ratio of horizontal distance to vertical distance.

2747           U. "Structural engineer" means an engineer who is licensed as a professional  
2748 engineer in the branch of structural engineering by the state of Washington.

2749           V. "Structure" means that which is built or constructed, an edifice or building of  
2750 any kind or any piece of work artificially built up or composed of parts jointed together in  
2751 some definite manner.

2752           W. "Tree" means a large woody perennial plant usually with a single main stem  
2753 or trunk and generally over twelve feet tall at maturity.

2754           X. "Understory" means the vegetation layer of a forest that includes shrubs,  
2755 herbs, grasses and grass-like plants, but excludes native trees.

2756           Y. "Vegetation" means any organic plant life growing at, below or above the soil  
2757 surface.

2758           SECTION 67. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051  
2759 are each hereby amended to read as follows:

2760           A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06  
2761 apply to the activities described in this section.

2762           B. The following activities are excepted from the requirement of obtaining a  
2763 clearing or grading permit before undertaking forest practices or clearing or grading  
2764 activities, as long as those activities conducted in critical areas are in compliance with the  
2765 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may

2766 be included in more than one activity category, the most-specific description of the  
 2767 activity shall govern whether a permit is required. For activities involving more than one  
 2768 critical area, compliance with the conditions applicable to each critical area is required.  
 2769 Clearing and grading permits are required when a cell in this table is empty and for  
 2770 activities not listed on the table.

KEY	O A	CO	ER	FL	CH	L A	SEI	VO	S H	C R	WE	A A	W A
"NP" in a cell means		AL	OSI	OO	AN		SMI	LC			TLA		
	U R	MIN	ON	DH	NE	A N	CH	ANI	T A	R E	ND	Q N	I N
		EH	HA	AZ	LMI		AZ	CH			SA		L
	T E	AZ	ZA	AR	GR	N D	AR	AZ	E Z	I C	ND	U D	D
		AR	RD	D	ATI		D	AR		T	BU		D
	O A	D			ON	D B		D	E A	H	FF	A B	N
										I	ER		L
	F A					S U			P R	C A		T U	E
													I
	C N					L F			S D	A R		I F	F T
												C	
	R D					I F			L A	L G		F E	W
						D						A	
	I B					E			O N	A E		E A	O
	T					E						R	
	U					R			P D	Q A		R R	R
	I					H						E	
	C F								E B	U R			E K
						A						A	
	A F								U I	E			A
						Z				F	A		
	L E												
						A				E			
	R								F				

						R				R			
						D				E			
										R			
no permit required													
if conditions are met.													
A number in a cell													
means the													
Numbered condition													
in subsection C.													
applies.													
"Wildlife area													
and network" column													
applies to both Wildlife													
Habitat Conservation													
Area and Wildlife													
Habitat Network													
<b>ACTIVITY</b>													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3	NP 3		NP 3	NP 3		NP 3	NP 4 NP 25	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP												
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Non conversion Class I, II,	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9

III, IV-S forest practice													
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11



and surface water quality treatment facility													
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15

Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other															
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP	NP	NP	NP	NP	NP	NP

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:

- 2784 a. regulated as a Class IV forest practice under chapter 76.09 RCW;  
2785 b. in a critical drainage areas established by administrative rules;  
2786 c. subject to clearing limits included in property-specific development  
2787 standards and special district overlays under K.C.C. chapter 21A.38; or  
2788 d. subject to urban growth area significant tree retention standards under  
2789 K.C.C. 16.82.156 and 21A.38.230.
- 2790 4. Cutting firewood for personal use in accordance with a forest management  
2791 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this  
2792 condition, personal use shall not include the sale or other commercial use of the firewood.
- 2793 5. Limited to material at any solid waste facility operated by King County.
- 2794 6. Allowed to prevent imminent danger to persons or structures.
- 2795 7. Cumulative clearing of less than seven thousand square feet annually or  
2796 conducted in accordance with an approved farm management plan, forest management  
2797 plan or rural stewardship plan.
- 2798 8. Cumulative clearing of less than seven thousand square feet and either:  
2799 a. conducted in accordance with a farm management plan, forest management  
2800 plan or a rural stewardship plan; or  
2801 b. limited to removal with hand labor.
- 2802 9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and  
2803 Title 222 WAC.
- 2804 10. If done in compliance with K.C.C. 16.82.065.
- 2805 11. Only when conducted by or at the direction of a government agency in  
2806 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates

2807 less than two thousand square feet of new impervious surface on a single site added after  
2808 January 1, 2005, and is not within or does not directly discharge to an aquatic area or  
2809 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in  
2810 K.C.C. 9.04.020.

2811 12. Limited to clearing conducted by or at the direction of a government agency  
2812 or by a private utility that does not involve:

2813 a. slope stabilization or vegetation removal on slopes; or

2814 b. ditches that are used by salmonids.

2815 13. In conjunction with normal and routine maintenance activities, if:

2816 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

2817 b. the structure, condition or site maintained was constructed or created in

2818 accordance with law; and

2819 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,

2820 culvert or other improved area being maintained.

2821 14. If a culvert is used by salmonids or conveys water used by salmonids and

2822 there is no adopted farm management plan, the maintenance is limited to removal of

2823 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization

2824 of the area within three feet of the culvert where the maintenance disturbed or damaged

2825 the bank or bed and does not involve the excavation of a new sediment trap adjacent to

2826 the inlet.

2827 15. If used by salmonids, only in compliance with an adopted farm plan in

2828 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

2829 a. The King Conservation District;

- 2830           b. King County department of natural resources and parks;
- 2831           c. King County department of (~~development and environmental services~~)
- 2832 permitting and environmental review; or
- 2833           d. Washington state Department of Fish and Wildlife.
- 2834           16. Only if consistent with an adopted farm plan in accordance with K.C.C.
- 2835 Title 21A.
- 2836           17. Only if:
- 2837           a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 2838           b. conducted in accordance with best management practices in the Natural
- 2839 Resource Conservation Service Field Office Technical Guide.
- 2840           18. In accordance with a franchise permit.
- 2841           19. Only within the roadway in accordance with a franchise permit.
- 2842           20. When:
- 2843           a. conducted by a public agency;
- 2844           b. the height of the facility is not increased;
- 2845           c. the linear length of the facility is not increased;
- 2846           d. the footprint of the facility is not expanded waterward;
- 2847           e. done in accordance with the Regional Road Maintenance Guidelines;
- 2848           f. done in accordance with the adopted King County Flood Hazard
- 2849 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 2850 State Aquatic Habitat Guidelines Program, 2002); and
- 2851           f. monitoring is conducted for three years following maintenance or repair and
- 2852 an annual report is submitted to the department.

2853 21. Only if:

2854 a. the activity is not part of a mitigation plan associated with another  
2855 development proposal or is not corrective action associated with a violation; and

2856 b. the activity is sponsored or co-sponsored by a public agency that has natural  
2857 resource management as its primary function or a federally-recognized tribe, and the  
2858 activity is limited to:

2859 (1) revegetation of the critical area and its buffer with native vegetation or the  
2860 removal of noxious weeds or invasive vegetation;

2861 (2) placement of weirs, log controls, spawning gravel, woody debris and  
2862 other specific salmonid habitat improvements;

2863 (3) hand labor except:

2864 (a) the use of riding mower or light mechanical cultivating equipment and  
2865 herbicides or biological control methods when prescribed by the King County noxious  
2866 weed control board for the removal of noxious weeds or invasive vegetation; or

2867 (b) the use of helicopters or cranes if they have no contact with or otherwise  
2868 disturb the critical area or its buffer.

2869 22. If done with hand equipment and does not involve any clearing.

2870 23. Limited to removal of vegetation for forest fire prevention purposes in  
2871 accordance with best management practices approved by the King County fire marshal.

2872 24. Limited to the removal of downed trees.

2873 SECTION 68. Ordinance 14259, Section 4, as amended, and K.C.C. 16.82.052

2874 are each hereby amended to read as follows:

2875           A. The director shall have the authority to issue temporary permits for  
2876 excavations, processing, quarrying and mining, and removal of sand, gravel, rock and  
2877 other natural deposits, together with the necessary buildings, apparatus or appurtenances  
2878 incident thereto for specific jobs on application for highway, road, street, airport  
2879 construction, flood control and other public works projects. In conjunction with such  
2880 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants  
2881 and asphalt-batching plants may be authorized by this temporary permit. The director  
2882 shall also have the authority to issue temporary permits for the removal of existing  
2883 stockpiles of previously mined materials for the reclamation of land to its best use,  
2884 consistent with the underlying zoning.

2885           B. The department (~~(of development and environmental services)~~) shall consider  
2886 the effect of the proposed operation on the county road system and any effect it may have  
2887 on surface or groundwater drainage and flood control, and shall make such  
2888 recommendations as are necessary to protect the public interest in this regard.

2889           C. The department (~~(of development and environmental services)~~) shall also  
2890 consider the effect of the proposed operation on the current and future land use in the area  
2891 affected by the proposed operation and shall condition permits as necessary to protect the  
2892 public interest in this regard. Temporary permits are good for the life of the contract of  
2893 the specific job but must be reviewed annually. Each temporary permit site shall be fully  
2894 restored during the term of the temporary permit, unless the site is subsequently  
2895 designated with an M zone classification.

2896           SECTION 69. Ordinance 15053, Section 11, and K.C.C. 16.82.105 are each  
2897 hereby amended to read as follows:

2898           A. Hours of operation for clearing and grading activities, unless otherwise  
2899 specified by the director, shall be between seven a.m. and seven p.m. Monday through  
2900 Saturday and between ten a.m. and five p.m. Sunday.

2901           B. Before approving any variation of the hours of operation, the department (~~(of~~  
2902 ~~development and environmental services))~~), in consultation with the Seattle-King County  
2903 department of public health, shall:

2904                 1. Determine whether the development proposal can comply with nighttime  
2905 noise standards in accordance with K.C.C. chapter 12.88;

2906                 2. Determine whether the development proposal will cause significant adverse  
2907 noise effects to the community; and

2908                 3. Require mitigation for any identified impacts before the department (~~(of~~  
2909 ~~development and environmental services))~~) approves a variation in the hours of operation.

2910           C. The department's (~~(of development and environmental services's))~~) decision to  
2911 approve a variation in the hours of operation shall be in writing and shall include a  
2912 specific finding of compliance with the noise standards, the facts and conclusions  
2913 supporting that finding and any mitigation, conditions or limitations imposed. All  
2914 decisions made under this section shall be compiled by the department (~~(of development~~  
2915 ~~and environmental services))~~) and made available for public inspection.

2916           SECTION 70. Ordinance 2097, Section 2, as amended, and K.C.C. 17.04.020 are  
2917 each hereby amended to read as follows:

2918                 Whenever the following words appear in this code, they are to be changed as  
2919 follows:



2920           A. "Fire chief", "chief of the fire department," "fire prevention engineer" and  
2921 "fire code official" to "King County fire marshal".

2922           B. "Fire department" to "King County fire marshal division."

2923           C. "Department" to "the department of ~~((development and environmental~~  
2924 ~~services))~~ permitting and environmental review."

2925           SECTION 71. Ordinance 12560, Section 154, as amended, and K.C.C. 17.04.230  
2926 are each hereby amended to read as follows:

2927           Section 104.1 of the International Fire Code is supplemented with the following:

2928           **Duties of the fire marshal ~~((division))~~ and fire districts (IFC 104.1.3).**

2929           1. The fire marshal ~~((division within the King County department of development~~  
2930 ~~and environmental services shall be operated under the direction of the Fire marshal,~~  
2931 ~~and))~~ shall have responsibility for ~~((investigation,))~~ administration and inspection  
2932 functions to promote compliance of the fire prevention provisions of this code.

2933           2. The Chiefs of the King County Fire Districts and Fire Departments shall have  
2934 responsibility for fire suppression or extinguishing provisions of this code within their  
2935 respective jurisdictions.

2936           3. The fire marshal may, by written contract, delegate to the chiefs of the fire  
2937 districts or fire departments authority for inspections of the fire prevention provisions of  
2938 this code within their respective jurisdictions.

2939           4. The fire marshal ~~((division))~~ may, at the request of a fire districts or fire  
2940 department, assume an advisory status in matters of operations, function, expenditure,  
2941 tactics, personnel and equipment or any other function performed by the fire district or  
2942 fire department.

2943            SECTION 72. Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270  
2944 are each hereby amended to read as follows:

2945            Section 104.8 of the International Fire Code is supplemented with the following:

2946            **Deviations (IFC 104.8.1).** The ~~((Fire Marshal))~~ fire marshal or his/her designee  
2947 shall have the authority to consider deviations from the standards established for life  
2948 safety/rescue access, fire detection systems and fire sprinkler systems.

2949            1. If the ~~((Fire Marshal))~~ fire marshal finds that the deviation would not  
2950 unreasonably reduce fire protection to the area or structures served, and determines that  
2951 the deviation should be approved, the ~~((Fire Marshal))~~ fire marshal shall notify the fire  
2952 chief of the applicable fire district of the deviation request. The ~~((Fire Marshal))~~ fire  
2953 marshal may approve the deviation if the fire chief of the applicable fire district either  
2954 concurs in writing with the ~~((Fire Marshal))~~ fire marshal or does not respond in writing  
2955 within seven working days after notification of the deviation request. The fire district  
2956 chief's lack of response shall be taken as an indication that the fire chief concurs with the  
2957 ~~((Fire Marshal's))~~ fire marshal's finding.

2958            2. If a response is received within seven days which is not in accordance with the  
2959 opinion of the director of the department of ~~((development and environmental services))~~  
2960 permitting and environmental review or his/her designee, the issue shall be submitted to  
2961 the King County fire code appeals board.

2962            SECTION 73. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are  
2963 each hereby amended to read as follows:

2964            Section 503.3 of the International Fire Code is not adopted and the following is  
2965 substituted:

2966 **Marking of and establishment of fire lanes (IFC 503.3).**

2967 A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall  
2968 be established by the King County fire marshal or his authorized designee, and shall be  
2969 referred to as designated fire lanes in this section.

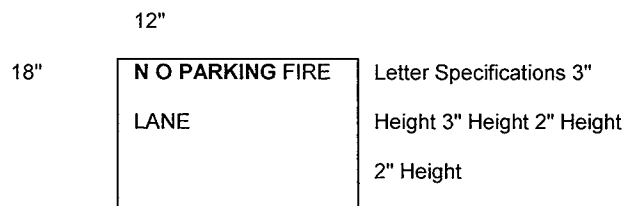
2970 B. Definition of Fire Lanes. The area within any public right-of-way, easement,  
2971 or on private property designated for the purpose of permitting fire trucks and other fire  
2972 fighting or emergency equipment to use, travel upon, and park.

2973 C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the  
2974 following manner:

2975 1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending  
2976 the length of the designated fire lane. The pavement adjacent to the painted curbs shall  
2977 be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush  
2978 stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at  
2979 50 foot or portion thereof intervals, or

2980 2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe  
2981 painted extending the length of the designated fire lane. The surface adjacent to the stripe  
2982 shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch  
2983 brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and  
2984 spaced at 50 ft. or portion thereof intervals, or

2985 3. Fire lane signs shall be installed per the illustration:



- 2986 a. Reflective in nature.
- 2987 b. Red letters on white background.
- 2988 c. Signs to be spaced 50 feet or portion thereof apart and posted on or
- 2989 immediately next to the curb.
- 2990 d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.
- 2991 e. Signs may be placed on a building when approved by the fire marshal as the
- 2992 designee of the manager of the department of ~~((development and environmental~~
- 2993 ~~services))~~ permitting and environmental review.

2994 When posts are required they shall be a minimum of 2 inch galvanized steel or 4

2995 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the

2996 vehicular travel.

2997 D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire

2998 lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard

2999 as defined in state law and an immediate hazard to life and property.

3000 E. Alternate Materials and Methods. The fire marshal as designee of the manager

3001 of the department of ~~((development and environmental services))~~ permitting and

3002 environmental review may modify any of the provisions herein where practical

3003 difficulties exist. The particulars of a modification shall be granted by the fire marshal

3004 and shall be entered into the records of the office.

3005 F. Existing fire lane signs and markings.

3006 1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a

3007 need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

3008           2. Markings may be allowed to remain until there is a need for repainting and at  
3009 that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

3010           G. Maintenance. Fire lane markings shall be maintained at the expense of the  
3011 property owner(s) as often as needed to clearly identify the designated area as being a fire  
3012 lane.

3013           H. Towing notification. At each entrance to property where fire lanes have been  
3014 designated, signs shall be posted in a clearly conspicuous location and shall clearly state  
3015 that vehicles parked in fire lanes may be impounded, and the name, telephone number,  
3016 and address of the towing firm where the vehicle may be redeemed.

3017           I. Property owner responsible. The owner, manager, or person in charge of any  
3018 property upon which designated fire lanes have been established shall prevent the parking  
3019 of vehicles or placement of other obstructions in such fire lanes.

3020           J. Violation - Civil infraction. Any person who fails to mark or maintain the  
3021 marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in,  
3022 allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire  
3023 lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The  
3024 penalty for failing to mark or maintain the marking of a designated fire lane shall be one  
3025 hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a  
3026 vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty  
3027 dollars.

3028           K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions  
3029 of subsection E, any person who fails to meet the provisions of the fire lane requirements

3030 codified in this title shall be subject to civil penalties in conformance with K.C.C.

3031 Chapter 23.

3032 L. Impoundment. Any vehicle or object obstructing a designated fire lane is  
3033 hereby declared a traffic hazard and may be abated without prior notification to its owner  
3034 by impoundment pursuant to the applicable state law.

3035 SECTION 74. Section 75 of this ordinance expires December 31, 2013.

3036 SECTION 75. Ordinance 16147, Section 2, and K.C.C. 18.17.010 are each  
3037 hereby amended to read as follows:

3038 The definitions in this section apply throughout this chapter unless the context  
3039 clearly requires otherwise.

3040 A. "Capital project" refers to a project with a scope that includes one or more of  
3041 the following elements: acquisition of a site or acquisition of an existing structure, or  
3042 both; program or site master planning; environmental analysis; design; construction;  
3043 major equipment acquisition; reconstruction; demolition; or major alteration of a capital  
3044 asset. A capital project shall include: a project program plan; scope; budget by task; and  
3045 schedule.

3046 B. "County green building team" or "green building team" means a group that  
3047 includes representatives from county agencies with capital project or building  
3048 management staff including, but not limited to, the department of transportation, the  
3049 department of natural resources and parks, the department of executive services, the  
3050 department of ~~((development and environmental services))~~ permitting and environmental  
3051 review, the department of public health and the historic preservation program in the  
3052 office of business relations and economic development. The members represent staff

3053 with expertise in project management, construction management, architecture, landscape  
3054 architecture, environmental planning, design, engineering, historic preservation and  
3055 resource conservation, public health, building energy systems, building management,  
3056 budget analysis and other skills as needed. The green building team provides assistance  
3057 and helps to disseminate information to project managers in all county agencies.

3058 C. "Facility" means all or any portion of buildings, structures, infrastructure,  
3059 sites, complexes, equipment, utilities and conveyance lines.

3060 D. "GreenTools program" means the support team located within the solid waste  
3061 division of the department of natural resources and parks that provides green building  
3062 technical assistance to county divisions, cities and the general public within King County.

3063 E. "Integrated design process" means an approach to project design that seeks to  
3064 achieve high performance on a wide variety of well-defined environmental and social  
3065 goals while staying within budgetary and scheduling constraints. It relies on a  
3066 multidisciplinary and collaborative team whose members make decisions together based  
3067 on a shared vision and a holistic understanding of the project. It is an iterative process  
3068 that follows the design through the entire project life, from predesign through operation.

3069 F. "Leadership in Energy and Environmental Design" or "LEED" means a  
3070 voluntary, consensus-based national standard for developing high-performance,  
3071 sustainable buildings. A LEED certification is available for: new construction and major  
3072 renovation projects, which is LEED-NC; existing building operations, which is LEED-  
3073 EB; commercial interior projects, which is LEED-CI; and core and shell projects, which  
3074 is LEED-CS. LEED certifications that are in the pilot phase now include LEED for  
3075 Homes and LEED for Neighborhood Development.

3076 G. "LEED-eligible building" means a new construction project larger than five  
3077 thousand gross square feet of occupied or conditioned space as defined in the Washington  
3078 state energy code, which is chapter 51-11 WAC, or a major building remodel or  
3079 renovation project.

3080 H. "Major remodel or renovation" means work that demolishes space down to the  
3081 shell structure and rebuilds it with new interior walls, ceilings, floor coverings and  
3082 systems, when the work affects more than twenty-five percent of a LEED-eligible  
3083 building's square footage and the affected space is at least five-thousand square feet or  
3084 larger.

3085 I. "Minor remodel or renovation" means any type of remodel or renovation that  
3086 does not qualify as a major remodel or renovation.

3087 J. "New construction" means a new building or structure.

3088 K. "Present value" means the value on a given date of a future payment or series  
3089 of future payments, discounted to reflect the time value of money and other factors such  
3090 as investment risk.

3091 L. "Retrocommissioning" is a detailed, systematic process for investigating an  
3092 existing building's operations and identifying ways to improve performance. The  
3093 primary focus is to identify operational improvements to obtain comfort and energy  
3094 savings.

3095 M. "Sustainable development practices" means whole system approaches to the  
3096 design, construction and operation of buildings and infrastructure that help to mitigate the  
3097 negative environmental, economic, health and social impacts of construction, demolition,  
3098 operation and renovation while maximizing the facilities' positive fiscal, environmental



3099 and functional contribution. Sustainable development practices recognize the  
3100 relationship between natural and built environments and seek to minimize the use of  
3101 energy, water and other natural resources while providing maximum benefits and  
3102 contribution to service levels to the system and the connecting infrastructures.

3103 N. "Sustainable infrastructures" means those infrastructures and facilities that are  
3104 designed, constructed and operated to optimize fiscal, environmental and functional  
3105 performance for the lifecycle of the facility. Sustainable performance of infrastructure  
3106 shall be determined through an integrated assessment, one that accounts for fiscal,  
3107 environmental and functional costs and benefits, over the life of the facility.

3108 SECTION 76. Ordinance 13694, Section 13, and K.C.C. 19A.04.100 are each  
3109 hereby amended to read as follows:

3110 Department: the King County department of (~~development and environmental~~  
3111 ~~services~~) permitting and environmental review.

3112 SECTION 77. Ordinance 13694, Section 14, and K.C.C. 19A.04.110 are each  
3113 hereby amended to read as follows:

3114 Development engineer: the director of the department of (~~development and~~  
3115 ~~environmental services~~) permitting and environmental review or his or her designee,  
3116 authorized to oversee the review, conditioning, inspection and acceptance of right-of-way  
3117 use permits, road and drainage projects constructed pursuant to permits administered by  
3118 the department and required pursuant to this title. The designee shall be a professional  
3119 civil engineer registered and licensed pursuant to chapter 18.43 RCW.

3120 SECTION 78. Ordinance 13694, Section 15, and K.C.C. 19A.04.120 are each  
3121 hereby amended to read as follows:

---

3122 Director: the director of the King County department of (~~development and~~  
3123 ~~environmental services~~) permitting and environmental review or his or her designee.

3124 SECTION 79. Ordinance 3694, Section 78, as amended, and K.C.C. 19A.24.030  
3125 are each hereby amended to read as follows:

3126 An approval block for the department or its successor in substantially the  
3127 following form shall be added to the recording document: —

3128 "Approval of the Department of (~~Development and Environmental Services~~)

3129 Permitting and Environmental Review:

3130 Examined and Approved this \_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

3131 (~~Division Director, Land Use Services Division~~) [Director or Director's

3132 Designee]"

3133 SECTION 80. Ordinance 13694, Section 81, and K.C.C. 19A.28.030 are each  
3134 hereby amended to read as follows:

3135 A. A title insurance certificate updated-not more than thirty days prior to  
3136 recording of the adjustment, which includes all parcels within the adjustment, must be  
3137 submitted to the department with boundary line adjustment final review documents. All  
3138 persons having an ownership interest within the boundary line adjustment shall sign the  
3139 final recording document in the presence of a notary public.

3140 B. Prior to final approval, documentation authorizing the transfer of property  
3141 ownership shall be placed on the original boundary line map along with the legal  
3142 descriptions of those portions of land being transferred when lots are under separate

3143 ownership. Lot lines within lots under the same ownership will be adjusted upon the  
3144 recording of the boundary line adjustment.

3145 C. Final record-of-survey document must be prepared by a land surveyor in  
3146 accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must  
3147 contain a land surveyor's certificate and a recording certificate.

3148 D. The final map page shall contain the following approval blocks:

3149 1. The King County department of assessments to be signed by the King County  
3150 assessor and deputy King County assessor; and

3151 2. The department of ~~((development and environmental services))~~ permitting  
3152 and environmental review, to be signed by the director.

3153 SECTION 81. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050  
3154 are each hereby amended to read as follows:

3155 Zoning adopted pursuant to this section shall constitute official zoning for all of  
3156 unincorporated King County.

3157 A. Official zoning, including but not limited to p-suffix, so-suffix and potential  
3158 zoning, is contained in the SITUS file and is depicted on the official zoning maps, as  
3159 maintained by the department of ~~((development and environmental services))~~ permitting  
3160 and environmental review.

3161 B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby  
3162 adopted to constitute and contain all property-specific development standards (p-suffix  
3163 conditions) applicable in unincorporated King County. The property specific  
3164 development standards (p-suffix conditions) in effect or hereinafter amended shall be

3165 maintained by the department of (~~development and environmental services~~) permitting  
3166 and environmental review in the Property Specific Development Conditions notebook.

3167 Any adoption, amendment or repeal of property-specific development standards shall  
3168 amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or  
3169 hereafter amended.

3170 C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 (~~and~~)  
3171 and as amended by Ordinance 15028, is hereby adopted to constitute and contain special  
3172 district overlays applied through Ordinance 12824. The special district overlays in effect  
3173 or hereinafter amended shall be maintained by the department of (~~development and~~  
3174 ~~environmental services~~) permitting and environmental review in the Special District  
3175 Overlay Application Maps notebook. Any adoption, amendment or repeal of special  
3176 district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as  
3177 currently in effect or hereafter amended.

3178 SECTION 82. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050  
3179 are each hereby amended to read as follows:

3180 A. Site-specific land use map and shoreline master program map amendments are  
3181 legislative actions that may only be initiated by property owner application, by council  
3182 motion or by executive proposal. All site-specific land use map and shoreline master  
3183 program map amendments must be evaluated by the hearing examiner before adoption by  
3184 the council in accordance with this chapter.

3185 1. If initiated by council motion, the motion shall refer the proposed site-  
3186 specific land use map or shoreline master program map amendment to the department of  
3187 (~~development and environmental services~~) permitting and environmental review for

3188 preparation of a recommendation to the hearing examiner. The motion shall also identify  
3189 the resources and the work program required to provide the same level of review  
3190 accorded to applicant-generated amendments. An analysis of the motion's fiscal impact  
3191 shall be provided to the council before adoption. If the executive determines that  
3192 additional funds are necessary to complete the work program, the executive may transmit  
3193 an ordinance requesting the appropriation of supplemental funds;

3194           2. If initiated by executive proposal, the proposal shall refer the proposed site-  
3195 specific land use map or shoreline master program map amendment to the department of  
3196 ~~((development and environmental services))~~ permitting and environmental review for  
3197 preparation of a recommendation to the hearing examiner; and

3198           3. If initiated by property owner application, the property owner shall submit a  
3199 docketed request for a site-specific land use map or shoreline master program map  
3200 amendment. Upon receipt of a docketed request for a site-specific land use map or  
3201 shoreline master program map amendment, the request shall be referred to the department  
3202 of ~~((development and environmental services))~~ permitting and environmental review for  
3203 preparation of a recommendation to the hearing examiner.

3204           B. All proposed site-specific land use map or shoreline master program map  
3205 amendments, whether initiated by property owner application, by council motion or by  
3206 executive proposal shall include the following:

- 3207           1. Name and address of the owner or owners of record;
- 3208           2. Description of the proposed amendment;
- 3209           3. Property description, including parcel number, property street address and  
3210 nearest cross street;

3211 4. County assessor's map outlining the subject property; and

3212 5. Related or previous permit activity.

3213 C. Upon initiation of a site specific land use map or shoreline master program  
3214 map amendment, an initial review conference will be scheduled by the department of  
3215 ~~((development and environmental services))~~ permitting and environmental review. The  
3216 owner or owners of record of the property shall be notified of and invited to attend the  
3217 initial review conference. At the initial review conference, the department will review  
3218 the proposed amendment's consistency with applicable county policies or regulatory  
3219 enactments including specific reference to comprehensive plan policies, countywide  
3220 planning policies and state Growth Management Act requirements. The proposed  
3221 amendment will be classified in accordance with K.C.C. 20.18.040 and this information  
3222 either will be provided at the initial review conference or in writing to the owner or  
3223 owners of record within thirty days after the initial review conference.

3224 D. If a proposed site-specific land use map or shoreline master program map  
3225 amendment is initiated by property owner application, the property owner shall,  
3226 following the initial review conference, submit the completed application including an  
3227 application fee and an environmental checklist to the department of ~~((development and  
3228 environmental services))~~ permitting and environmental review to proceed with review of  
3229 the proposed amendment.

3230 E. If a proposed site-specific land use map or shoreline master program map  
3231 amendment is initiated by council motion, following the initial review conference, the  
3232 council shall submit an environmental checklist to the department of ~~((development and~~

3233 ~~environmental services))~~ permitting and environmental review to proceed with review of  
3234 the proposed amendment.

3235 F. If a proposed site-specific land use map or shoreline master program map  
3236 amendment is initiated by executive proposal, following the initial review conference, the  
3237 executive shall submit an environmental checklist to the department of ~~((development~~  
3238 ~~and environmental services))~~ permitting and environmental review to proceed with  
3239 review of the proposed amendment.

3240 G. Following the submittal of the information required by subsections D., E. or F.  
3241 of this section, the department of ~~((development and environmental services))~~ permitting  
3242 and environmental review shall submit a report including an executive recommendation  
3243 on the proposed amendment to the hearing examiner within one hundred twenty days.  
3244 The department of ~~((development and environmental services))~~ permitting and  
3245 environmental review shall provide notice of a public hearing and notice of threshold  
3246 determination in accordance with K.C.C. 20.20.060.F., G., and H. The hearing will be  
3247 conducted by the hearing examiner in accordance with K.C.C. 20.24.400. Following the  
3248 public hearing, the hearing examiner shall prepare a report and recommendation on the  
3249 proposed amendment in accordance with K.C.C. 20.24.400. A compilation of all  
3250 completed reports will be considered by the council in accordance with K.C.C.  
3251 20.18.070.

3252 H. A property-owner-initiated for a site-specific land use map or shoreline master  
3253 program map amendment may be accompanied by an application for a zone  
3254 reclassification to implement the proposed amendment, in which case administrative  
3255 review of the two applications shall be consolidated to the extent practical consistent with

3256 Ordinance 13147 and K.C.C. chapter 20.20. The council's consideration of a site-  
3257 specific land use map or shoreline master program map amendment is a legislative  
3258 decision which will be determined before and separate from their consideration of a zone  
3259 reclassification which is a quasi-judicial decision. If a zone reclassification is not  
3260 proposed in conjunction with an application for a site-specific land use map or shoreline  
3261 master program map amendment and the amendment is adopted, the property shall be  
3262 given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 will  
3263 be required in order to implement the potential zoning.

3264 I. Site-specific land use map or shoreline master program map amendments for  
3265 which a completed recommendation by the hearing examiner has been submitted to the  
3266 council by January 15 will be considered concurrently with the annual amendment to the  
3267 comprehensive plan. Site specific land use map or shoreline master program map  
3268 amendments for which a recommendation has not been issued by the hearing examiner  
3269 by January 15 will be included in the next appropriate review cycle following issuance of  
3270 the examiner's recommendation.

3271 J.1. No amendment to a land use designation or shoreline environment  
3272 designation for a property may be initiated unless at least three years have elapsed since  
3273 council adoption or review of the current designation for the property. This time limit  
3274 may be waived by the executive or the council if the proponent establishes that there  
3275 exists either an obvious technical error or a change in circumstances justifying the need  
3276 for the amendment.

3277 2. A waiver by the executive shall be considered after the proponent has  
3278 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall



3279 render a waiver decision within forty-five days of receiving a docket request and shall  
3280 mail a copy of this decision to the proponent.

3281 3. A waiver by the council shall be considered by motion.

3282 K. A shoreline master program map amendment and redesignation must meet the  
3283 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state  
3284 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master  
3285 program map amendment and redesignation must be approved by the Washington state  
3286 Department of Ecology.

3287 SECTION 83. Ordinance 13147, Section 25, and K.C.C. 20.18.090 are each  
3288 hereby amended to read as follows:

3289 The department of (~~development and environmental services~~) permitting and  
3290 environmental review shall prepare implementing development regulations to accompany  
3291 any proposed comprehensive plan amendments. In addition, from time to time,  
3292 department of (~~development and environmental services~~) permitting and environmental  
3293 review may propose development regulations to further implement the comprehensive  
3294 plan, consistent with the requirements of the Washington State Growth Management Act.  
3295 Notice of proposed amendments to development regulations shall be provided to the state  
3296 and to the public pursuant to K.C.C. 20.18.150.

3297 SECTION 84. Section 85 of this ordinance expires December 31, 2012.

3298 SECTION 85. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020  
3299 are each hereby amended to read as follows:

3300 A. Land use permit decisions are classified into four types, based on who makes  
3301 the decision, whether public notice is required, whether a public hearing is required

3302 before a decision is made and whether administrative appeals are provided. The types of  
3303 land use decisions are listed in subsection E. of this section.

3304 1. Type 1 decisions are made by the director, or his or her designee, ("director")  
3305 of the department of (~~development and environmental services~~) permitting and  
3306 environmental review ("department"). Type 1 decisions are nonappealable administrative  
3307 decisions.

3308 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
3309 decisions that are subject to administrative appeal.

3310 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
3311 following an open record hearing. Type 3 decisions may be appealed to the county  
3312 council, based on the record established by the hearing examiner.

3313 4. Type 4 decisions are quasi-judicial decisions made by the council based on  
3314 the record established by the hearing examiner.

3315 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless  
3316 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in  
3317 consolidated permit applications that would require more than one type of land use  
3318 decision process may be processed and decided together, including any administrative  
3319 appeals, using the highest-numbered land use decision type applicable to the project  
3320 application.

3321 C. Certain development proposals are subject to additional procedural  
3322 requirements beyond the standard procedures established in this chapter.

3323 D. Land use permits that are categorically exempt from review under SEPA do  
3324 not require a threshold determination (determination of nonsignificance ["DNS"]) or

3325 determination of significance ["DS"]). For all other projects, the SEPA review  
 3326 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

3327 E. Land use decision types are classified as follow:

<p>TYPE 1</p>	<p>(Decision by director, no administrative appeal)</p>	<p>Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.09C; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.</p>
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<p>TYPE 21,2</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit<sup>3</sup>; location of an antenna under K.C.C. 21A.26.451.C.4; location of minor communication facility support structure less than forty feet high in a nonresidential zone under K.C.C. 21A.26.451.C.2; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.</p>
<p>TYPE 31</p>	<p>(Recommendation by director, hearing and decision by hearing</p>	<p>Preliminary plat; plat alterations; preliminary plat revisions; location of a tower or antenna that exceeds forty feet in height in a nonresidential zone under K.C.C.</p>

	examiner, appealable to county council on the record)	21A.26.451.C.2.
TYPE 41,4	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or <u>deletion</u> of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

3328 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA  
 3329 appeals and appeals of Type 3 and 4 decisions to the council.

3330 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring  
 3331 Type 3 or 4 land use decisions under this chapter (~~or under K.C.C. 25.32.080~~), the  
 3332 examiner, not the director, makes the decision.

3333 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to  
 3334 the state Shorelines Hearings Board and not to the hearing examiner.

3335 <sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the  
 3336 council at any time. Zone reclassifications that are not consistent with the  
 3337 Comprehensive Plan require a site-specific land use map amendment and the council's  
 3338 hearing and consideration shall be scheduled with the amendment to the Comprehensive  
 3339 Plan under K.C.C. 20.18.040 and 20.18.060.

3340 F. The definitions in K.C.C. 21A.45.020 apply to this section.

3341 G. In the Kirkland Finn Hill/Juanita/Kingsgate Annexation Area, as shown on the  
3342 map in Ordinance 17029, the manner of concealment for any minor communication  
3343 facility that is a Type II or Type III land use decision shall be reviewed and determined as  
3344 part of that process.

3345 SECTION 86. Section 87 of this ordinance takes effect December 31, 2012.

3346 SECTION 87. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020  
3347 are each hereby amended to read as follows:

3348 A. Land use permit decisions are classified into four types, based on who makes  
3349 the decision, whether public notice is required, whether a public hearing is required  
3350 before a decision is made and whether administrative appeals are provided. The types of  
3351 land use decisions are listed in subsection E. of this section.

3352 1. Type 1 decisions are made by the director, or his or her designee, ("director")  
3353 of the department of ~~((development and environmental services))~~ permitting and  
3354 environmental review ("department"). Type 1 decisions are nonappealable administrative  
3355 decisions.

3356 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
3357 decisions that are subject to administrative appeal.

3358 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
3359 following an open record hearing. Type 3 decisions may be appealed to the county  
3360 council, based on the record established by the hearing examiner.

3361 4. Type 4 decisions are quasi-judicial decisions made by the council based on  
3362 the record established by the hearing examiner.

3363 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless  
 3364 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in  
 3365 consolidated permit applications that would require more than one type of land use  
 3366 decision process may be processed and decided together, including any administrative  
 3367 appeals, using the highest-numbered land use decision type applicable to the project  
 3368 application.

3369 C. Certain development proposals are subject to additional procedural  
 3370 requirements beyond the standard procedures established in this chapter.

3371 D. Land use permits that are categorically exempt from review under SEPA do  
 3372 not require a threshold determination (determination of nonsignificance ["DNS"] or  
 3373 determination of significance ["DS"]). For all other projects, the SEPA review  
 3374 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

3375 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary
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<p>—</p>		<p>line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.</p>
<p>TYPE 21,2</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit<sup>3</sup>; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive</p>



		operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 31	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 41,4	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

3376 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA  
 3377 appeals and appeals of Type 3 and 4 decisions to the council.

3378 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring  
 3379 Type 3 or 4 land use decisions under this chapter (~~or under K.C.C. 25.32.080~~), the  
 3380 examiner, not the director, makes the decision.

3381 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to  
 3382 the state Shorelines Hearings Board and not to the hearing examiner.

3383 4 Approvals that are consistent with the Comprehensive Plan may be considered by the  
3384 council at any time. Zone reclassifications that are not consistent with the  
3385 Comprehensive Plan require a site-specific land use map amendment and the council's  
3386 hearing and consideration shall be scheduled with the amendment to the Comprehensive  
3387 Plan under K.C.C. 20.18.040 and 20.18.060.

3388 F. The definitions in K.C.C. 21A.45.020 apply to this section.

3389 SECTION 88. Ordinance 16950, Section 10, and K.C.C. 20.20.035 are each  
3390 hereby amended to read as follows:

3391 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community  
3392 meeting, under this section, before filing of an application, notice of the meeting shall be  
3393 given and the meeting shall be conducted as follows:

3394 A. At least two weeks in advance, the applicant shall:

3395 1. Publish notice of the meeting in the local paper and mail and email to the  
3396 department and to the unincorporated area council serving the area in which potential  
3397 sites are contemplated, and

3398 2. Mail notice of the meeting to all property owners within five hundred feet or  
3399 at least twenty of the nearest property owners, whichever is greater, as provided in  
3400 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible  
3401 development, to be discussed at the community meeting. The mailed notice shall, at a  
3402 minimum, contain a brief description and purpose of the proposal, approximate location  
3403 noted on an assessor map with address and parcel number, photograph or sketch of any  
3404 existing or proposed structures, a statement that alternative sites proposed by citizens can  
3405 be presented at the meeting that will be considered by the applicant, a contact name and

3406 telephone number to obtain additional information and other information deemed  
3407 necessary by the department of (~~development and environmental services~~) permitting  
3408 and environmental review. Because the purpose of the community meeting is to promote  
3409 early discussion, applicants shall to note any changes to the conceptual information  
3410 presented in the mailed notice when they submit an application.

3411 B. At the community meeting at which at least one employee of the department  
3412 of (~~development and environmental services~~) permitting and environmental review,  
3413 assigned by the director of the department, shall be in attendance, the applicant shall  
3414 provide information relative to the proposal and any modifications proposed to existing  
3415 structures or any new structures and how the proposal is compatible with the character of  
3416 the surrounding neighborhood. An applicant shall also provide with the applicant's  
3417 application a list of meeting attendees, those receiving mailed notice of the meeting and a  
3418 record of the published meeting notice.

3419 C. The applicant shall, in the notice required under subsection A.2. of this  
3420 section, and at the community meeting required under subsection B. of this section ,  
3421 advise that persons interested in the applicant's proposal may monitor the progress of the  
3422 permitting of that proposal by contacting the department or by viewing the department's  
3423 website, the address of which will be provided in the notice and at the community  
3424 meeting.

3425 SECTION 89. Ordinance 16026, Section 2, and K.C.C. 20.24.085 are each  
3426 hereby amended to read as follows:

3427 A. As provided in K.C.C. chapter 27.50, on appeals of permit fee estimates and  
3428 billings by the department of (~~development and environmental services~~) permitting and

3429 environmental review, the examiner shall receive and examine the available information,  
3430 conduct public hearings and issue final decisions, including findings and conclusions,  
3431 based on the issues and evidence.

3432 B. The examiner that conducts the appeal hearing or hearings under K.C.C.  
3433 chapter 27.50 of a permit fee estimate and/or permit fee billing related to a development  
3434 permit application by the department of ~~((development and environmental services))~~  
3435 permitting and environmental review shall not have conducted and shall not conduct the  
3436 hearing on any other component of that development permit application.

3437 SECTION 90. Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197  
3438 are each hereby amended to read as follows:

3439 Whenever the examiner in the course of conducting hearings or reviewing  
3440 preliminary plat applications receives documentation that the public schools in the district  
3441 where the development is proposed would not meet the standards set out in K.C.C.  
3442 21A.28.160 if the development were approved, the examiner shall remand to the  
3443 department of ~~((development and environmental services))~~ permitting and environmental  
3444 review to require or recommend phasing or provision of the needed facilities and sites as  
3445 appropriate to address the deficiency, or deny the proposal if required by this chapter.

3446 The examiner shall prepare findings to document the facts that support the action taken.

3447 The examiner shall recommend such phasing as may be necessary to coordinate the  
3448 development of the housing with the provision of sufficient school facilities, or shall  
3449 require the provision of the needed facilities. An offer of payment of a school impact fee  
3450 as required by ordinance shall not be a substitute for the phasing, but the fee is still  
3451 assessable. The examiner shall recommend a payment schedule for the fee to coordinate

3452 the payment with phasing of an impact mitigation fee if the provision or payment is  
3453 satisfactory to the district. The examiner must determine independently that the  
3454 conditions of approval and assessable fees will provide for adequate schools.

3455 SECTION 91. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are  
3456 each hereby amended to read as follows:

3457 The procedures and standards regarding the timing and content of environmental  
3458 review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the  
3459 following:

3460 A. The optional provision of WAC 197-11-060(3)(c) is adopted.

3461 B. Under WAC 197-11-100, the applicant shall prepare the initial environmental  
3462 checklist, unless the lead agency specifically elects to prepare the checklist. The lead  
3463 agency shall make a reasonable effort to verify the information in the environmental  
3464 checklist and shall have the authority to determine the final content of the environmental  
3465 checklist.

3466 C. The department of (~~development and environmental services~~) permitting and  
3467 environmental review may set reasonable deadlines for the submittal of information,  
3468 studies, or documents necessary for, or subsequent to, threshold determinations. Failure  
3469 to meet such deadlines shall cause the application to be deemed withdrawn, and plans or  
3470 other data previously submitted for review may be returned to the applicant together with  
3471 any unexpended portion of the application review fees.

3472 SECTION 92. Ordinance 6949, Section 7, as amended, and K.C.C. 20.44.050 are  
3473 each hereby amended to read as follows:

3474           The procedures and standards for preparation of environmental impact statements  
3475 and other environmental documents pursuant to WAC 197-11-400 through 197-11-460  
3476 and 197-11-600 through 197-11-640 are adopted, subject to the following:

3477           A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of  
3478 significance and scoping notices shall be in writing, except where a public meeting on  
3479 EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

3480           B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county  
3481 department acting as lead agency shall be responsible for preparation and content of EIS's  
3482 and other environmental documents. The department shall contract with consultants as  
3483 necessary for the preparation of environmental documents. The department may consider  
3484 the opinion of the applicant regarding the qualifications of the consultant but the  
3485 department shall retain sole authority for selecting persons or firms to author, co-author,  
3486 provide special services or otherwise participate in the preparation of required  
3487 environmental documents.

3488           C. Consultants or subconsultants selected by King County to prepare  
3489 environmental documents for a private development proposal shall not: act as agents for  
3490 the applicant in preparation or acquisition of associated underlying permits; have a  
3491 financial interest in the proposal for which the environmental document is being  
3492 prepared; perform any work or provide any services for the applicant in connection with  
3493 or related to the proposal.

3494           D. The department shall establish and maintain one or more lists of qualified  
3495 consultants who are eligible to receive contracts for preparation of environmental  
3496 documents. Separate lists may be maintained to reflect specialized qualifications or

3497 expertise. When the department requires consultant services to prepare environmental  
3498 documents, the department shall select a consultant from the lists and negotiate a contract  
3499 for such services. The department director may waive these requirements as provided for  
3500 in rules adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to  
3501 K.C.C. 2.98, the department of ~~((development and environmental services))~~ permitting  
3502 and environmental review shall ~~((promulgate administrative rules prior to the effective~~  
3503 ~~date of Ordinance 8998))~~ adopt public rules that establish processes to: create and  
3504 maintain a qualified consultant list; select consultants from the list; remove consultants  
3505 from the list; provide a method by which applicants may request a reconsideration of  
3506 selected consultants based upon costs, qualifications, or timely production of the  
3507 environmental document; and waive the consultant selection requirements of this chapter  
3508 on any basis provided by K.C.C. 4.16.

3509 E. All costs of preparing the environment document shall be borne by the  
3510 applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of  
3511 ~~((development and environmental services))~~ permitting and environmental review shall  
3512 promulgate administrative rules which establish a trust fund for consultant payment  
3513 purposes, define consultant payment schedules, prescribe procedures for treating interest  
3514 from deposited funds, and develop other procedures necessary to implement this chapter.

3515 F. In the event an applicant decides to suspend or abandon the project, the  
3516 applicant must provide formal written notice to the department and consultant. The  
3517 applicant shall continue to be responsible for all monies expended by the division or  
3518 consultants to the point of receipt of notification to suspend or abandon, or other

3519 obligations or penalties under the terms of any contract let for preparation of the  
3520 environmental documents.

3521 G. The department shall only publish an environmental impact statement (EIS)  
3522 when it believes that the EIS adequately disclose: the significant direct, indirect, and  
3523 cumulative adverse impacts of the proposal and its alternatives; mitigation measures  
3524 proposed and committed to by the applicant, and their effectiveness in significantly  
3525 mitigating impacts; mitigation measures that could be implemented or required; and  
3526 unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a  
3527 final environmental impact statement shall be issued by the department within 270 days  
3528 following the issuance of a DS for the proposal, except for public projects and nonproject  
3529 actions, unless the department determines at the time of issuance of the DS that a longer  
3530 time period will be required because of the extraordinary size of the proposal or the scope  
3531 of the environmental impacts resulting therefrom; provided that the additional time shall  
3532 not exceed ninety days unless agreed to by the applicant.

3533 H. The following periods shall be excluded from the two hundred seventy day  
3534 time period for issuing a final environmental impact statement:

3535 1. Any time period during which the applicant has failed to pay required  
3536 environmental review fees to the department;

3537 2. Any period of time during which the applicant has been requested to provide  
3538 additional information required for preparation of the environmental impact statement,  
3539 and

3540 3. Any period of time during which the applicant has not authorized the  
3541 department to proceed with preparation of the environmental impact statement.



3542            SECTION 93. Ordinance 6949, Section 12, as amended, and K.C.C. 20.44.100

3543 are each hereby amended to read as follows:

3544            All requests from other agencies that King County consult on threshold  
3545 investigations, the scope process, EIS's or other environmental documents shall be  
3546 submitted to the department of (~~development and environmental services~~) permitting  
3547 and environmental review. The department shall be responsible for coordination with  
3548 other affected county departments and for compiling and transmitting King County's  
3549 response to such requests for consultation.

3550            SECTION 94. Ordinance 6949, Section 15, as amended, and K.C.C. 20.44.130

3551 are each hereby amended to read as follows:

3552            A. County departments which administer activities subject to SEPA may prepare  
3553 rules and regulations pursuant to K.C.C. chapter 2.98 for the implementation of SEPA,  
3554 WAC chapter 197-11 and this chapter.

3555            B. The rules and regulations prepared by the department of (~~development and~~  
3556 ~~environmental services~~) permitting and environmental review, which exercises initial  
3557 jurisdiction over a private proposal, shall not become effective until approved by the  
3558 council by motion.

3559            SECTION 95. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are

3560 each hereby amended to read as follows:

3561            The following words and terms shall, when used in this chapter, be defined as  
3562 follows unless a different meaning clearly appears from the context:

3563            A. "Alteration" is any construction, demolition, removal, modification,  
3564 excavation, restoration or remodeling of a landmark.

3565 B. "Building" is a structure created to shelter any form of human activity, such as  
3566 a house, barn, church, hotel or similar structure. Building may refer to an historically  
3567 related complex, such as a courthouse and jail or a house and barn.

3568 C. "Certificate of appropriateness" is written authorization issued by the  
3569 commission or its designee permitting an alteration to a significant feature of a  
3570 designated landmark.

3571 D. "Commission" is the landmarks commission created by this chapter.

3572 E. "Community landmark" is an historic resource which has been designated  
3573 pursuant to K.C.C. 20.62.040 but which may be altered or changed without application  
3574 for or approval of a certificate of appropriateness.

3575 F. "Designation" is the act of the commission determining that an historic  
3576 resource meets the criteria established by this chapter.

3577 G. "Designation report" is a report issued by the commission after a public  
3578 hearing setting forth its determination to designate a landmark and specifying the  
3579 significant feature or features thereof.

3580 H. "Director" is the director of the King County department of ~~((development and  
3581 environmental services))~~ permitting and environmental review or his or her designee.

3582 I. "District" is a geographically definable area, urban or rural, possessing a  
3583 significant concentration, linkage, or continuity of sites, buildings, structures, or objects  
3584 united by past events or aesthetically by plan or physical development. A district may  
3585 also comprise individual elements separated geographically but linked by association or  
3586 history.

3587 J. "Heritage" is a discipline relating to historic preservation and archaeology,  
3588 history, ethnic history, traditional cultures and folklore.

3589 K. "Historic preservation officer" is the King County historic preservation officer  
3590 or his or her designee.

3591 L. "Historic resource" is a district, site, building, structure or object significant in  
3592 national, state or local history, architecture, archaeology, and culture.

3593 M. "Historic resource inventory" is an organized compilation of information on  
3594 historic resources considered to be significant according to the criteria listed in K.C.C.  
3595 20.62.040A. The historic resource inventory is kept on file by the historic preservation  
3596 officer and is updated from time to time to include newly eligible resources and to reflect  
3597 changes to resources.

3598 N. "Incentives" are such compensation, rights or privileges or combination  
3599 thereof, which the council, or other local, state or federal public body or agency, by virtue  
3600 of applicable present or future legislation, may be authorized to grant to or obtain for the  
3601 owner or owners of designated landmarks. Examples of economic incentives include but  
3602 are not limited to tax relief, conditional use permits, rezoning, street vacation, planned  
3603 unit development, transfer of development rights, facade easements, gifts, preferential  
3604 leasing policies, private or public grants-in-aid, beneficial placement of public  
3605 improvements, or amenities, or the like.

3606 O. "Interested person of record" is any individual, corporation, partnership or  
3607 association which notifies the commission or the council in writing of its interest in any  
3608 matter before the commission.

3609 P. "Landmark" is an historic resource designated as a landmark pursuant to  
3610 K.C.C. 20.62.060.

3611 Q. "Nomination" is a proposal that an historic resource be designated a landmark.

3612 R. "Object" is a material thing of functional, aesthetic, cultural, historical, or  
3613 scientific value that may be, by nature or design, movable yet related to a specific setting  
3614 or environment.

3615 S. "Owner" is a person having a fee simple interest, a substantial beneficial  
3616 interest of record or a substantial beneficial interest known to the commission in an  
3617 historic resource. Where the owner is a public agency or government, that agency shall  
3618 specify the person or persons to receive notices under this chapter.

3619 T. "Person" is any individual, partnership, corporation, group or association.

3620 U. "Person in charge" is the person or persons in possession of a landmark  
3621 including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a  
3622 receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly  
3623 in control of the landmark.

3624 V. "Preliminary determination" is a decision of the commission determining that  
3625 an historic resource which has been nominated for designation is of significant value and  
3626 is likely to satisfy the criteria for designation.

3627 W. "Significant feature" is any element of a landmark which the commission has  
3628 designated pursuant to this chapter as of importance to the historic, architectural or  
3629 archaeological value of the landmark.

3630 X. "Site" is the location of a significant event, a prehistoric or historic occupation  
3631 or activity, or a building or structure, whether standing, ruined, or vanished, where the

3632 location itself maintains an historical or archaeological value regardless of the value of  
3633 any existing structures.

3634 Y. "Structure" is any functional construction made usually for purposes other  
3635 than creating human shelter.

3636 SECTION 96. Ordinance 10870, Section 40, and K.C.C. 21A.04.190 are each  
3637 hereby amended to read as follows:

3638 A. The location and boundaries of the zones defined by this chapter shall be  
3639 shown and delineated on zoning maps adopted by ordinance.

3640 B. Changes in the boundaries of the zones, including application or amendment  
3641 of interim zoning, shall be made by ordinance adopting or amending a zoning map.

3642 C. Zoning maps are available for public review at the department of  
3643 ~~((development and environmental services))~~ permitting and environmental review permit  
3644 center during business hours.

3645 SECTION 97. Ordinance 10870, Section 96, and K.C.C. 21A.06.280 are each  
3646 hereby amended to read as follows:

3647 Department: the King County department of ~~((development and environmental  
3648 services))~~ permitting and environmental review or its successor agency.

3649 SECTION 98. Ordinance 10870, Section 105, and K.C.C. 21A.06.325 are each  
3650 hereby amended to read as follows:

3651 Director: the director of King County department of ~~((development and  
3652 environmental services))~~ permitting and environmental review, or his or her designee.

3653 SECTION 99. Ordinance 10870, Section 340, as amended, and K.C.C.  
3654 21A.12.030 are each hereby amended to read as follows:

3655

A. Densities and dimensions - residential zones.

STANDARDS	RESIDENTIAL												
	Z O N E S	RURAL				URBA N RE- SERV E	URBAN RESIDENTIAL						
	RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R- 12	R- 18	R- 24	R- 48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling Unit/Acre (15)	du/ ac	du/ ac	du/a c	du/a c	du/ac (21)	du/a c	du/a c (6)	du/ ac	du/ ac	du/ ac	du/ ac	du/ ac	du/ ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ ac (20)						6 du/a c (22)	9 du/ ac (27)	12 du/ ac (27)	18 du/ ac (27)	27 du/ ac (27)	36 du/ ac (27)	72 du/ ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18) (18)	85% (12) (12) (18)	80% (18) (18)	75% (18) (18)	70% (18) (18)	65% (18) (18)
Minimum Lot Area (13)	1.8 75 ac	3.7 5 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum	5 ft	10ft	10 ft	10 ft	5 ft (7)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

Interior Setback (3) (16)	(9)	(9)	(9)	(9)		(7)				(10)	(10)	(10)	(10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25 % (11) (19) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5 % (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70 % (26)	75 % (26)	85 % (26)	85 % (26)	85 % (26)	90 % (26)

3656

B. Development conditions.

3657

1. This maximum density may be achieved only through the application of

3658

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

3659

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

3660

density incentive or density transfer.

3661

2. Also see K.C.C. 21A.12.060.

3662

3. These standards may be modified under the provisions for zero-lot-line and

3663

townhouse developments.

3664

4. Height limits may be increased if portions of the structure that exceed the

3665

base height limit provide one additional foot of street and interior setback for each foot

3666

above the base height limit, but the maximum height may not exceed seventy-five feet.

3667

Netting or fencing and support structures for the netting or fencing used to contain golf

3668

balls in the operation of golf courses or golf driving ranges are exempt from the

3669 additional interior setback requirements but the maximum height shall not exceed  
3670 seventy-five feet, except for large active recreation and multiuse parks, where the  
3671 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball  
3672 trajectory study requires a higher fence.

3673 5. Applies to each individual lot. Impervious surface area standards for:

3674 a. Regional uses shall be established at the time of permit review;

3675 b. Nonresidential uses in residential zones shall comply with K.C.C.

3676 21A.12.120 and 21A.12.220;

3677 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
3678 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
3679 comparable R-6 or R-8 zone; and

3680 d. A lot may be increased beyond the total amount permitted in this chapter  
3681 subject to approval of a conditional use permit.

3682 6. Mobile home parks shall be allowed a base density of six dwelling units per  
3683 acre.

3684 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
3685 square feet in area.

3686 8. At least twenty linear feet of driveway shall be provided between any garage,  
3687 carport or other fenced parking area and the street property line. The linear distance shall  
3688 be measured along the center line of the driveway from the access point to such garage,  
3689 carport or fenced area to the street property line.

3690 9.a. Residences shall have a setback of at least one hundred feet from any  
3691 property line adjoining A, M or F zones or existing extractive operations. However,



3692 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
3693 existing extractive operations shall have a setback from the rear property line equal to  
3694 fifty percent of the lot width and a setback from the side property equal to twenty-five  
3695 percent of the lot width.

3696           b. Except for residences along a property line adjoining A, M or F zones or  
3697 existing extractive operations, lots between one acre and two and one-half acres in size  
3698 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
3699 to the requirements of the R-4 zone.

3700           10.a. For developments consisting of three or more single-detached dwellings  
3701 located on a single parcel, the setback shall be ten feet along any property line abutting  
3702 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
3703 K.C.C. 21A.14.190, which shall have a setback of five feet.

3704           b. For townhouse and apartment development, the setback shall be twenty feet  
3705 along any property line abutting R-1 through R-8, RA and UR zones, except for  
3706 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
3707 of five feet, unless the townhouse or apartment development is adjacent to property upon  
3708 which an existing townhouse or apartment development is located.

3709           11. Lots smaller than one-half acre in area shall comply with standards of the  
3710 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
3711 larger, the maximum impervious surface area allowed shall be at least ten thousand  
3712 square feet. On any lot over one acre in area, an additional five percent of the lot area  
3713 may be used for buildings related to agricultural or forestry practices. For lots smaller  
3714 than two acres but larger than one-half acre, an additional ten percent of the lot area may

3715 be used for structures that are determined to be medically necessary, if the applicant  
3716 submits with the permit application a notarized affidavit, conforming with K.C.C.  
3717 21A.32.170A.2.

3718 12. For purposes of calculating minimum density, the applicant may request that  
3719 the minimum density factor be modified based upon the weighted average slope of the  
3720 net buildable area of the site in accordance with K.C.C. 21A.12.087.

3721 13. The minimum lot area does not apply to lot clustering proposals as provided  
3722 in K.C.C. chapter 21A.14.

3723 14. The base height to be used only for projects as follows:

3724 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
3725 fifteen percent finished grade; and

3726 b. in R-18, R-24 and R-48 zones using residential density incentives and  
3727 transfer of density credits in accordance with this title.

3728 15. Density applies only to dwelling units and not to sleeping units.

3729 16. Vehicle access points from garages, carports or fenced parking areas shall  
3730 be set back from the property line on which a joint use driveway is located to provide a  
3731 straight line length of at least twenty-six feet as measured from the center line of the  
3732 garage, carport or fenced parking area, from the access point to the opposite side of the  
3733 joint use driveway.

3734 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
3735 be clustered if the property is located within or contains:

3736 (1) a floodplain;

3737 (2) a critical aquifer recharge area;

- 3738 (3) a regionally or locally significant resource area;
- 3739 (4) existing or planned public parks or trails, or connections to such facilities;
- 3740 (5) a category type S or F aquatic area or category I or II wetland;
- 3741 (6) a steep slope; or
- 3742 (7) an urban separator or wildlife habitat network designated by the
- 3743 Comprehensive Plan or a community plan.

3744 b. The development shall be clustered away from critical areas or the axis of

3745 designated corridors such as urban separators or the wildlife habitat network to the extent

3746 possible and the open space shall be placed in a separate tract that includes at least fifty

3747 percent of the site. Open space tracts shall be permanent and shall be dedicated to a

3748 homeowner's association or other suitable organization, as determined by the director,

3749 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and

3750 designated urban separators shall be placed within the open space tract to the extent

3751 possible. Passive recreation, with no development of recreational facilities, and natural-

3752 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3753 18. See K.C.C. 21A.12.085.

3754 19. All subdivisions and short subdivisions in R-1 and RA zones within the

3755 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North

3756 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and

3757 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East

3758 Sammamish Community Planning Area that drains to Patterson Creek shall have a

3759 maximum impervious surface area of eight percent of the gross acreage of the plat.

3760 Distribution of the allowable impervious area among the platted lots shall be recorded on

3761 the face of the plat. Impervious surface of roads need not be counted towards the  
3762 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
3763 more restrictive shall be required.

3764 20. This density may only be achieved on RA 2.5 zoned parcels receiving  
3765 density from rural forest focus areas through a transfer of density credit pursuant to  
3766 K.C.C. chapter 21A.37.

3767 21. Base density may be exceeded, if the property is located in a designated  
3768 rural city urban growth area and each proposed lot contains an occupied legal residence  
3769 that predates 1959.

3770 22. The maximum density is four dwelling units per acre for properties zoned  
3771 R-4 when located in the Rural Town of Fall City.

3772 23. The minimum density requirement does not apply to properties located  
3773 within the Rural Town of Fall City.

3774 24. The impervious surface standards for the county fairground facility are  
3775 established in the King County Fairgrounds Site Development Plan, Attachment A to  
3776 Ordinance 14808 on file at the department of natural resources and parks and the  
3777 department of ~~((development and environmental services))~~ permitting and environmental  
3778 review. Modifications to that standard may be allowed provided the square footage does  
3779 not exceed the approved impervious surface square footage established in the King  
3780 County Fairgrounds Site Development Plan Environmental Checklist, dated September  
3781 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

3782 25. For cottage housing developments only:

3783 a. The base height is eighteen feet.

3784           b. Buildings have pitched roofs with a minimum slope of six and twelve may  
3785 extend up to twenty-five feet at the ridge of the roof.

3786           26. Impervious surface does not include access easements serving neighboring  
3787 property and driveways to the extent that they extend beyond the street setback due to  
3788 location within an access panhandle or due to the application of King County Code  
3789 requirements to locate features over which the applicant does not have control.

3790           27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

3791           SECTION 100. Ordinance 10870, Section 384, as amended, and K.C.C.  
3792 21A.14.240 are each hereby amended to read as follows:

3793           Trail design shall be reviewed by the department (~~of development and~~  
3794 ~~environmental services~~) for consistency with adopted standards for:

- 3795           A. Width of the trail corridor;
- 3796           B. Location of the trail corridor on the site;
- 3797           C. Surfacing improvements; and
- 3798           D. Use(s) permitted within the corridor.

3799           SECTION 101. Ordinance 14045, Section 38, as amended, and K.C.C.  
3800 21A.14.370 are each hereby amended to read as follows:

3801           The county shall accept a voluntary grant of easement for the preservation or  
3802 relocation of a rural equestrian community trail in the RA, A or F zone whenever:

3803           A. The department makes a determination in writing that:

- 3804           1. The equestrian community trail is listed or mapped on an inventory of  
3805 equestrian community trails maintained by the King County parks and recreation

3806 department. The department shall field verify the presence of a trail where an inventory  
3807 indicates the general location of a trail that has not yet been field verified:

3808           2. The equestrian community trail connects to a state, county or other trail open  
3809 to the public;

3810           3. The equestrian community trail, following a site inspection by the department  
3811 of natural resources and parks, is reasonably fit for use as a rural equestrian community  
3812 trail;

3813           4. If the equestrian community trail traverses or impacts an environmentally  
3814 sensitive area, it can be modified to meet code requirements for trails in sensitive areas;  
3815 and

3816           5. Permanent protection or relocation of an equestrian community trail can be  
3817 accomplished without interference with allowed uses and development of the subject  
3818 property, and the site can be developed without interference with the trail and allows for  
3819 future owners of the property to access historically existing or public trails in the vicinity  
3820 of the site.

3821           B. If the trail is proposed to be granted as part of a mitigation package for a  
3822 development proposal, the department of ~~((development and environmental services))~~  
3823 permitting and environmental review determines and reports to the department of natural  
3824 resources that permanent protection or relocation of an equestrian community trail can be  
3825 accomplished without interference with the proposed use and development of the subject  
3826 property, and the site can be developed without interference with the trail and in a manner  
3827 that allows future owners of the property to access historically existing or public trails in  
3828 the vicinity that are linked to the subject site. The department of ~~((development and~~

---

3829 ~~environmental services))~~ permitting and environmental review shall report its findings in  
3830 writing.

3831 SECTION 102. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each  
3832 hereby amended to read as follows:

3833 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are  
3834 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat  
3835 conservation areas, when an agricultural activity is currently occurring on the site and the  
3836 alteration is in compliance with an approved farm management plan in accordance with  
3837 this section or, for livestock activities, a farm management plan in accordance with  
3838 K.C.C. chapter 21A.30.

3839 B. This section does not modify any requirement that the property owner obtain  
3840 permits for activities covered by the farm management plan.

3841 C. The department of natural resources and parks or its designee shall serve as  
3842 the single point of contact for King County in providing information on farm  
3843 management plans for purposes of this title. The department of natural resources and  
3844 parks shall adopt a public rule governing the development of farm management plans.  
3845 The rule may provide for different types of farms management plans related to different  
3846 kinds of agricultural activities, including, but not limited to the best management  
3847 practices for dairy nutrient management, livestock management, horticulture  
3848 management, site development and agricultural drainage.

3849 D. A property owner or applicant seeking to use the process to allow alterations  
3850 in critical area buffers shall develop a farm management plan based on the following  
3851 goals, which are listed in order of priority:

- 3852           1. To maintain the productive agricultural land base and economic viability of  
3853 agriculture on the site;
- 3854           2. To maintain, restore or enhance critical areas to the maximum extent practical  
3855 in accordance with the site specific goals of the landowner;
- 3856           3. To the maximum extent practical in accordance with the site specific goals of  
3857 the landowner, maintain and enhance natural hydrologic systems on the site;
- 3858           4. To use federal, state and local best management practices and best available  
3859 science for farm management to achieve the goals of the farm management plan; and
- 3860           5. To monitor the effectiveness of best management practices and implement  
3861 additional practices through adaptive management to achieve the goals of the farm  
3862 management plan.
- 3863           E. The property owner or applicant may develop the farm management plan as  
3864 part of a program offered or approved by King County. The plan shall include, but is not  
3865 limited to, the following elements:
- 3866           1. A site inventory identifying critical areas, structures, cleared and forested  
3867 areas, and other significant features on the site;
- 3868           2. Site-specific performance standards and best management practices to  
3869 maintain, restore or enhance critical areas and their buffers and maintain and enhance  
3870 native vegetation on the site including the best management practices for the installation  
3871 and maintenance of farm field access drives and agricultural drainages;
- 3872           3. A plan for future changes to any existing structures or for any changes to the  
3873 landscape that involve clearing or grading;



3874 4. A plan for implementation of performance standards and best management  
3875 practices;

3876 5. A plan for monitoring the effectiveness of measures taken to protect critical  
3877 areas and their buffers and to modify the farm management plan if adverse impacts occur;  
3878 and

3879 6. Documentation of compliance with flood compensatory storage and flood  
3880 conveyance in accordance with K.C.C. 21A.24.240.

3881 F. A farm management plan is not effective until approved by the county. Before  
3882 approval, the county may conduct a site inspection, which may be through a program  
3883 offered or approved by King County, to verify that the plan is reasonably likely to  
3884 accomplish the goals in subsection D. of this section.

3885 G. Once approved, activities carried out in compliance with the approved farm  
3886 management plan shall be deemed in compliance with this chapter. In the event of a  
3887 potential code enforcement action, the department of ~~((development and environmental  
3888 services))~~ permitting and environmental review shall first inform the department of  
3889 natural resources and parks of the activity. Prior to taking code enforcement action, the  
3890 department of ~~((development and environmental services))~~ permitting and environmental  
3891 review shall consult with the department of natural resources and parks and the King  
3892 Conservation District to determine whether the activity is consistent with the farm  
3893 management plan.

3894 SECTION 103. Ordinance 15051, Section 139, as amended, and K.C.C.  
3895 21A.24.055 are each hereby amended to read as follows:

3896           A. On a site zoned RA, the department may approve a modification of the  
3897 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation  
3898 areas and maximum clearing restrictions through a rural stewardship plan for single  
3899 family detached residential development in accordance with this section.

3900           B. The property owner or applicant shall develop the rural stewardship plan as  
3901 part of a rural stewardship program offered or approved by King County and has the  
3902 option of incorporating appropriate components of a county-approved farm management  
3903 or a county-approved forest stewardship plan.

3904           C. In its evaluation of any proposed modification of the minimum buffer widths  
3905 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing  
3906 restrictions, the department shall consider the following factors:

3907           1. The existing condition of the drainage basin or marine shoreline as designated  
3908 on the Basin and Shoreline Conditions Map;

3909           2. The existing condition of wetland and aquatic area buffers;

3910           3. The existing condition of wetland functions based on the adopted Washington  
3911 State Wetland Rating System for Western Washington, Washington state department of  
3912 ecology publication number 04-06-025, published August 2004;

3913           4. The location of the site in the drainage basin;

3914           5. The percentage of impervious surfaces and clearing on the site; and

3915           6. Any existing development on the site that was approved as a result of a  
3916 variance or alteration exception that allowed development within a critical area or critical  
3917 area buffer. If the existing development was approved through a variance or alteration  
3918 exception, the rural stewardship plan shall demonstrate that the plan will result in

3919 enhancing the functions and values of critical areas located on the site as if the  
3920 development approved through the variance or alteration exception had not occurred.

3921 D. A rural stewardship plan does not modify the requirement for permits for  
3922 activities covered by the rural stewardship plan.

3923 E. Modifications of critical area buffers shall be based on the following  
3924 prioritized goals:

3925 1. To the maximum extent practical, to avoid impacts to critical areas and, if  
3926 applicable, to the shoreline jurisdiction;

3927 2. To avoid impacts to the higher quality wetland or aquatic area or the more  
3928 protected fish or wildlife species, if there is a potential to affect more than one category  
3929 of wetland or aquatic area or more than one species of native fish or wildlife;

3930 3. To maintain or enhance the natural hydrologic systems on the site to the  
3931 maximum extent practical;

3932 4. To maintain, restore or enhance native vegetation;

3933 5. To maintain, restore or enhance the function and value of critical areas or  
3934 critical area buffers located on the site;

3935 6. To minimize habitat fragmentation and enhance corridors between wetlands,  
3936 riparian corridors, wildlife habitat conservation areas and other priority habitats;

3937 7. To minimize the impacts of development over time by implementing best  
3938 management practices and meeting performance standards during the life of the  
3939 development; and

3940           8. To monitor the effectiveness of the stewardship practices and implement  
3941 additional practices through adaptive management to maintain, restore or enhance critical  
3942 area functions when necessary.

3943           F. If a part or all of the site is located within the shoreline jurisdiction, the rural  
3944 stewardship plan shall:

3945           1. Consider and be consistent with the goals of the Shoreline Management Act  
3946 and the policies of the King County Shoreline Master Program;

3947           2. Consider the priorities of the King County Shoreline Protection and  
3948 Restoration Plan; and

3949           3. Ensure no net loss of shoreline ecological functions.

3950           G. A rural stewardship plan may include, but is not limited to, the following  
3951 elements:

3952           1. Critical areas designation under K.C.C. 21A.24.500;

3953           2. Identification of structures, cleared and forested areas and other significant  
3954 features on the site;

3955           3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3956           4. Analysis of impacts of planned changes to any existing structures, for other  
3957 changes to the site that involve clearing or grading or for new development;

3958           5. Site-specific best management practices that mitigate impacts of development  
3959 and that protect and enhance the ecological values and functions of the site;

3960           6. A schedule for implementation of the elements of the rural stewardship plan;

3961 and

3962           7. A plan for monitoring the effectiveness of measures approved under the rural  
3963 stewardship plan and to modify if adverse impacts occur.

3964           H. A rural stewardship plan may be developed as part of a program offered or  
3965 approved by King County and shall include a site inspection by the county to verify that  
3966 the plan is reasonably likely to accomplish the goals in subsection E. of this section to  
3967 protect water quality, reduce flooding and erosion, maintain, restore or enhance the  
3968 function and value of critical areas and their buffers and maintain or enhance native  
3969 vegetation on the site of this section.

3970           I. A property owner who completes a rural stewardship plan that is approved by  
3971 the county may be eligible for tax benefits under the public benefit rating system in  
3972 accordance with K.C.C. 20.36.100.

3973           J. If a property owner withdraws from the rural stewardship plan, in addition to  
3974 any applicable penalties under the public benefit rating system, the following apply:

3975           1. Mitigation is required for any structures constructed in critical area buffers  
3976 under the rural stewardship plan; and

3977           2. The property owner shall apply for buffer averaging or an alteration  
3978 exception, as appropriate, to permit any structure or use that has been established under  
3979 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3980           K. A rural stewardship plan is not effective until approved by the county. Before  
3981 approval, the county may conduct a site inspection, which may be through a program  
3982 offered or approved by King County, to verify that the plan is reasonably likely to  
3983 accomplish the goals in subsection E. of this section.

3984 L. Once approved, activities carried out in compliance with the approved rural  
3985 stewardship plan shall be deemed in compliance with this chapter. In the event of a  
3986 potential code enforcement action, the department of ~~((development and environmental  
3987 services))~~ permitting and environmental review shall first inform the department of  
3988 natural resources and parks of the activity. Before taking code enforcement action, the  
3989 department of ~~((development and environmental services))~~ permitting and environmental  
3990 review shall consult with the department of natural resources and parks to determine  
3991 whether the activity is consistent with the rural stewardship plan.

3992 SECTION 104. Ordinance 15051, Section 140, and K.C.C. 21A.24.061 are each  
3993 hereby amended to read as follows:

3994 A. The King County council recognizes that rural stewardship plans and farm  
3995 management plans are key elements of this chapter that provide flexibility to rural area  
3996 residents to establish and maintain a rural lifestyle that includes activities such as  
3997 farming and forestry while maintaining and enhancing rural character and environmental  
3998 quality.

3999 B. The department of natural resources and parks and department of  
4000 ~~((development and environmental services))~~ permitting and environmental review shall  
4001 adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051 relating to rural  
4002 stewardship plans and farm management plans, consistent with the provisions of this  
4003 section. The rules shall not compromise the King Conservation District's mandate or  
4004 standards for farm management planning.

4005 C. County departments or approved agencies shall provide technical assistance  
4006 and resources to landowners to assist them in preparing the plans. The technical

4007 assistance shall include, but is not limited to, web-based information, instructional  
4008 manuals and classroom workshops. When possible, the assistance shall be provided at  
4009 little or no cost to landowners. In addition, the department of natural resources and parks  
4010 shall develop, in consultation as necessary with the department of ~~((development and~~  
4011 ~~environmental services))~~ permitting and environmental review and the King  
4012 Conservation District, and make available to the public, model farm management, forest  
4013 management and rural stewardship plans illustrating examples of plan application  
4014 content, drawings and site plans, to assist landowners in their development of site-  
4015 specific plans for their property.

4016 D. The department of natural resources and parks is the primary county agency  
4017 responsible for rural stewardship plans and farm management plans that are filed with the  
4018 county under this chapter. The department of natural resources and parks shall consult  
4019 with the department of ~~((development and environmental services))~~ permitting and  
4020 environmental review in carrying out its responsibilities under this chapter relating to  
4021 rural stewardship plans and farm management plans. The department of natural  
4022 resources and parks, department of ~~((development and environmental services))~~  
4023 permitting and environmental review and the King Conservation District may enter into  
4024 agreements to carry out the provisions of this chapter relating to rural stewardship plans  
4025 and farm management plans.

4026 E. Not later than March 1, 2005, the department of natural resources and parks  
4027 and department of ~~((development and environmental services))~~ permitting and  
4028 environmental review shall prepare and submit to the chair of the growth management  
4029 and unincorporated areas committee, or its successor, a report summarizing the public

4030 rules adopted to implement the provisions of this chapter related to farm management  
4031 plans and rural stewardship plans and how the rules implement the requirements of this  
4032 section.

4033 F. The department of natural resources and parks and department of  
4034 ~~((development and environmental services))~~ permitting and environmental review shall  
4035 monitor and evaluate the effectiveness of rural stewardship and farm management plans  
4036 in meeting the goals and objectives of those plans established in this chapter. Beginning  
4037 March 31, 2006, the departments shall present an annual report to the chair of the  
4038 metropolitan King County council, providing an evaluation of the prior year's activity  
4039 related to rural stewardship and farm management plans.

4040 SECTION 105. Ordinance 15051, Section 230, as amended, and K.C.C.  
4041 21A.24.515 are each hereby amended to read as follows:

4042 The department of natural resources and parks, in consultation with the  
4043 department ~~((of development and environmental services))~~, shall conduct monitoring to  
4044 evaluate the effect of this chapter on protecting the functions and values of critical areas.

4045 SECTION 106. Ordinance 3688, Section 801, as amended, and K.C.C.  
4046 21A.25.290 are each hereby amended to read as follows:

4047 A. Development within the shoreline jurisdiction, including preferred uses and  
4048 uses that are exempt from permit requirements, shall be undertaken only if that  
4049 development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the  
4050 King County shoreline master program and will not result in a net loss of shoreline  
4051 ecological functions or in a significant adverse impact to shoreline uses, resources and  
4052 values, such as navigation, recreation and public access. The proponent of a shoreline



4053 development shall employ measures to mitigate adverse impacts on shoreline functions  
4054 and processes following the sequencing requirements of K.C.C. 21A.25.080.

4055 B. A substantial development permit shall be required for all proposed uses and  
4056 modifications within the shoreline jurisdiction unless the proposal is specifically exempt  
4057 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040  
4058 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of  
4059 substantial development, a written statement of exemption is required for any proposed  
4060 uses and modifications if:

- 4061 1. WAC 173-27-050 applies; or  
4062 2. Except for the maintenance of agricultural drainage that is not used by  
4063 salmonids or as otherwise provided in subsection F. of this section, the proposed use or  
4064 modification will occur at or below the ordinary high water mark.

4065 C. Whether or not a written statement of exemption is required, all permits issued  
4066 for development activities within the shoreline jurisdiction shall include a record of  
4067 review indicating compliance with the shoreline master program and regulations.

4068 D. As necessary to ensure consistency of the project with the shoreline master  
4069 program and this chapter, the department may attach conditions of approval to a  
4070 substantial development permit or a statement of exemption or to the approval of a  
4071 development proposal that does not require either.

4072 E. The department may issue a programmatic statement of exemption as follows:

- 4073 1. For an activity for which a statement of exemption is required, the activity  
4074 shall:  
4075 a. be repetitive and part of a maintenance program or other similar program;

4076           b. have the same or similar identifiable impacts, as determined by the  
4077 department, each time the activity is repeated at all sites covered by the programmatic  
4078 statement of exemption; and

4079           c. be suitable to having standard conditions that will apply to any and all sites;

4080           2. The department shall uniformly apply conditions to each activity authorized  
4081 under the programmatic statement of exemption at all locations covered by the statement  
4082 of exemption. The department may require that the applicant develop and propose the  
4083 uniformly applicable conditions as part of the statement of exemption application and  
4084 may approve, modify or reject any of the applicant's proposed conditions. The  
4085 department shall not issue a programmatic statement of exemption until applicable  
4086 conditions are developed and approved;

4087           3. Activities authorized under a programmatic statement of exemption shall be  
4088 subject to inspection by the department. The applicant may be required to notify the  
4089 department each time work subject to the programmatic statement of exemption is  
4090 undertaken for the department to schedule inspections. In addition, the department may  
4091 require the applicant to submit periodic status reports. The frequency, method and  
4092 contents of the notifications and reports shall be specified as conditions in the  
4093 programmatic statement of exemption;

4094           4. The department may require revisions, impose new conditions or otherwise  
4095 modify the programmatic statement of exemption or withdraw the programmatic  
4096 statement of exemption and require that the applicant apply for a standard statement of  
4097 exemption, if the department determines that:

4098           a. The programmatic statement of exemption or activities authorized under the  
4099 statement of exemption no longer comply with law;

4100           b. The programmatic statement of exemption does not provide adequate  
4101 regulation of the activity;

4102           c. The programmatic statement of exemption conditions or the manner in  
4103 which the conditions are implemented are not adequate to protect against the impacts  
4104 resulting from the activity; or

4105           d. A site requires site-specific regulation; and

4106           5. If an activity covered by a programmatic statement of exemption also  
4107 requires other county, state and federal approvals, to the extent feasible, the department  
4108 shall attempt to incorporate conditions that comply with those other approvals into the  
4109 programmatic statement of exemption.

4110           F. A statement of exemption is not required for maintenance of agricultural  
4111 drainage used by salmonids if:

4112           1. The agricultural drainage is located within an agricultural production district;

4113           2. The maintenance project is conducted in compliance with a hydraulic project  
4114 approval issued by the Washington Department of Fish and Wildlife pursuant to RCW  
4115 77.55;

4116           3. The maintenance project complies with the King County agricultural drainage  
4117 assistance program as agreed to by the Washington Department of Fish and Wildlife, the  
4118 Washington Department of Ecology, the department of ~~((development and environmental  
4119 services))~~ permitting and environmental review and the department of natural resources  
4120 and parks;

4121 4. The person performing the agricultural drainage maintenance and the land  
4122 owner has attended training provided by King County on the King County agricultural  
4123 drainage assistance program and the best management practices required under that  
4124 program; and

4125 5. The maintenance project complies with the requirements of K.C.C. chapter  
4126 16.82.

4127 SECTION 107. Ordinance 13129, Section 2, and K.C.C. 21A.27.010 are each  
4128 hereby amended to read as follows:

4129 When a new transmission support structure is proposed, a community meeting  
4130 shall be convened by the applicant prior to submittal of an application.

4131 A. At least two weeks in advance, notice of the meeting shall be provided as  
4132 follows:

4133 1. Published in the local paper and mailed to the department and to the  
4134 unincorporated area council serving the area in which potential sites are contemplated,  
4135 and

4136 2. Mailed notice shall be provided to all property owners within five hundred  
4137 feet (or at least twenty of the nearest property owners, whichever is greater) as required  
4138 by K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible  
4139 development, to be discussed at the community meeting. When the proposed  
4140 transmission support structure exceeds a height of one hundred twenty feet, the mailed  
4141 notice shall be provided to all property owners within one thousand feet. The mailed  
4142 notice shall at a minimum contain a brief description and purpose of the project, the  
4143 estimated height, approximate location noted on an assessor map with address and parcel

4144 number, photo or sketch of proposed facility, a statement that alternative sites proposed  
4145 by citizens can be presented at the meeting which will be considered by the applicant, a  
4146 contact name and telephone number to obtain additional information and other  
4147 information deemed necessary by King County. Because the purpose of the community  
4148 meeting is to promote early discussion, applicants are encouraged to note any changes to  
4149 the conceptual information presented in the mailed notice when they submit an  
4150 application.

4151 B. At the community meeting at which at least one employee of the department  
4152 (~~(of development and environmental services)~~), assigned by the director of the  
4153 department, shall be in attendance, the applicant shall provide information relative to  
4154 existing transmission support structures and other nonresidential structures, such as water  
4155 towers and electrical transmission lines, within one-quarter mile of potential sites, and  
4156 shall discuss reasons why those existing structures are unfeasible. Furthermore, any  
4157 alternative sites within one-quarter mile, identified by community members and provided  
4158 to the applicant in writing at least five days in advance of the meeting, shall be evaluated  
4159 by the applicant to the extent possible given the timeframe, and discussed at the meeting.

4160 A listing of the sites, identified in writing and provided to the applicant at or before the  
4161 community meetings, shall be submitted to the department with the proposed application.

4162 Applicants shall also provide a list of meeting attendees and those receiving mailed  
4163 notice and a record of the published meeting notice at the time of application submittal.

4164 SECTION 108. Ordinance 13129, Section 22, and K.C.C. 21A.27.160 are each  
4165 hereby amended to read as follows:

4166 The department (~~((of development and environmental services))~~) shall retain the  
4167 services of a registered professional electrical engineer accredited by the state of  
4168 Washington who holds a Federal Communications General Radio telephone Operator  
4169 License. The engineer will provide technical evaluation of permit applications for minor  
4170 communications facilities. The department is authorized to charge the applicant for these  
4171 services. The specifications for an RFP to retain a consulting engineer shall specify at \_  
4172 least the qualifications noted above, the capacity to provide a three week turnaround on  
4173 data review, a request for a proposed fixed fee for services and shall state a preference for  
4174 a qualified professional with a balance of experience in both the private and public  
4175 sectors. Such a review shall be performed in a timely manner, be limited to the data  
4176 necessary to establish findings pursuant to K.C.C. 21A.27.130.C. and 21A.27.130.D, and  
4177 avoid any conflicts with the department's duty to review permit applications within one  
4178 hundred twenty days of acceptance pursuant to RCW 36.70B.090. This review shall be  
4179 performed when requested by affected residents pursuant to K.C.C. 21A.27.090.

4180 SECTION 109. Ordinance 11621, Section 90, as amended, and K.C.C.  
4181 21A.28.154 are each hereby amended to read as follows:

4182 A. There is hereby created a school technical review committee (STRC) within  
4183 King County. The committee shall consist of three county staff persons, one each from  
4184 the department of (~~((development and environmental services))~~) permitting and  
4185 environmental review, the office of financial management and the county council.

4186 B. The committee shall be charged with reviewing each school district's capital  
4187 facilities plan, enrollment projections, standard of service, the district's overall capacity  
4188 for the next six years to ensure consistency with the Growth Management Act, King

4189 County Comprehensive Plan, and adopted community plans, and the district's calculation  
4190 and rationale for proposed impact fees.

4191 C. Notice of the time and place of the committee meeting where the district's  
4192 documents will be considered shall be provided to the district.

4193 D. At the meeting where the committee will review or act upon the district's  
4194 documents, the district shall have the right to attend or to be represented, and shall be  
4195 permitted to present testimony to the committee. Meetings shall also be open to the  
4196 public.

4197 E. In its review, the committee shall consider the following factors:

4198 1. Whether the district's forecasting system for enrollment projections has been  
4199 demonstrated to be reliable and reasonable.

4200 2. The historic levels of funding and voter support for bond issues in the district;

4201 3. The inability of the district to obtain the anticipated state funding or to  
4202 receive voter approval for district bond issues;

4203 4. An emergency or emergencies in the district which required the closing of a  
4204 school facility or facilities resulting in a sudden and unanticipated decline in districtwide  
4205 capacity; and

4206 5. The standards of service set by school districts in similar types of  
4207 communities. While community differences will be permitted, the standard established  
4208 by the district should be reasonably consistent with the standards set by other school  
4209 districts in communities of similar socioeconomic profile.

4210 6. The committee shall consider the standards identified by the state concerning  
4211 the ratios of certificated instructional staff to students.

4212 F. In the event that the district's standard of service reveals a deficiency in its  
4213 current facilities, the committee shall review the district's capital facilities plan to  
4214 determine whether the district has identified all sources of funding necessary to achieve  
4215 the standard of service.

4216 G. The district in developing the financing plan component of the capital  
4217 facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by  
4218 taking the following steps:

4219 1. Establish a six-year financing plan, and propose the necessary bond issues  
4220 and levies required by and consistent with that plan and as approved by the school board  
4221 and consistent with RCW 28A.53.020 and RCW 84.52.052 and [84.52.].056 as amended;  
4222 and

4223 2. Apply to the state for funding, and comply with the state requirement for  
4224 eligibility to the best of the district's ability.

4225 H. The committee is authorized to request the school district to review and to  
4226 resubmit its capital facilities plan, or to establish a different standard of service, or to  
4227 review its capacity for accommodating new students, under the following circumstances:

4228 1. The standard of service established by the district is not reasonable in light of  
4229 the factors set forth in subsection E. of this section.

4230 2. The committee finds that the district's standard of service cannot reasonably  
4231 be achieved in light of the secured financial commitments and the historic levels of  
4232 support in the district; or

4233 3. Any other basis which is consistent with the provisions of this section.



4234 I. The committee shall prepare and submit an annual report to the King County  
4235 council for each school district recommending a certification of concurrency in the  
4236 district, except as provided in Subsection L of this section using the school concurrency  
4237 standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital  
4238 facilities plan for review by the STRC, King County shall assume the district has  
4239 adequate capacity to accommodate growth for the following six years.

4240 J. The committee shall submit copies of its recommendation of concurrency for  
4241 each school district to the director of DDES, to the hearing examiner, and to the district.

4242 K. The committee shall recommend to the council a comprehensive plan  
4243 amendment adopting the district's capital facilities plan as part of the comprehensive  
4244 plan, for any plan which the committee concludes accurately reflects the district's  
4245 facilities status.

4246 L. In the event that after reviewing the district's capital facilities plan and other  
4247 documents, the committee is unable to recommend certifying concurrency in a school  
4248 district, the committee shall submit a statement to the council, the director and the  
4249 hearing examiner stating that the committee is unable to recommend certifying  
4250 concurrency in a specific school district. The committee shall recommend to the  
4251 executive that he propose to the council, amendments to the land use element of the King  
4252 County Comprehensive Plan or amendments to the development regulations  
4253 implementing the plan to more closely conform county land use plans and school  
4254 facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs  
4255 or multifamily development located within the district's boundary. The necessary draft  
4256 amendments shall accompany such recommendations.

4257            SECTION 110. Ordinance 11168, Section 9, and K.C.C. 21A.30.066 are each  
4258 hereby amended to read as follows:

4259            A. Education. Enforcement of these livestock standards shall initially emphasize  
4260 achieving compliance with the standards as the primary objective, rather than the  
4261 collection of fines or penalties. Fines or penalties are appropriate when a property owner  
4262 or livestock operator has been advised of necessary corrective actions, and has not made  
4263 those corrections. Where violations of the standards do occur, and such violations are  
4264 directly linked to identified hazards or the discharge of prohibited contaminants, as  
4265 enumerated in K.C.C. 9.12.025, code enforcement must emphasize immediate correction  
4266 of the practices resulting in the hazard or prohibited discharge.

4267            B. Both the property owner and any renter or lessee of the property, hereinafter  
4268 referred to "livestock operator," shall be held responsible for compliance with these  
4269 standards.

4270            C. Prima facie evidence. Establishment and adherence to a farm management  
4271 plan as allowed by K.C.C. 21A.30.050 or the management standards provided by K.C.C.  
4272 21A.30.060 shall be prima facie proof of compliance with the regulatory provisions of  
4273 K.C.C. 9.12.035.

4274            D. Violations of specific standards. The department of ~~((development and  
4275 environmental services))~~ permitting and environmental review shall be responsible for  
4276 enforcement of the standards set out in this chapter. The surface water management  
4277 division shall be responsible for enforcement of water quality violations pursuant to  
4278 K.C.C. Chapter 9.12 for prohibited discharges and hazards. If a specific standard  
4279 identified in this chapter is not being adhered to, the operator and owner shall be given

4280 notice of non-compliance. The notice shall specify what actions must be taken to bring  
4281 the property into compliance. The operator and owner shall be given 45 days in which to  
4282 adhere to the management standards of K.C.C. 21A.30.060, or establish a farm  
4283 management plan pursuant to K.C.C. 21A.30.050 as the owner and/or livestock operator  
4284 may elect for the purpose of compliance. Should the owner and/or livestock operator fail  
4285 to bring the property into compliance with the standards, the county, after notice, may  
4286 commence abatement proceedings and impose civil fines 30 days thereafter, to the extent  
4287 necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the  
4288 operator and owner to comply with any continuing order to abate, the operator and owner  
4289 shall be subject to civil and criminal penalties, and other procedures, as set forth in this  
4290 title and K.C.C. Title 23 Enforcement.

4291 SECTION 111. Ordinance 13274, Section 6, Section , as amended, and K.C.C.  
4292 21A.37.040 are each hereby amended to read as follows:

4293 A. The number of residential development rights that an unincorporated sending  
4294 site is eligible to send to a receiving site shall be determined by applying the TDR  
4295 sending site base density established in subsection D. of this section to the area of the  
4296 sending site, after deducting the area associated with any existing development, any  
4297 retained development rights and any portion of the sending site already in a conservation  
4298 easement or other similar encumbrance. For each existing dwelling unit or retained  
4299 development right, the sending site area shall be reduced by an area equivalent to the base  
4300 density for that zone under K.C.C. 21A.12.030.

4301 B. Any fractions of development rights that result from the calculations in  
4302 subsection A. of this section shall not be included in the final determination of total  
4303 development rights available for transfer.

4304 C. For purposes of calculating the amount of development rights a sending site  
4305 can transfer, the amount of land contained within a sending site shall be determined as  
4306 follows:

4307 1. If the sending site is an entire tax lot, the square footage or acreage shall be  
4308 determined:

4309 a. by the King County department of assessments records; or

4310 b. by a survey funded by the applicant that has been prepared and stamped by a  
4311 surveyor licensed in the state of Washington; and

4312 2. If the sending site consists of a lot that is divided by a zoning boundary, the  
4313 square footage or acreage shall be calculated separately for each zoning classification.  
4314 The square footage or acreage within each zoning classification shall be determined by  
4315 the King County record of the action that established the zoning and property lines, such  
4316 as an approved lot line adjustment. When such records are not available or are not  
4317 adequate to determine the square footage or acreage within each zoning classification, the  
4318 department of ~~((development and environmental services))~~ permitting and environmental  
4319 review shall calculate the square footage or acreage through the geographic information  
4320 system (GIS) mapping system.

4321 D. For the purposes of the transfer of development rights (TDR) program only,  
4322 the following TDR sending site base densities apply:

4323           1. Sending sites designated in the King County Comprehensive Plan as urban  
4324 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4325           2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
4326 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
4327 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
4328 acres;

4329           3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
4330 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
4331 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated  
4332 on additional TDR for each vacant lot that is smaller than two and one-half acres or five  
4333 acres, respectively;

4334           4. Sending sites zoned RA and that have a designation under the King County  
4335 Shoreline Master Program of conservancy or natural shall be allocated one additional  
4336 TDR;

4337           5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling  
4338 unit per five acres for transfer purposes only;

4339           6. Sending sites zoned F within the forest production district shall have a base  
4340 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
4341 between fifteen and eighty acres in size.

4342           E. A sending site zoned RA, A or F may send one development right for every  
4343 legal lot larger than five thousand square feet that was created on or before September 17,  
4344 2001, if that number is greater than the number of development rights determined under  
4345 subsection A. of this section. A sending site zoned R-1 may send one development right

4346 for every legal lot larger than two thousand five hundred square feet that was created on  
4347 or before September 17, 2001, if that number is greater than the number of development  
4348 rights determined under subsection A. of this section.

4349 F. The number of development rights that a King County unincorporated rural or  
4350 natural resources land sending site is eligible to send to a King County incorporated  
4351 urban area receiving site shall be determined through the application of a conversion ratio  
4352 established by King County and the incorporated municipal jurisdiction. The conversion  
4353 ratio will be applied to the number of available sending site development rights  
4354 determined under subsection A. or E. of this section.

4355 G. Development rights from one sending site may be allocated to more than one  
4356 receiving site and one receiving site may accept development rights from more than one  
4357 sending site.

4358 H. The determination of the number of residential development rights a sending  
4359 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
4360 shall be documented in a TDR certificate letter of intent and shall be considered a final  
4361 determination, not to be revised due to changes to the sending site's zoning.

4362 I. Each residential development right that originates from a sending site zoned  
4363 RA, A or F shall be designated "Rural" and is equivalent to two additional units above  
4364 base density in eligible receiving sites located in unincorporated urban King County.  
4365 Each residential development right that originates from a sending site zoned R-1 urban  
4366 separator shall be designated "Urban" and is equivalent to one additional unit above base  
4367 density.

4368            SECTION 112. Ordinance 14190, Section 8, as amended, and K.C.C.

4369            21A.37.060 are each hereby amended to read as follows:

4370            A. Prior to issuing a certificate for transferable development rights to a sending  
4371            site, the department of natural resources and parks, or its successor shall record deed  
4372            restrictions in the form of a conservation easement documenting the development rights  
4373            that have been removed from the property and shall place a notice on the title of the  
4374            sending site. The department of ~~((development and environmental services))~~ permitting  
4375            and environmental review, or its successor, shall establish and maintain an internal  
4376            tracking system that identifies all certified transfer of developments rights sending sites.

4377            B. A conservation easement granted to the county or other appropriate land  
4378            management agency shall be required for land contained in the sending site. The  
4379            conservation easement shall be documented by a map. The conservation easement shall  
4380            be placed on the entire lot or lots. The conservation easement shall identify in limitations  
4381            in perpetuity on future residential and nonresidential development consistent with this  
4382            chapter, as follows:

4383            1. A conservation easement, which contains the easement map, shall be  
4384            recorded on the entire sending site to indicate development limitations on the sending  
4385            site;

4386            2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
4387            consistent in form and substance with the purchase agreements used in the agricultural  
4388            land development rights purchase program. The conservation easement shall preclude  
4389            subdivision of the subject property but may permit not more than one dwelling per  
4390            sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

4391           3. For a rural sending site the conservation easement shall allow for restoration,  
4392 maintenance or enhancement of native vegetation. A present conditions report shall be  
4393 required to document the location of existing structures and existing native vegetation  
4394 and the baseline conservation values of protected property at the time the conservation  
4395 easement is put in place. If residential development will be allowed on the site under the  
4396 conservation easement, the present conditions report shall be used to guide the location of  
4397 residential development;

4398           4. For a sending site qualifying as habitat for federal listed endangered or  
4399 threatened species, the conservation easement shall protect habitat and allow for  
4400 restoration, maintenance or enhancement of native vegetation. A present conditions  
4401 report shall be required to document the location of existing structures. If existing or  
4402 future residential development will be allowed on the site under the conservation  
4403 easement, the present conditions report shall be used by the owner to guide the location  
4404 of residential development; and

4405           5. For a sending site zoned F, the conservation easement shall encumber the  
4406 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to  
4407 participate in the TDR program if they include any existing dwelling units intended to be  
4408 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and  
4409 eighty acres in size, the sending site must include the entire lot. For lots greater than  
4410 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
4411 conservation easement shall permit forestry uses subject to a forest stewardship plan  
4412 prepared by the applicant and approved by the county for ongoing forest management  
4413 practices. The Forest Stewardship Plan shall include a description of the site's forest



4414 resources and the long term forest management objectives of the property owner, and  
4415 shall not impose standards that exceed Title 222 WAC.

4416 SECTION 113. Ordinance 13274, Section 7, as amended, and K.C.C.

4417 21A.37.070 are each hereby amended to read as follows:

4418 A. An interagency review committee, chaired by the directors of the department  
4419 of ~~((development and environmental services))~~ permitting and environmental review and  
4420 the department of natural resources and parks, or their designees, shall be responsible for  
4421 qualification of sending sites. Determinations on sending site certifications made by the  
4422 committee are appealable to the examiner under K.C.C. 20.24.080. The department of  
4423 natural resources and parks shall be responsible for preparing a written report, which  
4424 shall be signed by the director of the department of natural resources and parks or the  
4425 director's designee, documenting the review and decision of the committee. The  
4426 committee shall issue a TDR certification letter within sixty days of the date of submittal  
4427 of a completed sending site certification application.

4428 B. Responsibility for preparing a completed application rests exclusively with the  
4429 applicant. Application for sending site certification shall include:

- 4430 1. A legal description of the site;
- 4431 2. A title report;
- 4432 3. A brief description of the site resources and public benefit to be preserved;
- 4433 4. A site plan showing the existing and proposed dwelling units, nonresidential  
4434 structures, driveways, submerged lands and any area already subject to a conservation  
4435 easement or other similar encumbrance;
- 4436 5. Assessors map or maps of the lot or lots;

4437           6. A statement of intent indicating whether the property ownership, after TDR  
4438 certification, will be retained in private ownership or dedicated to King County or another  
4439 public or private nonprofit agency;

4440           7. Any or all of the following written in conformance with criteria established  
4441 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as  
4442 habitat for a threatened or endangered species:

- 4443           a. a wildlife habitat conservation plan;
- 4444           b. a wildlife habitat restoration plan; or
- 4445           c. a wildlife present conditions report;

4446           8. A forest stewardship plan, written in conformance with criteria established  
4447 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.  
4448 21A.37.060.B.3. and 6.;

4449           9. An affidavit of compliance with the reforestation requirements of the Forest  
4450 Practices Act and any additional reforestation conditions of the forest practices permit for  
4451 the site, if required under K.C.C. 21A.37.020.E;

4452           10. A completed density calculation worksheet for estimating the number of  
4453 available development rights; and

4454           11. The application fee consistent with K.C.C. 27.36.020.

4455           SECTION 114. Ordinance 13274, Section 8, as amended, and K.C.C.  
4456 21A.37.080 are each hereby amended to read as follows:

4457           A. TDR development rights where both the proposed sending and receiving sites  
4458 would be within unincorporated King County shall be transferred using the following  
4459 process:

4460 1. Following interagency review committee review and approval of the sending  
4461 site application as described in K.C.C. 21A.37.070 the interagency review committee  
4462 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in  
4463 exchange for the proposed sending site conservation easement. After signing and  
4464 notarizing the conservation easement and receiving the TDR certificate from the county,  
4465 the sending site owner may market the TDR sending site development rights to potential  
4466 purchasers. The TDR certificate shall be in the name of the property owner and separate  
4467 from the land title. If a TDR sending site that has been reviewed and approved by the  
4468 interagency review committee changes ownership, the TDR certificate letter of intent  
4469 may be transferred to the new owner if requested in writing to the department of natural  
4470 resources by the person or persons that owned the property when the TDR certificate  
4471 letter of intent was issued, provided that the documents evidencing the transfer of  
4472 ownership are also provided to the department of natural resources;

4473 2. In applying for receiving site approval, the applicant shall provide the  
4474 department of ~~((development and environmental services))~~ permitting and environmental  
4475 review with one of the following:

- 4476 a. a TDR certificate letter of intent issued in the name of the applicant,
- 4477 b. a TDR certificate letter of intent issued in the name of another person or  
4478 persons and a copy of a signed option to purchase those TDR sending site development  
4479 rights,
- 4480 c. a TDR certificate issued in the name of the applicant, or
- 4481 d. a TDR certificate issued in the name of another person or persons and a  
4482 copy of a signed option to purchase those TDR sending site development rights;

4483           3. Following building permit approval, but before building permit issuance by  
4484 the department of (~~development and environmental services~~) permitting and  
4485 environmental review or following preliminary plat approval or preliminary short plat  
4486 approval, but before final plat or short plat recording of a receiving site development  
4487 proposal which includes the use of TDR development rights, the receiving site applicant  
4488 shall deliver the TDR certificate issued in the applicant's name for the number of TDR  
4489 development rights being used and the TDR extinguishment document to the county;

4490           4. When the receiving site development proposal requires a public hearing  
4491 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as  
4492 the hearing on the TDR proposal. The reviewing authority shall make a consolidated  
4493 decision on the proposed development and use of TDR development rights and consider  
4494 any appeals of the TDR proposal under the same appeal procedures set forth for the  
4495 development proposal; and

4496           5. When the development proposal does not require a public hearing under this  
4497 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
4498 development proposal, and any appeals of the TDR proposal shall be considered under  
4499 the same appeal procedures set forth for the development proposal.

4500           6. Development rights from a sending site shall be considered transferred to a  
4501 receiving site when a final decision is made on the TDR receiving area development  
4502 proposal, the sending site is permanently protected by a completed and recorded land  
4503 dedication or conservation easement, notification has been provided to the King County  
4504 assessor's office and a TDR extinguishment document has been provided to the  
4505 department of natural resources and parks, or its successor agency.

4506 B. TDR development rights where the proposed receiving site would be within an  
4507 incorporated King County municipal jurisdiction shall be reviewed and transferred using  
4508 that jurisdiction's development application review process.

4509 SECTION 115. Ordinance 10870, Section 576, as amended, and K.C.C.  
4510 21A.38.030 are each hereby amended to read as follows:

4511 A. Property-specific development standards, denoted by the zoning map symbol -  
4512 P after the zone's map symbol or a notation in the SITUS File, shall be established on  
4513 individual properties through either reclassifications or area zoning. All property-specific  
4514 development standards are contained in Appendix of Ordinance 12824 as currently in  
4515 effect or hereinafter amended and shall be maintained by the department of  
4516 ~~((development and environmental services))~~ permitting and environmental review in the  
4517 Property Specific Development Conditions notebook. Upon the effective date of  
4518 reclassification of a property to a zone with a -P suffix, the property-specific development  
4519 standards adopted thereby shall apply to any development proposal on the subject  
4520 property subject to county review, including, but not limited to, a building permit,  
4521 grading permit, subdivision, short subdivision, subsequent reclassification to a potential  
4522 zone, urban planned development, conditional use permit, variance, and special use  
4523 permit.

4524 B. Property-specific development standards shall address problems unique to  
4525 individual properties or a limited number of neighboring properties that are not addressed  
4526 or anticipated by general minimum requirements of this title or other regulations.

4527 C. Property-specific development standards shall cite the provisions of this title,  
4528 if any, that are to be augmented, limited, or increased, shall be supported by

4529 documentation that addresses the need for such condition(s), and shall include street  
4530 addresses, tax lot numbers or other clear means of identifying the properties subject to the  
4531 additional standards. Property-specific development standards are limited to:

- 4532 1. Limiting the range of permitted land uses;
- 4533 2. Requiring special development standards for property with physical  
4534 constraints (e.g. environmental hazards, view corridors);
- 4535 3. Requiring specific site design features (e.g. building orientation, lot layout,  
4536 clustering, trails or access location);
- 4537 4. Specifying the phasing of the development of a site;
- 4538 5. Requiring public facility site dedications or improvements (e.g. roads,  
4539 utilities, parks, open space, trails, school sites); or
- 4540 6. Designating sending and receiving sites for transferring density credits as  
4541 provided in K.C.C. 21A.36.

4542 D. Property-specific development standards shall not be used to expand permitted  
4543 uses or reduce minimum requirements of this title.

4544 SECTION 116. Ordinance 10870, Section 577, as amended, and K.C.C.

4545 21A.38.040 are each hereby amended to read as follows:

4546 Special district overlays shall be designated on official area zoning maps and as a  
4547 notation in the department's electronic parcel record, as follows:

4548 A. A special district overlay shall be designated through the area zoning process  
4549 as provided in K.C.C. chapters 20.12 and 20.16. Designation of an overlay district shall  
4550 include policies that prescribe the purposes and location of the overlay;

4551 B. A special district overlay shall be applied to land through an area zoning  
4552 process as provided in K.C.C. chapters 20.12 and 20.16 and shall be indicated on the  
4553 zoning map and as a notation in the department's electronic parcel record and shall be  
4554 designated in Appendix B of Ordinance 12824 as maintained by the department of  
4555 ~~((development and environmental services))~~ permitting and environmental review, with  
4556 the suffix "-SO" following the map symbol of the underlying zone or zones;

4557 C. The special district overlays in this chapter are the only overlays authorized by  
4558 the code. New or amended overlays to carry out new or different goals or policies shall  
4559 be adopted as part of this chapter and be available for use in all appropriate community,  
4560 subarea or neighborhood planning areas;

4561 D. The special district overlays in this chapter may waive, modify and substitute  
4562 for the range of permitted uses and development standards established by this title for any  
4563 use or underlying zone;

4564 E. Unless they are specifically modified by this chapter, the standard  
4565 requirements of this title and other county ordinances and regulations govern all  
4566 development and land uses within special district overlays;

4567 F. A special district overlay on an individual site may be modified by property-  
4568 specific development standards as provided in K.C.C. 21A.38.030;

4569 G. A special district overlay may not be deleted by a zone reclassification; and

4570 H. Special district overlay development standards may be modified or waived  
4571 through the consideration of a variance, subject to the variance criteria in K.C.C.  
4572 21A.44.030.

4573            SECTION 117. Ordinance 10870, Section 583, as amended, and K.C.C.

4574 21A.39.020 are each hereby amended to read as follows:

4575            A. King County shall accept an application for an UPD permit only in areas  
4576 designated urban by the comprehensive plan and contained within the boundaries of UPD  
4577 Special District Overlays designated by a community plan or comprehensive plan,  
4578 provided that density transfer from adjacent rural lands is allowed as provided for in  
4579 K.C.C. chapter 21A.36.

4580            B. A UPD permit application, or modifications of an approved UPD permit that  
4581 requires council review, shall be reviewed pursuant to the hearing examiner process  
4582 outlined in K.C.C. chapter 21A.42, provided that:

4583            1. the review of the UPD permit application shall not be completed until  
4584 applicable sewer and/or water comprehensive utility plans or plan amendments are  
4585 identified;

4586            2. A UPD permit may be processed concurrently with any application for a  
4587 subsequent development approval implementing the UPD permit.

4588            C. A processing memorandum of understanding (MOU) shall be adopted  
4589 containing any of the following elements:

4590            1. Schedule for processing including timelines for EIS, drainage master plan,  
4591 UPD permit hearings, plans or other permits or approvals;

4592            2. Budget for permit processing and review;

4593            3. Establishment of a core UPD review team with one representative from each  
4594 county department having a principal UPD permit review role. The department  
4595 responsible for coordinating review of the UPD shall enter into memorandums of



4596 understanding with other county departments specifying special tasks and timetables  
4597 consistent with the schedule for performance by each department and/or independent  
4598 consulting;

4599 4. Retention of a third-party facilitator at the applicant's cost to assist the  
4600 county's review;

4601 5. Establishment of baseline monitoring requirements and design parameters  
4602 that are to apply under existing law during the UPD application and review process;

4603 6. Final scope for EIS, that shall be adjusted for adopted county substantive  
4604 environmental or mitigation requirements that will apply to the UPD permit such as  
4605 K.C.C. chapter 21A.24, the SWM Manual, road and school adequacy standards, impact  
4606 fee or mitigation programs or other adopted standards.

4607 D. The processing MOU shall be completed initially within ninety days after the  
4608 request by a UPD permit applicant, unless the county and applicant agree to a different  
4609 time. If the county and applicant have not reached agreement within ninety days, then  
4610 either may request final resolution of the processing MOU by a committee consisting of  
4611 the directors of the departments of transportation, ~~((development and environmental  
4612 services))~~ permitting and environmental review, and natural resources and parks;

4613 E. The county shall prepare a UPD application form consistent with the  
4614 information required under K.C.C. 21A.39.030, that shall take into account that detailed  
4615 information that may not be available at the time of the application will be developed  
4616 through the environmental impact statement and review process.

4617 SECTION 118. Ordinance 11621, Section 113, and K.C.C. 21A.43.040 are each  
4618 hereby amended to read as follows:

4619 Fees shall be collected by the department of ~~((development and environmental~~  
4620 ~~services))~~ permitting and environmental review and maintained in a separate account for  
4621 each school district, pursuant to K.C.C. 21A.43.070. Fees shall be paid to the district  
4622 pursuant to administrative rules of an interlocal agreement between the county and the  
4623 district.

4624 SECTION 119. Ordinance 11621, Section 117, and K.C.C. 21A.43.080 are each  
4625 hereby amended to read as follows:

4626 A. Low or moderate income housing projects being developed by public housing  
4627 agencies or private non-profit housing developers shall be exempt from the payment of  
4628 school impact fees. The amount of the school impact fees not collected from low or  
4629 moderate income household development shall be paid from public funds other than  
4630 impact fee accounts. The impact fees for these units shall be considered paid for by the  
4631 district through its other funding sources, without the district actually transferring funds  
4632 from its other funding sources into the impact fee account. The planning and community  
4633 development division shall review proposed developments of low or moderate income  
4634 housing by such public or non-profit developers pursuant to criteria and procedures  
4635 adopted by administrative rule, and shall advise the department of ~~((development and~~  
4636 ~~environmental services))~~ permitting and environmental review as to whether the project  
4637 qualifies for the exemption.

4638 B. Private developers who dedicate residential units for occupancy by low or  
4639 moderate income households may apply to the division for reductions in school impact  
4640 fees pursuant to the criteria established for public housing agencies and private non-profit  
4641 housing developers pursuant to subsection A, and subject to the provisions of subsection

4642 A. The division shall review proposed developments of low or moderate income housing  
4643 by such private developers pursuant to criteria and procedures adopted by administrative  
4644 rule, and shall advise the department of ~~((development and environmental services))~~  
4645 permitting and environmental review as to whether the project qualifies for the  
4646 exemption. If the division recommends the exemption, the department of ~~((development~~  
4647 ~~and environmental services))~~ permitting and environmental review shall reduce the  
4648 calculated school impact fee for the development by an amount that is proportionate to  
4649 the number of units in the development that satisfy the adopted criteria.

4650 C. Individual low or moderate income home purchasers (as defined pursuant to  
4651 the King County Comprehensive Housing Affordability Strategy (CHAS) who are  
4652 purchasing homes at prices within their eligibility limits based on standard lending  
4653 criteria and meet other means tests established by rule by the division are exempted from  
4654 payment of the impact fee, provided that at such time as the property in question is  
4655 transferred to another owner who does not qualify for the exemption, at which time the  
4656 fee shall be due and payable.

4657 D. The division is hereby instructed and authorized to adopt, pursuant to K.C.C.  
4658 Chapter 2.98, administrative rules to implement this section. Such rules shall provide for  
4659 the administration of this program and shall:

4660 1. Encourage the construction of housing for low or moderate income  
4661 households by public housing agencies or private non-profit housing developers  
4662 participating in publicly sponsored or subsidized housing programs;

4663           2. Encourage the construction in private developments of housing units for low  
4664 or moderate income households that are in addition to units required by another housing  
4665 program or development condition;

4666           3. Ensure that housing that qualifies as low or moderate cost meets appropriate  
4667 standards regarding household income, rent levels or sale prices, location, number of  
4668 units and development size; and

4669           4. Ensure that developers who obtain an exemption from or reduction of school  
4670 impact fees will in fact build the proposed low or moderate cost housing and make it  
4671 available to low or moderate income households for a minimum of fifteen (15) years.

4672           5. Ensure that individual low or moderate income purchasers meet appropriate  
4673 eligibility standards based on income and other financial means tests.

4674           E. As a condition of receiving an exemption under paragraph B or C, the owner  
4675 must execute and record a county-drafted lien, covenant, and/or other contractual  
4676 provision against the property for a period of ten (10) years for individual owners, and  
4677 fifteen (15) years for private developers, guaranteeing that the proposed development will  
4678 continue to be used for low or moderate income housing. In the event that the pattern of  
4679 development or the use of the development is no longer for low or moderate income  
4680 housing, then the owner shall pay the impact fee amount from which the owner or any  
4681 prior owner was exempt. The lien, covenant, or other contractual provision shall run with  
4682 the land and apply to subsequent owners.

4683           SECTION 120. Ordinance 12627, Section 2, and K.C.C. 21A.55.020 are each  
4684 hereby amended to read as follows:

4685           A. Authority and Application of Demonstration Projects. In establishing any  
4686 demonstration project, the council shall specify the following provisions:

4687           1. The purpose of the demonstration project;

4688           2. The location(s) of the demonstration project;

4689           3. The scope of authority to modify standards and the lead agency/department  
4690 with authority to administer the demonstration project;

4691           4. The development standards established by this title or other titles of the King  
4692 County Code which affect the development of property that are subject to administrative  
4693 modifications or waivers;

4694           5. The process through which requests for modifications or waivers are  
4695 reviewed and any limitations on the type of permit or action;

4696           6. The criteria for modification or waiver approval;

4697           7. The effective period for the demonstration project and any limitations on  
4698 extensions of the effective period;

4699           8. The scope of the evaluation of the demonstration project and the date by  
4700 which the executive shall submit an evaluation of the demonstration project; and

4701           9. The date by which the executive shall submit an evaluation of specific  
4702 alternative standards and, if applicable, proposed legislation.

4703           B. A demonstration project shall be designated by the Metropolitan King County  
4704 Council through the application of a demonstration project overlay to properties in a  
4705 specific area or areas. A demonstration project shall be indicated on the zoning map or a  
4706 notation in the SITUS File maintained by the department of ~~((development and  
4707 environmental services))~~ permitting and environmental review, by the suffix "-DPA"

4708 (meaning demonstration project area) following the map symbol of the underlying zone  
4709 or zones. Within a designated demonstration project area, approved alternative  
4710 development regulations may be applied to development applications.

4711 SECTION 121. Ordinance 13275, Section 1, as amended, and K.C.C.

4712 21A.55.050 are each hereby amended to read as follows:

4713 A. The purpose of the rural forest demonstration project is to test techniques to  
4714 maintain long-term forest uses in areas with a predominant parcel size of significantly  
4715 less than eighty acres that are located in proximity to residential development. The  
4716 demonstration project will also provide information and data to assist in the development  
4717 of King County Comprehensive Plan policies to guide application and refinement of  
4718 forest protection regulations.

4719 B. The rural forest demonstration project will be implemented on the five-  
4720 hundred-ten-acre site located east of the Rattlesnake Mountain Scenic Area, as shown in  
4721 Attachment A to Ordinance 13275.

4722 C. The rural forest demonstration project shall include:

4723 1. Preparation of a forest management plan for the entire demonstration project  
4724 site. The forest management plan shall be developed jointly by the department of natural  
4725 resources and parks and the property owner with input from the Washington state  
4726 Department of Natural Resources, local tribes and citizens, and shall be approved by the  
4727 director of the department of natural resources and parks. The forest management plan  
4728 shall include:

4729           a. an inventory of existing conditions, including current tree species and  
4730 respective size ranges, understory composition, critical areas, natural and human induced  
4731 disturbance regimes and history of ecosystem changes;

4732           b. objectives for forest management including water quality protection, habitat  
4733 enhancement, maintenance of scenic areas, surface water management and minimal  
4734 impacts to neighbors.

4735           c. a reforestation element consistent with these management objectives  
4736 including establishment of stream buffers of one hundred eighty-three feet for Class II  
4737 streams with salmonids and one hundred feet for Class III streams; and

4738           d. an operation and maintenance element including anticipated harvest  
4739 activities;

4740           2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners  
4741 Association the proceeds of which may be expended solely to implement and monitor the  
4742 forest management plan. The net proceeds of any harvest of forest products from the  
4743 common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the  
4744 extent necessary to bring the aggregate amount of money in such fund to an amount  
4745 reasonably anticipated to be needed to pay the cost of implementing and monitoring the  
4746 forest management plan for the current and next two calendar years;

4747           3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley  
4748 Homeowners Association to implement the forest management plan. The stewardship  
4749 committee shall, in consultation with King County and Washington state Department of  
4750 Natural Resources: ensure sufficient funding is available for implementation of the forest  
4751 management plan, hire a qualified forester or foresters to implement the forest

4752 management plan and hire qualified staff to monitor implementation of the forest  
4753 management plan and prepare required reports. King County and the Washington state  
4754 Department of Natural Resources shall annually inspect the property for compliance with  
4755 the forest management plan consistent with the terms of the conservation easement and  
4756 King County shall offer training to the members of the stewardship committee on forestry  
4757 techniques and issues;

4758           4. Application and review of a formal subdivision of forty-one lots, exclusive of  
4759 common tracts, on the five hundred-ten-acre site. The subdivision and infrastructure  
4760 shall be designed to integrate with the forest landscape, including pavement widths no  
4761 wider than needed to meet safety considerations. A goal of the demonstration project is to  
4762 test the marketability of these forest lots in a timely manner; to that end, it is a goal of  
4763 King County to render a decision on the subdivision application within six months of  
4764 submittal of the application. A priority review process shall be implemented as permitted  
4765 by K.C.C. 21A.55.010. The department of ~~((development and environmental services))~~  
4766 permitting and environmental review shall assign a permit coordinator and a project  
4767 review team to complete review of all aspects of the application, and shall negotiate  
4768 appropriate fees for the review process with the applicant. Neither the designation of the  
4769 site as a demonstration project nor approval of the forest management plan constitute  
4770 approval of the subdivision application or in any way limit King County discretion in  
4771 SEPA review or application of regulations to the subdivision application;

4772           5. Dedication or conveyance, upon final plat approval, to King County or a  
4773 qualified nonprofit conservation organization of a conservation easement in perpetuity  
4774 upon the demonstration project site that: prohibits any future subdivision activity;



4775 prohibits all development of the site other than residential development of no more than  
4776 forty-one lots; restricts such residential development and associated lawn, landscaped  
4777 areas, driveways and fenced areas to an area not to exceed two acres within each lot;  
4778 restricts the uses of the remaining nonresidential portion of the site to open space and  
4779 forest practices and incidental uses necessary for the residential use on the forty-one lots  
4780 such as for roads, access drives (not including on-site driveways) utilities and storm  
4781 detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2;  
4782 requires the owner to exercise its reasonable best efforts to implement the forest  
4783 management plan and provides for enforcement of the terms of the conservation  
4784 easement first through nonbinding mediation. Adoption of this demonstration project  
4785 shall be subject to council review of the conservation easement, a copy of which shall be  
4786 provided to the council by August 20, 1998; and

4787           6. An inventory of properties within King County with similar characteristics to  
4788 the rural forest demonstration project site and an analysis of the potential effects of  
4789 development of those properties under the same requirements as the demonstration  
4790 project.

4791           D. Application to modify or waive development standards of K.C.C. Title 21A  
4792 for this individual development proposal shall be administratively approved by the  
4793 director of the department of ~~((development and environmental services))~~ permitting and  
4794 environmental review and shall be consistent with an approved forest management plan  
4795 developed for the entire five-hundred-ten acre site.

4796           E. The application to modify or waive development standards for this  
4797 development proposal shall be evaluated on the merits of the specific proposal. Approval

4798 or denial of a proposed modification or waiver shall not be construed as precedent setting  
4799 for elsewhere in the county.

4800 F. Modification or waivers approved pursuant to the rural forest demonstration  
4801 project shall be in addition to those modifications or waivers that are currently allowed by  
4802 K.C.C. Title 21A. The range of proposed modifications to development regulations that  
4803 may be considered pursuant to the rural forest demonstration project shall only include  
4804 the following zoning code regulations:

4805 1. Development Standards - Landscaping and Water Use, K.C.C. chapter  
4806 21A.16, limited to the following sections:

4807 a. landscaping - street frontages, K.C.C. 21A.16.050;

4808 b. landscaping - interior lot lines, K.C.C. 21A.16.060; and

4809 c. landscaping - additional standards for required landscape areas, K.C.C.  
4810 21A.16.090.

4811 2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18,  
4812 limited to the following sections:

4813 a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and

4814 b. off-street parking plan design standards, K.C.C. 21A.18.110.

4815 G. The modification or waiver review process is as follows:

4816 1. Requests for modifications or waivers may only be submitted in relation to a  
4817 formal subdivision proposal;

4818 2. Requests shall be:

4819 a. submitted to the department of ~~((development and environmental services))~~  
4820 permitting and environmental review prior to or in conjunction with the subdivision  
4821 application for preliminary approval of a formal subdivision on the project site; and

4822 b. in writing, along with any supporting documentation. The supporting  
4823 documentation must illustrate how the proposed modification meets the criteria of K.C.C.  
4824 21A.55.050.H;

4825 3. Notice of application, review and approval of proposed modifications or  
4826 waivers submitted in conjunction with a formal subdivision application shall be treated as  
4827 a Type 2 land use decision. In approving a proposed modification or waiver, the director  
4828 must conclude that the criteria for approval in K.C.C. 21A.55.050.H have been met;

4829 4. A preapplication meeting to determine the need for, and the likely scope of, a  
4830 proposed modification or modifications or waiver or waivers shall be required prior to  
4831 submittal of a modification request; and

4832 5. Administrative appeals of director approved modifications or waivers shall be  
4833 combined with consideration of the underlying application for preliminary subdivision  
4834 approval.

4835 H. The application for a rural forest demonstration project must, for modification  
4836 or waiver approval, demonstrate how the proposed project, with modifications or waivers  
4837 to the code, will be consistent with and implement the approved forest management plan.  
4838 This shall be demonstrated by documenting that the development with modifications or  
4839 waivers:

4840 1. Enhances the preservation of forestry for resource value, open space, scenic  
4841 views and wildlife habitat;

4842           2. Reduces impacts on the natural environment or restores natural functions; and

4843           3. Supports the integration of forest uses and homesites.

4844           I. The forest management plan for a rural forest demonstration project shall be  
4845 developed and a decision on its approval or denial shall be reached no more than thirty  
4846 days after designation of the site as a rural forest demonstration project. If the forest  
4847 management plan is not approved thirty days after designation as a rural forest  
4848 demonstration project, the executive shall propose restoring the site to its prior land use  
4849 designations and zoning classifications as part of the 1999 amendments to the King  
4850 County Comprehensive Plan. Regulatory modification or waiver applications authorized  
4851 by Ordinance 13275 shall not be accepted by the department of ~~((development and  
4852 environmental services))~~ permitting and environmental review after March 1, 1999.  
4853 Modifications or waivers to the King County Code contained within an approved  
4854 development proposal shall be valid as long as the underlying permit. The rural forest  
4855 demonstration project shall continue for a period of five years from the final approval of  
4856 the subdivision application, with reporting periods specific to measuring the goals of the  
4857 forest management plan.

4858           J. The director of the department of natural resources and parks shall submit a  
4859 report on the rural forest demonstration project to the council following approval of the  
4860 forest management plan evaluating the process used to prepare the forest management  
4861 plan, an inventory of other properties that have similar characteristics to the  
4862 demonstration project site, the applicability and potential effects of allowing these other  
4863 properties to develop under the same requirements as the demonstration project and  
4864 recommending any changes that should be made to county policy or regulations to

4865 maintain long-term forestry in areas no longer managed for large-scale commercial  
4866 forestry. In addition, a report shall be prepared annually by qualified staff retained by the  
4867 Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or  
4868 subsequent management entity of the forest management plan and submitted to the Rural  
4869 Forest Commission. The annual reporting shall commence six months following final  
4870 approval of the subdivision. The first two annual reports shall describe the annual work  
4871 program and budget for implementation of the forest management plan, progress made in  
4872 implementing the work program, and success in marketing the homesites. Annual reports  
4873 for the subsequent three years shall document the annual budget and continued progress  
4874 in implementing the forest management plan, the level of involvement by homeowners in  
4875 forest management and any problems in implementation generated by homeowners. The  
4876 Rural Forest Commission shall review the annual reports and shall inform the director of  
4877 the department of natural resources and parks if it has found that necessary  
4878 implementation measures of the forest management plan have not been followed. If so,  
4879 and if the director of the department of natural resources and parks determines it is  
4880 necessary, the director shall request the Stewardship Committee of the Uplands  
4881 Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory  
4882 action is not taken, the director may invoke the enforcement mechanism of the  
4883 conservation easement. The annual reports will also provide information for further  
4884 consideration of changes to county policies or regulations for maintenance of long-term  
4885 forestry.

4886           SECTION 122. Ordinance 14662, Section 1, as amended, and K.C.C.  
4887 21A.55.060 are each hereby amended to read as follows:

4888           A. The purpose of the low-impact development and Built Green demonstration  
4889 projects is to determine whether innovative permit processing, site development and  
4890 building construction techniques based on low-impact development and building  
4891 construction practices result in environmental benefits, affordable housing and lead to  
4892 administrative and development cost savings for project applicants and King County.  
4893 The demonstration projects will provide information on application of these techniques to  
4894 an urban infill mixed-use redevelopment project, an urban single family residential  
4895 project, a Vashon Town housing project and an urban infill residential redevelopment  
4896 project. The demonstration projects will also provide information to assist in the  
4897 development of King County Comprehensive Plan policies to guide application and  
4898 refinement of regulations such as zoning, subdivision, roads and stormwater regulations.  
4899 Expected benefits from the demonstration projects include: improved conditions of  
4900 habitat, ground and surface waters within a watershed; reduced impervious surface areas  
4901 for new site infrastructure in developed and redeveloped projects; greater use of recycled-  
4902 content building materials and more efficient use of energy and natural resources; and the  
4903 opportunity to identify and evaluate potential substantive changes to land use  
4904 development regulations that support and improve natural functions of watersheds. The  
4905 demonstration projects will also evaluate whether consolidated administrative approval of  
4906 modifications or waivers and any subsequent hearings, if required, effectively speeds the  
4907 development review process while maintaining land use coordination and environmental  
4908 protection, and whether that leads to administrative costs savings for project applicants  
4909 and King County.

4910           B. The department shall implement the low-impact development and Built Green  
4911 demonstration projects in all or a portion of each of the following: the White Center  
4912 neighborhood of the Greenbridge Project as described in Attachment A to Ordinance  
4913 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue  
4914 Southwest and Southwest 116th Street known as Park Lake Homes II as described in  
4915 Attachment A to Ordinance 16099 the unincorporated Urban Area east of Renton at  
4916 approximately 148th Avenue Southeast and Southeast 128th Street as described in  
4917 Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C  
4918 to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are  
4919 expanded, the provisions of this ordinance may apply provided the criteria in subsection  
4920 L. of this section are met.

4921           C. A request by the applicant to modify or waive development standards for the  
4922 development proposals shall be evaluated by the department based on the criteria in  
4923 subsection L. of this section. A request shall first be either approved or denied  
4924 administratively and may be further reviewed as described in subsection H.3. of this  
4925 section. Approval or denial of the proposed modification or waiver shall not be  
4926 construed as applying to any other development application either within the  
4927 demonstration project area or elsewhere in the county.

4928           D. A modification or waiver approved by the department in accordance with the  
4929 low-impact development and Built Green demonstration projects shall be in addition to  
4930 those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title.  
4931 The range of proposed modifications or waivers to development regulations that may be  
4932 considered pursuant to the low-impact development and Built Green demonstration

4933 projects shall include only the following King County code regulations and related public  
4934 rules:

4935 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water  
4936 Design Manual;

4937 2. King County road standards: K.C.C. 14.42.010 and the King County road  
4938 design and construction standards;

4939 3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of  
4940 the zone applied to the entire demonstration project and if the minimum density is not  
4941 less than the minimum residential density of the zone calculated for the portion of the site  
4942 to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a  
4943 demonstration project provides fifty-one percent or more of the housing to households  
4944 that, at the time of initial occupancy, have incomes of eighty percent or less of median  
4945 income for King County as periodically published by the United States Department of  
4946 Housing and Urban Development, or its successor agency, or if fifty-one percent or more  
4947 of the rental housing is permanently priced to serve low-income senior citizens, then the  
4948 director may approve:

4949 a. less than the minimum density; and

4950 b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue  
4951 SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the  
4952 Greenbridge Project, greater than the maximum density, up to a maximum of R-48  
4953 (Residential forty-eight dwelling units per acre);

4954 4. Design requirements: K.C.C. chapter 21A.14;

4955 5. Landscaping and water use: K.C.C. chapter 21A.16;



- 4956           6. Parking and circulation: K.C.C. chapter 21A.18;  
4957           7. Signs: K.C.C. chapter 21A.20; and  
4958           8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification  
4959 results in a net improvement to the functions of the sensitive area.

4960           E. A demonstration project authorized by this section and located in the R-12  
4961 through R-48 zones may contain residential and limited nonresidential uses subject to the  
4962 following provisions:

4963           1. The demonstration project may request a modification or waiver of any of the  
4964 development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,  
4965 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process  
4966 described in subsection H. of this section and the criteria described in subsection L. of  
4967 this section.

4968           2. The demonstration project may include single family detached residential  
4969 dwelling units as a permitted use, subject to the review process described in subsection H.  
4970 of this section and the criteria described in subsection L. of this section.

4971           3. The demonstration project may include any nonresidential use allowed as a  
4972 permitted use in the NB zone, subject to any development conditions contained in K.C.C.  
4973 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without  
4974 the need to request a modification or waiver as described in subsection H. of this section.

4975           The applicant may request a modification or waiver of the development conditions  
4976 contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070,  
4977 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a  
4978 nonresidential use is permitted in the R-12 through R-48 zones, subject to development

4979 conditions, and is permitted in the NB zone without development conditions, the use shall  
4980 be permitted in the demonstration project without development conditions and without  
4981 the need to request a modification or waiver.

4982           4. If a nonresidential use is subject to a conditional use permit in the R-12  
4983 through R-48 zones and not subject to a conditional use permit in the NB zone, the use  
4984 shall be permitted in the demonstration project without requiring a conditional use  
4985 permit.

4986           5. If a use is subject to a conditional use permit in both the R-12 through R-48  
4987 zones and the NB zone or only in the NB zone, the use may be permitted in the  
4988 demonstration project if the demonstration project applies for and obtains a conditional  
4989 use permit and satisfies the conditional use permit criteria.

4990           6. Uses authorized by this subsection shall be allowed only as part of a  
4991 demonstration project under this section. All such uses shall be subject to the  
4992 development standards in KCC 21A.12.030, except as may be modified or waived under  
4993 subsection D. of this section and this subsection E.

4994           F. A site in the NB and R-12 through R-48 zones located in a demonstration  
4995 project authorized by this section may contain residential uses subject to the following:

4996           1. The demonstration project may request a modification or waiver for the site  
4997 of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040,  
4998 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review  
4999 process described in subsection H. of this section and the criteria described in subsection  
5000 M. of this section;

5001           2. The site may include single family detached residential dwelling units as a  
5002 permitted use, subject to the review process under subsection H. of this section and the  
5003 criteria described in subsection M of this section;

5004           3. The site may include any residential use allowed as a permitted use in the R-  
5005 12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030,  
5006 without the need to request a modification or waiver under subsection H. of this section.  
5007 The applicant may request a modification or waiver of the development conditions in  
5008 K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential  
5009 use is permitted, subject to development conditions, in the NB zone and is permitted  
5010 without conditions in the R-12 through R-48 zones, the use shall be permitted without  
5011 development conditions and without the need to request a modification or waiver;

5012           4. If a residential use is a conditional use in the NB zone and is a permitted use  
5013 in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the  
5014 conditions that apply in the R12 through R-48 zones;

5015           5. If a use is subject to a conditional use permit in both the R-12 through R-48  
5016 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted  
5017 in the demonstration project if the demonstration project applies for and obtains a  
5018 conditional use permit and satisfies the conditional use permit criteria; and

5019           6. Uses authorized by this subsection shall be allowed only as part of a  
5020 demonstration project under this section. All such uses shall be subject to the  
5021 development standards in K.C.C. 21A.12.040, except as may be modified or waived  
5022 under subsection D. of this section and this subsection F.

5023 G. This subsection authorizes a residential basics program for townhouse and  
5024 apartment building types if such housing are located in a demonstration project located in  
5025 the R-12 through R-48 zones, even if not otherwise authorized by the department of  
5026 ~~((development and environmental services))~~ permitting and environmental review public  
5027 rules chapter 16-04: residential basics program.

5028 H.1. Requests for a modification or waiver made in accordance with this section  
5029 may only be submitted in writing in relation to the following types of applications:

- 5030 a. a site development permit;
- 5031 b. a binding site plan;
- 5032 c. a building permit;
- 5033 d. a short subdivision;
- 5034 e. a subdivision;
- 5035 f. a conditional use permit; or
- 5036 g. a clearing and grading permit.

5037 2. Requests shall be submitted to the department in writing before or in  
5038 conjunction with an application for one or more of the permits listed in this subsection.  
5039 together with any supporting documentation. The supporting documentation must  
5040 illustrate how the proposed modification meets the criteria of subsection L. of this  
5041 section.

5042 3. Except for an applicant's request for a modification or waiver submitted in  
5043 conjunction with an application for a subdivision, the notice of application, review and  
5044 approval of a proposed modification or waiver shall be treated as a Type 2 land use  
5045 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver

5046 submitted in conjunction with an application for a subdivision shall be treated as a Type 3  
5047 land use decision in accordance with K.C.C. 20.20.020.

5048           4. A preapplication meeting with the applicant and the department to determine  
5049 the need for and the likely scope of a proposed modification or waiver is required before  
5050 submittal of such a request. The department of natural resources and parks and the  
5051 department of transportation shall be invited to participate in the preapplication meeting,  
5052 if necessary.

5053           5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the  
5054 Surface Water Design Manual, the director shall consult with the department of natural  
5055 resources and parks before granting the modification or waiver.

5056           6. If the applicant requests a variance from the county road standards, the  
5057 director shall refer the request to the county road engineer for decision under KCC  
5058 14.42.060, with the right to appeal within the department of transportation as provided in  
5059 K.C.C. 14.42.062. The purposes of this demonstration ordinance are intended as a factor  
5060 to be considered relative to the public interest requirement for road variances described in  
5061 K.C.C. 14.42.060.

5062           7. Administrative appeals of modifications or waivers approved by the director  
5063 shall be combined with any appeal of the underlying permit decision, if the underlying  
5064 permit is subject to appeal.

5065           I. The hearing examiner may consider an environmental impact statement  
5066 adequacy appeal in conjunction with a demonstration project plat appeal if the  
5067 environmental impact statement is prepared by a lead agency other than the department

5068 and if its adequacy has not previously been adjudicated, even if not otherwise authorized  
5069 by K.C.C. 20.44.120.

5070 J. An approved development proposal for any of the applications listed in  
5071 subsection H.1. of this section, including site plan elements or conditions of approval,  
5072 may be amended or modified at the request of the applicant or the applicant's successor in  
5073 interest designated by the applicant in writing. The director may administratively  
5074 approve minor modifications to an approved development proposal. Modifications that  
5075 result in major changes as determined by the department or as defined by the approval  
5076 conditions, shall be treated as a new application for purposes of vesting and shall be  
5077 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any  
5078 increase in the total number of dwelling units above the maximum number set forth in the  
5079 development proposal permit or approval shall be deemed a major modification. The  
5080 county, through the applicable development proposal permit or approval conditions, may  
5081 specify additional criteria for determining whether proposed modifications are major or  
5082 minor. The modifications allowed under this section supersede other modification or  
5083 revision provisions of K.C.C. Title 16, Title 19A and this title.

5084 K.1. The preliminary subdivision approval of a subdivision with more than four  
5085 hundred units that is part of a demonstration project under this section shall be effective  
5086 for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The  
5087 director may administratively grant a one-time extension, extending the preliminary  
5088 subdivision approval an additional five years, only if the applicant has shown substantial  
5089 progress towards development of the demonstration project. Before granting the  
5090 extension, the director will assess the applicant's compliance with the demonstration

5091 project conditions and may modify or impose new standards deemed necessary for the  
5092 public health or safety.

5093           2. A code modification or waiver approved under this section is effective during  
5094 the validity of the underlying development permit or for forty-eight months, whichever is  
5095 longer.

5096           L.1. To be eligible to use the provisions of the demonstration project,  
5097 development proposals must be located within the boundaries of the Greenbridge Project  
5098 as described in Attachment A to Ordinance 15654, or as may be modified as described in  
5099 subsection B. of this section; in the unincorporated urban area north of Burien at  
5100 approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake  
5101 Homes II as described in Attachment A to Ordinance 16099; in the area east of Renton at  
5102 approximately 148th Avenue Southeast and Southeast 128th Street as described in  
5103 Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment  
5104 C to Ordinance 14662.

5105           2. Proposals to modify or waive development regulations for a development  
5106 application must be consistent with general health, safety and public welfare standards,  
5107 and must not violate state or federal law.

5108           3.a. Applications must demonstrate how the proposed project, when considered  
5109 as a whole with the proposed modifications or waivers to the code, will meet all of the  
5110 criteria listed in this subsection, as compared to development without the modification or  
5111 waiver, and achieves higher quality urban development; enhances infill, redevelopment  
5112 and greenfield development; optimizes site utilization; stimulates neighborhood  
5113 redevelopment; and enhances pedestrian experiences and sense of place and community.

5114           b. Any individual request for a modification or waiver must meet two or more  
5115 of the following criteria:

5116           (1) uses the natural site characteristics to protect the natural systems;  
5117           (2) addresses stormwater and drainage safety, function, appearance,  
5118 environmental protection and maintainability based upon sound engineering judgment;

5119           (3) contributes to achievement of a two-star or a three-star rating for the  
5120 project site under the Built Green "Green Communities" program recognized by the  
5121 Master Builders Association of King and Snohomish counties; or

5122           (4) where applicable, reduces housing costs for future project residents or  
5123 tenants without decreasing environmental protection.

5124           4. The criteria of this subsection supersede other variance, modification or  
5125 waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

5126           M.1. Except for Park Lake Homes II and the part of Greenbridge that was added  
5127 to the demonstration project by Ordinance 15654, regulatory modification and waiver  
5128 applications, or both, authorized by this section shall be filed with the department by  
5129 December 31, 2007, or by such a later date as may be specified in the conditions of any  
5130 development approval for any type of modification or waiver for which the opportunity  
5131 for future application is expressly granted in those conditions. For Park Lake Homes II  
5132 and the part of Greenbridge that was added to the demonstration project by Ordinance  
5133 15654, regulatory modification and waiver applications, or both, authorized by this  
5134 section shall be filed with the department by December 31, 2010, or by such a later date  
5135 as may be specified in the conditions of any development approval for any type of



5136 modification or waiver for which the opportunity for future application is expressly  
5137 granted in those conditions.

5138           2. Modifications or waivers contained within an approved development  
5139 proposal shall be valid as long as the underlying permit or development application  
5140 approval is valid. A permit or approval that implements an approved code modification  
5141 or waiver shall be considered under the zoning and other land use control ordinances in  
5142 effect on the date the applicable complete code modification or waiver application is  
5143 filed.

5144           3. Except for Park Lake Homes II and the part of Greenbridge that was added to  
5145 the demonstration project by Ordinance 15654, modifications or waivers that are  
5146 approved as separate applications must be incorporated into a valid permit or  
5147 development application that must be filed by December 31, 2007. For Park Lake Homes  
5148 II and the part of Greenbridge that was added to the demonstration project by Ordinance  
5149 15654, modifications or waivers that are approved as separate applications must be  
5150 incorporated into a valid permit or development application that must be filed by  
5151 December 31, 2010.

5152           4. The director may extend the date for filing the demonstration project permit  
5153 and development applications for a maximum of twelve months.

5154           5. Except for Park Lake Homes II and the part of Greenbridge that was added to  
5155 the demonstration project by Ordinance 15654, the ability to establish the location and  
5156 maximum size of uses that are not otherwise permitted in the R-12 through R-48 zones as  
5157 set forth in subsection E. of this section expires December 31, 2007. For Park Lake  
5158 Homes II and the part of Greenbridge that was added to the demonstration project by

5159 Ordinance 15654, the ability to establish the location and the maximum size of uses that  
5160 are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E.  
5161 of this section expires December 31, 2010. The ability to establish the location and  
5162 maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone  
5163 as set forth in subsection F. of this section expires at the end of the effective period  
5164 established in subsection K. of this section.

5165           6. Any deadline set forth in this subsection shall be adjusted to include the time  
5166 for appeal of all or any portion of the project approval.

5167           N.1. By December 31, 2006, the director shall prepare and submit to the council  
5168 a report on the pilot programs that:

5169           a. describes and evaluates the pertinent preliminary results from the  
5170 demonstration projects; and

5171           b. recommends changes, based on the evaluation, which should be made to the  
5172 county processes and ordinances.

5173           2. If only insufficient or inconclusive data are available when this report is due,  
5174 the director shall provide an interim status report and indicate the date a subsequent  
5175 report or reports will be transmitted to fully evaluate outcomes of the demonstration  
5176 projects.

5177           SECTION 123. Ordinance 16650, Section 1, as amended, and K.C.C.

5178 21A.55.101 are each hereby amended to read as follows:

5179           A.1. The purpose of the sustainable communities and housing demonstration  
5180 projects is to provide affordable housing and workforce housing integrated into  
5181 developments containing market rate housing and maximize sustainable development,

5182 which includes bike, pedestrian and transit connections, a mix of housing types, and the  
5183 use of recyclable materials. The demonstration projects will provide information on the  
5184 application of these techniques to urban infill redevelopment and urban single family  
5185 residential development, some of which may include mixed use. The demonstration  
5186 projects will also assist the county in refining regulations relating to zoning, subdivision,  
5187 roads and stormwater as they relate to sustainable development.

5188           2. The demonstration projects will also enable the county to evaluate whether  
5189 consolidated administrative approval of zoning and subdivision-related modifications or  
5190 waivers and any subsequent hearings, if required, effectively speeds the development  
5191 review process while maintaining land use coordination and environmental protection  
5192 and whether that leads to administrative costs savings for project applicants and King  
5193 County.

5194           B. The expected benefits from the demonstration projects include: the use of  
5195 innovative design and development techniques to promote sustainable communities,  
5196 reduced impervious surface areas for site infrastructure; a greater use of recycled-content  
5197 building materials and more efficient use of energy and natural resources; and the  
5198 opportunity to identify and evaluate potential substantive changes to land use  
5199 development regulations that support the development of sustainable and affordable  
5200 housing.

5201           C. A request by the applicant to modify or waive development standards for the  
5202 development proposals shall be evaluated by the department of ~~((development and  
5203 environmental services))~~ permitting and environmental review based on the criteria in  
5204 subsection J. of this section. A request shall first be either approved or denied

5205 administratively and may be further reviewed as described in subsection H.3. of this  
5206 section. Approval or denial of the proposed modification or waiver shall not be  
5207 construed as applying to any other development application either within the  
5208 demonstration project area or elsewhere in the county.

5209 D. A modification or waiver approved by the department of ~~((development and~~  
5210 ~~environmental services))~~ permitting and environmental review in accordance with this  
5211 section shall be in addition to those modifications or waivers that are currently allowed  
5212 by this title. The proposed modifications or waivers to development regulations that may  
5213 be considered regarding sustainable communities and housing demonstration projects  
5214 shall include only the following chapters and related public rules:

- 5215 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water  
5216 Design Manual;
- 5217 2. King County road standards: K.C.C. chapter 14.42 and the county road  
5218 standards, 2007 update;
- 5219 3. Density and dimensions: K.C.C. chapter 21A.12;
- 5220 4. Design requirements: K.C.C. chapter 21A.14;
- 5221 5. Landscaping and water use: K.C.C. chapter 21A.16;
- 5222 6. Parking and circulation: K.C.C. chapter 21A.18;
- 5223 7. Signs: K.C.C. chapter 21A.20;
- 5224 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net  
5225 improvement to the functions of the critical area; and
- 5226 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

5227 E. A demonstration project authorized by this section may contain residential and  
5228 limited nonresidential uses subject to the following:

5229 1. The demonstration project may include any residential uses as allowed as a  
5230 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.  
5231 21A.08.030, without the need to request a modification or waiver as described in  
5232 subsection H. of this section. The applicant may request a modification or waiver of any  
5233 of the development conditions for residential uses contained in K.C.C. 21A.08.030,  
5234 subject to the review process described in subsection H. of this section and the criteria in  
5235 subsection J. of this section;

5236 2. The demonstration project may include, as part of a residential project, any  
5237 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,  
5238 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development  
5239 conditions contained in those sections without the need to request a modification or  
5240 waiver as described in subsection H. of this section, except the following uses are not  
5241 allowed:

- 5242 a. automotive parking;
- 5243 b. automotive repair and automotive service, K. C.C. 21A.08.050;
- 5244 c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-  
5245 oriented development. For the purposes of this subsection E.2.c., "transit-oriented  
5246 development" means a development that is designated as a transit-oriented development  
5247 in an agreement with the county and that includes the construction of new housing units  
5248 at or within one quarter mile of a county transit center or park and ride lot;
- 5249 d. gasoline service stations as defined in K.C.C. 21A.08.070;

- 5250 e. off-street required parking lot commercial and industrial accessory uses;
- 5251 f. private stormwater management facility;
- 5252 g. self-service storage; and
- 5253 h. vector waste receiving facility.

5254 3. The nonresidential uses shall be no greater than three thousand square feet  
5255 per use, with a total maximum of all nonresidential uses not to exceed ten percent of the  
5256 area of the demonstration project site or twenty thousand square feet, whichever is  
5257 smaller. The applicant may request a modification or waiver of the development  
5258 conditions for nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,  
5259 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of  
5260 this section and the criteria in subsection J. of this section.

5261 F. A demonstration project authorized by this section allows a residential basics  
5262 program for townhouse and apartment building types, consistent with the department of  
5263 ~~((development and environmental services))~~ permitting and environmental review public  
5264 rules chapter 16-04: residential basics program.

5265 G. All related review processes such as subdivision, building permit, inspection  
5266 and similar processes for a demonstration project shall be expedited if:

5267 1. fifty percent or more of all residential units proposed for the demonstration  
5268 project are affordable to households at eighty percent of area median income, as defined  
5269 by Department of Housing and Urban Development income guidelines for King County  
5270 and below; or

5271 2. seventy percent or more of all residential units for the demonstration project  
5272 are affordable to households at eighty to one hundred fifteen percent of area median

5273 income, as defined by Department of Housing and Urban Development income  
5274 guidelines for King County.

5275 H.1. Requests for a modification or waiver made in accordance with this section  
5276 may only be submitted in writing in relation to the following types of applications:

- 5277 a. a site development permit;
- 5278 b. a binding site plan;
- 5279 c. a building permit;
- 5280 d. a short subdivision; or
- 5281 e. a subdivision.

5282 2. Requests shall be submitted to the department in writing before or in  
5283 conjunction with an application for one or more of the permits listed in subsection H.1. of  
5284 this section, together with any supporting documentation. The supporting documentation  
5285 must illustrate how the proposed modification meets the criteria in subsection J. of this  
5286 section.

5287 3. Except for an applicant's request for a modification or waiver submitted in  
5288 conjunction with an application for a subdivision, the notice of application, review and  
5289 approval of a proposed modification or waiver shall be treated as a Type 2 land use  
5290 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver  
5291 submitted in conjunction with an application for a subdivision shall be treated as a Type 3  
5292 land use decision in accordance with K.C.C. 20.20.020.

5293 4. A preapplication meeting with the applicant and the department of  
5294 ~~((development and environmental services))~~ permitting and environmental review to  
5295 determine the need for and the likely scope of a proposed modification or waiver is

5296 required before submittal of such a request. If a modification or waiver requires approval  
5297 of the department of natural resources and parks or the department of transportation that  
5298 department shall be invited to participate in the preapplication meeting.

5299           5. If the applicant requests an adjustment from the county drainage standards,  
5300 the director of the department of ~~((development and environmental services))~~ permitting  
5301 and environmental review shall refer the request to the department of natural resources  
5302 and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the  
5303 department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The  
5304 department of natural resources and parks shall consider the purposes of this  
5305 demonstration ordinance as a factor relative to the public interest requirement for  
5306 drainage adjustments described in K.C.C.9.04.050.C.

5307           6. If the applicant requests a variance from the county road standards, the  
5308 director shall refer the request to the county road engineer for decision under K.C.C.  
5309 14.42.060, with the right to appeal within the department of transportation as provided in  
5310 K.C.C. 14.42.060 and the associated public rule. The department of transportation shall  
5311 consider the purposes of this demonstration ordinance as a factor relative to the public  
5312 interest requirement for road variances described in K.C.C. 14.42.060.

5313           7. Administrative appeals of modifications or waivers approved by the director  
5314 shall be combined with any appeal of the underlying permit decision, if the underlying  
5315 permit is subject to appeal.

5316           I. An approved development proposal for any of the applications listed in  
5317 subsection H.1. of this section, including site plan elements or conditions of approval  
5318 may be amended or modified at the request of the applicant or the applicant's successor in



5319 interest designated by the applicant in writing. The director may administratively  
5320 approve minor modifications to an approved development proposal. Modifications that  
5321 result in major changes as determined by the department or as defined by the approval  
5322 conditions shall be treated as a new application for purposes of vesting and shall be  
5323 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any  
5324 increase in the total number of dwelling units above the maximum number set forth in the  
5325 development proposal permit or approval shall be deemed a major modification. The  
5326 county, through the applicable development proposal permit or approval conditions, may  
5327 specify additional criteria for determining whether proposed modifications are major or  
5328 minor. The modifications allowed under this section supersede other modification or  
5329 revision provisions of K.C.C. Title 16 and Title 19A and this title.

5330           J.1. To be eligible to use the provisions of this section, a demonstration project  
5331 must be located on a demonstration project site identified in Ordinance 16650, section 2,  
5332 and the applicant has accepted the site as a King County sustainable communities and  
5333 housing demonstration project.

5334           2. Proposals to modify or waive development regulations for a development  
5335 application must be consistent with general health, safety and public welfare standards,  
5336 and must not violate state or federal law.

5337           3.a. Applications must demonstrate how the proposed project, when considered  
5338 as a whole with the proposed modifications or waivers to the code, will meet all of the  
5339 criteria in this subsection J., as compared to development without the modification or  
5340 waiver, and:

5341           (1) achieves higher quality urban development;

- 5342           (2) provides quality infill development;
- 5343           (3) optimizes site utilization; and
- 5344           (4) enhances pedestrian experiences and sense of place and community.
- 5345           b. Any individual request for a modification or waiver must meet two or more
- 5346 of the following criteria:
- 5347           (1) contributes to the creation of a sustainable community, which includes
- 5348 features such as a connected street network, a mix of housing types, pedestrian or bike
- 5349 routes throughout the development, direct bus connections, no front garages, and front
- 5350 porches.
- 5351           (2) uses the natural site characteristics to protect the natural systems;
- 5352           (3)(a) contributes to achievement of a three-star rating for the project site
- 5353 under the Built Green Communities program administered by the Master Builders
- 5354 Association of King and Snohomish Counties;
- 5355           (b) contributes to achievement of a four-star or higher rating for the single
- 5356 family units under the Built Green program administered by the Master Builders
- 5357 Association of King and Snohomish Counties or achieve a gold certification under the
- 5358 U.S. Green Building Council, LEED program or equivalent program; or
- 5359           (c) contributes to achievement of a four-star or higher rating for the
- 5360 multifamily units under the Built Green program administered by the Master Builders
- 5361 Association of King and Snohomish Counties or achieve a gold certification under the
- 5362 U.S. Green Building Council, LEED program or other equivalent program; and
- 5363           (4) provides attractive, well-designed development that will assist in
- 5364 improving safety and preventing crime in the development and surrounding area,

5365 including adequate outdoor lighting along walkways/trails, walkways/trails 5' or wider  
5366 and low vegetation along walkways/trails.

5367 4. The criteria in this subsection supersede other variance, modification or  
5368 waiver criteria and provisions of K.C.C. Title 21A.

5369 K. Regulatory modification and waiver applications, or both, authorized by this  
5370 section shall be filed with the department of ~~((development and environmental services))~~  
5371 permitting and environmental review within three years of the approval of the  
5372 development proposal, which includes issuance of a building permit or site development  
5373 permit, recording of a plat, short plat or binding site plan, or by such a later date as may  
5374 be specified in the conditions of any development approval for any type of modification  
5375 or waiver for which the opportunity for future application is expressly granted in those  
5376 conditions. Modifications or waivers contained within an approved development  
5377 proposal are valid as long as the underlying permit or development application approval  
5378 is valid. If modifications or waivers are approved as separate applications, they must be  
5379 incorporated into a valid permit or development application within three years of  
5380 approval of the development proposal. The director may extend the date for filing the  
5381 demonstration project permit and development applications for a maximum of twelve  
5382 months. Any deadline in this subsection shall be adjusted to include the time for appeal  
5383 of all or any portion of the project approval.

5384 SECTION 124. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010  
5385 are each hereby amended to read as follows:

5386 The words and phrases designated in this section shall be defined for the purposes  
5387 of this title as follows:

5388           A. "Abate" means to take whatever steps are deemed necessary by the director to  
5389 return a property to the condition in which it existed before a civil code violation  
5390 occurred or to assure that the property complies with applicable code requirements.  
5391 Abatement may include, but is not limited to, rehabilitation, demolition, removal,  
5392 replacement or repair.

5393           B. "Civil code violation" means and includes one or more of the following:

5394           1. Any act or omission contrary to any ordinance, resolution, regulation or  
5395 public rule of the county that regulates or protects public health, the environment or the  
5396 use and development of land or water, whether or not the ordinance, resolution or  
5397 regulation is codified; and

5398           2. Any act or omission contrary to the conditions of any permit, notice and order  
5399 or stop work order issued pursuant to any such an ordinance, resolution, regulation or  
5400 public rule.

5401           C. "Contested hearing" means a hearing requested in response to a citation to  
5402 contest the finding that a violation occurred or to contest that the person issued the  
5403 citation is responsible for the violation.

5404           D. "Director" means, depending on the code violated:

5405           1. The director of the department of ~~((development and environmental services))~~  
5406 permitting and environmental review;

5407           2. The director of the Seattle-King County department of public health, or "local  
5408 health officer" as that term is used in chapter 70.05 RCW);

5409           3. The director of the department of natural resources and parks;

5410 4. The director of any other county department authorized to enforce civil code  
5411 compliance;

5412 5. Authorized representatives of a director, including compliance officers and  
5413 inspectors whose responsibility includes the detection and reporting of civil code  
5414 violations; or

5415 6. Such other person as the council by ordinance authorizes to use this title.

5416 E. "Found in violation" means that:

5417 1. A citation, notice and order or stop work order has been issued and not timely  
5418 appealed;

5419 2. A voluntary compliance agreement has been entered into; or

5420 3. The hearing examiner has determined that the violation has occurred and the  
5421 hearing examiner's determination has not been stayed or reversed on appeal.

5422 F. "Hearing examiner" means the King County hearing examiner, as provided in  
5423 K.C.C. chapter 20.24.

5424 G. "Mitigate" means to take measures, subject to county approval, to minimize  
5425 the harmful effects of the violation where remediation is either impossible or  
5426 unreasonably burdensome.

5427 H. "Mitigation hearing" means a hearing requested in response to a citation to  
5428 explain mitigating circumstances surrounding the commission of a violation.

5429 I. "Permit" means any form of certificate, approval, registration, license or any  
5430 other written permission issued by King County. All conditions of approval, and all  
5431 easements and use limitations shown on the face of an approved final plat map which are  
5432 intended to serve or protect the general public are deemed conditions applicable to all

5433 subsequent plat property owners and their tenants and agents as permit requirements  
5434 enforceable under this title.

5435 J. "Person" means any individual, association, partnership, corporation or legal  
5436 entity, public or private, and the agents and assigns of the individual, association,  
5437 partnership, corporation or legal entity.

5438 K. "Person responsible for code compliance" means either the person who caused  
5439 the violation, if that can be determined, or the owner, lessor, tenant or other person  
5440 entitled to control, use or occupy, or any combination of control, use or occupy, property  
5441 where a civil code violation occurs, or both

5442 L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement  
5443 code provisions.

5444 M. "Remediate" means to restore a site to a condition that complies with critical  
5445 area or other regulatory requirements as they existed when the violation occurred; or, for  
5446 sites that have been degraded under prior ownerships, restore to a condition that does not  
5447 pose a probable threat to the environment or to the public health, safety or welfare.

5448 N. "Resolution" means any law enacted by resolution of the board of county  
5449 commissioners prior to the establishment of the charter, or any health rule adopted by  
5450 resolution of the board of health.

5451 SECTION 125. Ordinance 13263, Section 5, as amended, and K.C.C. 23.02.040  
5452 are each hereby amended to read as follows:

5453 A. In order to discourage public nuisances, make efficient use of public resources  
5454 and otherwise promote compliance with applicable code provisions, a director may, in

5455 response to field observations or reliable complaints, determine that civil code violations  
5456 have occurred or are occurring and may:

5457           1. Enter into voluntary compliance agreements with persons responsible for  
5458 code compliance, and issue notices of noncompliance if the persons responsible fail to  
5459 comply with the terms of the voluntary compliance agreement;

5460           2. Issue citations and assess civil penalties as authorized by K.C.C. chapter  
5461 23.20;

5462           3. Issue notice and orders, assess civil penalties and fines and recover costs as  
5463 authorized by K.C.C. chapter 23.24;

5464           4. Order abatement by means of a notice and order, and if abatement is not  
5465 completed in a timely manner by the person responsible for code compliance, undertake  
5466 the abatement and charge the reasonable costs of such work as authorized by K.C.C.  
5467 chapter 23.24;

5468           5. Allow a person responsible for code compliance to perform community  
5469 service in lieu of paying civil penalties as authorized by K.C.C. chapter 23.24;

5470           6. Order work stopped at a site by means of a stop work order, and if such order  
5471 is not complied with, assess civil penalties, as authorized by K.C.C. chapter 23.28;

5472           7. Suspend, revoke or modify any permit previously issued by a director or deny  
5473 a permit application as authorized by K.C.C. chapter 23.24 when other efforts to achieve  
5474 compliance have failed; and

5475           8. For de minimis violations, decide not to take enforcement action.

5476           B. Should violations occur involving multiple agencies, a lead agency shall be  
5477 designated by the executive to coordinate the county's response. Unless otherwise

5478 determined by the directors of the affected departments, the department of ((development  
5479 and environmental services)) permitting and environmental review shall serve as the lead  
5480 agency.

5481 C. The procedures set forth in this title are not exclusive. These procedures shall  
5482 not in any manner limit or restrict the county from remedying civil code violations or  
5483 abating civil code violations in any other manner authorized by law. This title shall not  
5484 be construed to affect the authority of the King County board of health in enforcement of  
5485 the King County board of health code or regulations.

5486 D. In addition or as an alternative to using the procedures set forth in this title, a  
5487 director may seek legal or equitable relief to abate any conditions or enjoin any acts or  
5488 practices which constitute a civil code violation.

5489 E. In addition or as an alternative to utilizing the procedures set forth in this title,  
5490 a director may assess or recover civil penalties accruing under this title by legal action  
5491 filed in King County superior court by the prosecuting attorney on behalf of King  
5492 County.

5493 F. The provisions of this title shall in no way adversely affect the rights of the  
5494 owner, lessee or occupant of any property to recover all costs and expenses incurred and  
5495 required by this title from any person causing such violation.

5496 G. A director may use the services of a collection agency in order to collect any  
5497 fines, penalties, fees or costs owing under this title.

5498 H. In administering the provisions for code enforcement, the director shall have  
5499 the authority to waive any one or more such provisions so as to avoid substantial injustice  
5500 by application thereof to the acts or omissions of a public or private entity or individual,



5501 or acts or omissions on public or private property including, for example, property  
5502 belonging to public or private utilities, where no apparent benefit has accrued to such  
5503 entity or individual from a code violation and any necessary remediation is being  
5504 promptly provided. For purposes of this clause, substantial injustice cannot be based on  
5505 economic hardship.

5506 I. The provisions of this title detailing county department administration of code  
5507 compliance procedures are not to be construed as creating a substantive basis for appeal  
5508 or a defense of any kind to an alleged violation.

5509 J. The provisions of this title authorizing the enforcement of non-codified  
5510 ordinances are intended to assure compliance with conditions of approval on plats,  
5511 unclassified use permits, zone reclassifications and other similar permits or approvals  
5512 which may have been granted by ordinances which have not been codified, and to  
5513 enforce new regulatory ordinances which are not yet codified. Departments should be  
5514 sensitive to the possibility that citizens may not be aware of these ordinances, and should  
5515 give warnings prior to enforcing such ordinances, except in high risk cases.

5516 K. The director of a King County agency that owns property, or is the custodian  
5517 of public property, is authorized to enforce K.C.C. 23.02.140 and any public rules  
5518 adopted under this title to implement that section for properties that the director's agency  
5519 owns or is custodian.

5520 SECTION 126. Ordinance 13263, Section 13, as amended, and K.C.C. 23.02.120  
5521 are each hereby amended to read as follows:

5522 A. In order to ensure strict conformity with the constraints on entry imposed by  
5523 state and federal law and to ensure that county employees deal with the public in a

5524 manner that respects the rights of private property owners, the directors of the department  
5525 of ~~((development and environmental services))~~ permitting and environmental review,  
5526 natural resources and parks and other departments, as needed, shall adopt internal  
5527 procedures, protocols and training programs governing the conduct of searches by county  
5528 staff responsible for code compliance.

5529 B. Each department operating under this title may approve public rules under  
5530 K.C.C. chapter 2.98 and procedures to implement the provisions of this title. Each  
5531 department shall approve procedures to implement the guidelines set out in this chapter  
5532 for investigating code violations.

5533 SECTION 127. Ordinance 12024, Section 4, and K.C.C. 23.10.030 are each  
5534 hereby amended to read as follows:

5535 Any enforcement officer of the department of ~~((development and environmental  
5536 services))~~ permitting and environmental review may inspect and certify that a vehicle is a  
5537 "wrecked, dismantled or inoperative vehicle or an abandoned vehicle" as those terms are  
5538 defined in K.C.C. 21A. The certification shall be made in writing.

5539 SECTION 128. Ordinance 13263, Section 33, as amended, and K.C.C. 23.24.140  
5540 are each hereby amended to read as follows:

5541 All moneys collected from the assessment of civil penalties, from cleanup  
5542 restitution payments to the agency, from the recovery of the costs of pursuing code  
5543 compliance and abatement, and from the recovery of abatement costs, both retroactively  
5544 and prospectively, except those moneys designated for the critical areas mitigation fund  
5545 as set forth in K.C.C. chapter 21A.24, shall be allocated to support expenditures for  
5546 abatement and code enforcement administrative costs, including, but not limited to,

5547 personnel costs, and shall be accounted for through either creation of a fund or other  
5548 appropriate accounting mechanism in the department issuing the citation or notice and  
5549 order under which the abatement occurred. Withdrawals from the moneys collected  
5550 under this section for the purpose of funding administrative costs within the code  
5551 enforcement section of the department of ~~((development and environmental services))~~  
5552 permitting and environmental review shall not exceed one hundred seventy-five thousand  
5553 dollars in a calendar year.

5554 SECTION 129. Ordinance 3332, Section 8, as amended, and K.C.C. 27.02.130  
5555 are each hereby amended to read as follows:

5556 A. The department may charge a fee to recover the actual cost of providing  
5557 classes or training provided by department of ~~((development and environmental  
5558 services))~~ permitting and environmental review staff.

5559 SECTION 130. Ordinance 14238, Section 32, and K.C.C. 27.02.220 are each  
5560 hereby amended to read as follows:

5561 Expenditures drawn from the ~~((development and environmental services))~~  
5562 permitting and environmental review (DES) fund for disaster response, which are not  
5563 recovered through the assessment of fees or reimbursement from the Federal Emergency  
5564 Management Administration (FEMA), shall be reimbursed to the DES fund by the  
5565 current expense fund within twelve months of when the expenses were incurred.

5566 SECTION 131. Ordinance 13332, Section 14, and K.C.C. 27.04.003 are each  
5567 hereby amended to read as follows:

5568 "Building official" means the director of the department of ~~((development and  
5569 environmental services))~~ permitting and environmental review or the director's designee.

5570            SECTION 132. Ordinance 10662, Section 51, as amended, and K.C.C. 27.04.005

5571 are each hereby amended to read as follows:

5572            "Department" means the department of (~~development and environmental~~  
5573 ~~services~~) permitting and environmental review.

5574            SECTION 133. Ordinance 8330, Section 31, as amended, and K.C.C. 27.04.010

5575 are each hereby amended to read as follows:

5576            "Development permits" mean all permits, reviews, and approvals administered by  
5577 the department of (~~development and environmental services~~) permitting and  
5578 environmental review including, but not limited to, right-of-way use permits, grading  
5579 permits, building permits, fire code permits, subdivisions, short subdivisions, binding site  
5580 plans, planned unit developments, zoning permits, master plan development permits,  
5581 current use permits, boundary line adjustments, and environmental review and shoreline  
5582 permits.

5583            SECTION 134. Ordinance 10662, Section 52, and K.C.C. 27.04.015 are each

5584 hereby amended to read as follows:

5585            "Director" means the director of the department of (~~development and~~  
5586 ~~environmental services~~) permitting and environmental review or his/her designee.

5587            SECTION 135. Ordinance 13332, Section 22, as amended, and K.C.C. 27.10.070

5588 are each hereby amended to read as follows:

5589            Review of variance requests shall be charged fees as follows:

A. Review by department of transportation (if required):            \$1,650.00

B. Review by department of (~~development and environmental~~)            \$1,020.00

services)) permitting and environmental review:

C. Department of (~~development and environmental services~~) \$340.00

permitting and environmental review - plan resubmittal:

D. Storm Water Manual adjustment review - basic \$1,870.00

E. Storm Water Manual adjustment review - complex \$3,910.00

F. Storm Water Manual adjustment review - experimental Current           
hourly rate

5590 SECTION 136. Ordinance 12020, Section 5, and K.C.C. 27A.20.030 are each

5591 hereby amended to read as follows:

5592 "Department" means the King County department of (~~development and~~

5593 ~~environmental services~~) permitting and environmental review or its successor

5594 organization.

5595 SECTION 137. Ordinance 12020, Section 6, and K.C.C. 27A.20.040 are each

5596 hereby amended to read as follows:

5597 "Director" means the director of the King County department of (~~development~~

5598 ~~and environmental services~~) permitting and environmental review or his/her designee.

5599 SECTION 138. Ordinance 12020, Section 16, as amended, and K.C.C.

5600 27A.30.050 are each hereby amended to read as follows:

5601 The department shall be responsible for scheduling final performance, and

5602 maintenance and defects inspections. The department should schedule such inspections

5603 approximately forty-five days prior to expiration of the performance or maintenance

5604 period. If necessary to determine completion of performance, additional inspections

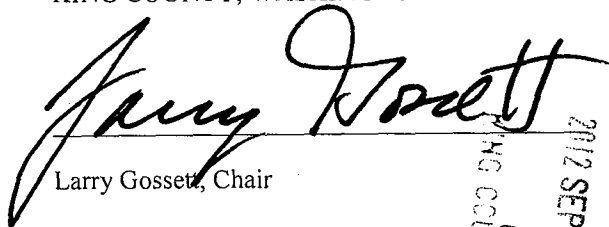
5605 should also be made after the expiration of the performance period. Periodic inspections

5606 may also be made at the discretion of the director of the department of ((development and  
5607 environmental services)) permitting and environmental review, the director of the  
5608 department of natural resources and parks or the director of the department of  
5609 transportation.  
5610


Ordinance 17420 was introduced on 8/20/2012 and passed by the Metropolitan King  
County Council on 9/17/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

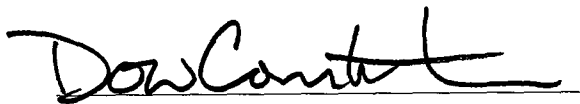
  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

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KING COUNTY COUNCIL  
CLERK

APPROVED this 28 day of SEPTEMBER 2012.

  
Dow Constantine, County Executive

Attachments: None